



UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

In the Matter of

**Docket Nos. 04-06-EA
and 04-07-ST**

**PITTSFIELD VOCATIONAL SCHOOL
AND TACONIC HIGH SCHOOL**

Student Financial
Assistance Proceedings

Respondent.

Appearances: Fernand J. Dupere, Esq., of South Hampton, Massachusetts, for Pittsfield Vocational School and Taconic High School.

Savita N. Lepore, Esq., and Russell B. Wolff, Esq., of the Office of the General Counsel, United States Department of Education, Washington, D.C., for Federal Student Aid.

Before: Judge Ernest C. Canellos

DECISION

Pittsfield Vocational School and Taconic High School (Pittsfield), was accredited by the New England Association of Schools and Colleges, Commission on Technical and Career Institutions (NEASC) and was eligible to participate in the various Federal Student Aid Programs under a provisional participation agreement that expired on June 30, 2004. These programs are governed by Title IV of the Higher Education Act of 1965, as amended (Title IV). 20 U.S.C. § 1070 *et seq.* and 42 U.S.C. 2751 *et seq.* Within the U.S. Department of Education (ED), the office of Federal Student Aid (FSA) is the organization that administers these programs.

On December 2, 2003, FSA received a notice from NEASC reporting that the accrediting agency had removed the candidacy status of Pittsfield, effective on that date. As a consequence of such action, on January 6, 2004, FSA issued a Notification of Emergency Action

and Termination of Eligibility to participate in Title IV programs. In response, on January 22, 2004, Pittsfield requested a hearing to challenge the proposed termination.

It is well established that in order to satisfy the definition of an institution eligible to participate in Title IV programs, a school must be, among other things, accredited by a nationally recognized accrediting agency approved by the Secretary of Education, or be a candidate for such accreditation. It is axiomatic that, once an institution loses its accreditation or candidacy status, it is no longer an eligible institution and, therefore, must be terminated from participation in the Title IV programs.

Pittsfield does not deny that it has lost its candidacy status and is not, otherwise, accredited by a recognized accrediting agency. Rather, Pittsfield argues that it was misled into believing that NEASC would permit its candidacy status to continue pending the time that was necessary to satisfy NEASC's requirements for accreditation. Pittsfield, therefore, requests that in order to prevent a hardship, I should allow it to continue its participation in the Title IV programs.

Under regulations that govern this proceeding, however, if a termination action is based on a loss of accreditation status, the sole issue for me to decide is whether the institution possesses the required accreditation. I have no authority to consider challenges to the action of the accrediting agency or modify its findings. 34 C.F.R. §600.41(e)(1). As a consequence of my finding that Pittsfield no longer has accreditation status, Pittsfield is no longer eligible to participate in the Title IV programs.

ORDER

On the basis of the foregoing findings of fact and conclusions of law, it is ORDERED that the eligibility of Pittsfield Vocational School and Taconic High School to participate in Federal Student Aid Programs is TERMINATED.

Ernest C. Canellos
Chief Judge

Dated: August 17, 2004

SERVICE

A copy of the attached document was sent to the following:

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