



UNITED STATES DEPARTMENT OF EDUCATION

THE SECRETARY

In the Matter of

IVY TECH STATE COLLEGE,

Respondent

Docket Number 95-101-SP
Student Financial Assistance
Proceeding

ORDER OF REMAND

I agree with the decision of the Administrative Judge regarding the liability of Ivy Tech State College (Ivy Tech) for awarding Pell Grant funds in excess of costs actually incurred by its students, but remand so that the Administrative Judge can consider in more detail Ivy Tech's contention that its liability should be offset by students' child care costs.

Ivy Tech points out that it did not consider child care costs for some students, because those students were entitled to the maximum Pell Grant award regardless of their child care expenses. The Administrative Judge's decision has the effect of reducing the maximum award received by a number of students. Ivy Tech contends that in many such cases, it was entitled to include child care costs in the costs of attendance and thereby would have been permitted to award greater Pell Grants to those students. For this reason, Ivy Tech contends that its liability for excess awards of Pell Grants should be significantly reduced.

This issue is addressed only briefly in one paragraph of the Administrative Judge's order. That paragraph does not provide responses to the arguments presented in Ivy Tech's brief before me and does not analyze in any detail the evidence that Ivy Tech presented in support of its claim for child care expenses of Pell Grant recipients. It would assist my consideration of this claim for the Administrative Judge to weigh in detail the arguments presented by Ivy Tech and the evidence it has presented in support of the child care claims. In addition, if Ivy Tech has additional evidence it would like to present to support its child care claims (according to any reasonable timetable established by the Administrative Judge), Ivy Tech should be permitted to do so.

I therefore remand this matter to the Administrative Judge for further consideration of Ivy Tech's claim that its students' child

care costs should offset its liability.

So ordered this 21st day of November 1996.


Richard W. Riley

Washington, D.C.

SERVICE

A copy of the attached Order of Remand was sent by certified mail, return receipt requested to the following:

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