



UNITED STATES DEPARTMENT OF EDUCATION

THE SECRETARY

In the Matter of

EDMONDSON JUNIOR COLLEGE,

Respondent

Docket No. 93-7-SP
Student Financial Assistance
Proceeding

DECISION OF THE SECRETARY

This matter comes before the Secretary on a Motion for Reconsideration by the U.S. Department of Education, Office of Student Financial Assistance Programs (SFAP), of my April 5, 1994, decision in this matter. In my decision, I upheld the June 4, 1993, decision of Judge Ernest C. Canellos ordering that Edmondson Junior College (Edmondson) "be relieved of the obligation to pay the United States Department of Education the sum of \$786,027." Decision (Dec.) at 6. In making this determination, Judge Canellos found that: (1) Edmondson was free to choose whether it should be treated as a term or non-term school; (2) that Edmondson chose to be treated as a non-term school; and (3) that as a non-term school, Edmondson properly issued student financial assistance in accordance with regulations applicable to schools that do not have academic terms. *Id.* at 5-6.

Now, SFAP asks me to reverse or modify my decision arguing, in part, that I failed to focus on the purpose of the subject regulation "designed to protect both students and the Department by preventing educational institutions from crediting themselves with inflated SFA disbursements on behalf of students who withdraw prematurely from educational programs." SFAP Brief (Br.) at 2. In consideration of SFAP's request, I asked Edmondson to address the issue of whether I should entertain such motion. Counsel for Edmondson timely filed its Response of Edmondson Junior College to the Secretary on August 1, 1994. SFAP filed its Reply on August 17, 1994.

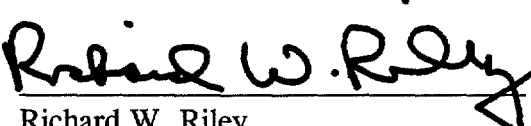
DISCUSSION

First, let me make clear that few things are more important to me than to protect and enhance the opportunities of our young people to benefit from and not be exploited by our educational institutions and services. However, I cannot consider the importance of these

protections to the exclusion and in absence of the relevant factual circumstances and arguments brought before me. That is to say, I was simply not persuaded by the facts presented below in support of SFAP's argument (that Edmondson is a term school), and nothing presented in reconsideration alters that view. I do not believe that my final decision will "encourage educational institutions to engage in self-serving and inaccurate portrayals of themselves . . ." SFAP Br. at 2., which could put students and student financial assistance funds at risk. Moreover, while SFAP admits its request is "extraordinary" -- recognizing the seriousness with which it undertook this measure -- I am still concerned about setting a precedent that would permit SFAP to seek reconsideration of final decisions with which it simply does not agree.

Accordingly, I hereby deny SFAP's Motion for Reconsideration.

So ordered this 15th day of November, 1994.


Richard W. Riley

Washington, D.C.

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