

IN THE MATTER OF SHORTER COLLEGE,  
Respondent

Docket No. 92-125-SP  
Student Financial Assistance Proceeding

#### DECISION UPON ADMINISTRATIVE HEARING

By letter dated October 29, 1992, Shorter College of North Little Rock, AR seeks an administrative hearing concerning a final program review determination (FPRD) dated September 18, 1992 by the Student Financial Assistance Regional Office, Dallas, TX.

Pursuant to request of Shorter College the matter was referred to me for administrative hearing.

In a one-page letter dated January 15, 1993 and received by me on January 22, 1993, Shorter College asks for affirmative relief from the FPRD. The letter was not served upon the Office of Student Financial Assistance and as a consequence, OSFA did not reply.

The college reports that its accrediting agency, the North Central Association, verbally approved a driver-training program. The college also reports that North Central later stated in writing that the driver-training program was ineligible. Further, the college explains that there was no intent to violate any regulation. Finally, the college says that its former students are employed and are planning to repay student loans which were received by them.

Under Department of Education regulations, Federal student financial assistance cannot be extended by a school for ineligible educational programs. The driver training program was ineligible because it was not formally approved in writing by North Central, because it was conducted entirely off-campus by an unlicensed company, and because the Secretary of the Department of Education was not notified of the off-campus driver-education program.

I do not doubt the good intentions of the college. However, I have no authority to waive basic eligibility regulations of the Department of Education. Moreover, the college also was in serious violation of numerous record-keeping regulations of ED as is explained in multiple findings made January 24, 1992 by the Dallas Institutional Review Branch of OSFA. The findings of violations include, among others, such basic items as lack of student records on attendance and satisfactory progress.

Accordingly, the appeal of Shorter College for relief from the FPRD is denied.

By Paul S. Cross, Administrative Law Judge, on February 4, 1993.