

La Newton concedes that accreditation is a requirement for participation in Title IV programs. §§ 600.5(a)(6), 600.2; 20 U.S.C. §§ 1088 and 1141. [See footnote 1¹](#) La Newton further admits that the Commission denied the school's appeal for renewal of accreditation and removed the school from the Commission's list of accredited schools. Finally, La Newton acknowledges that the Commission is recognized by the Department as a nationally recognized accrediting agency. Nonetheless, La Newton argues that it has not exhausted all of its remedies with the Commission regarding its accreditation because it could petition for a variance and have its accreditation reinstated "in a very short time." This outcome, however, is merely speculative; even were I not bound by the regulations discussed *infra*, I could not rely upon such speculation for a finding that La Newton's eligibility should not be terminated. La Newton also argues that the Department would not be harmed or prejudiced if the Secretary did not terminate the school, and that the Secretary should exercise his discretion under § 600.41 not to terminate. La Newton's arguments as to whether the Secretary should exercise his discretion in termination decisions are irrelevant before this tribunal, because while the Secretary may have such discretion, the tribunal does not.

Specifically, § 600.41(e)(1) states as follows:

(e)(1) If the basis for the loss of eligibility is the loss of accreditation or preaccreditation, the sole issue is whether the institution, location, or program has the requisite accreditation or preaccreditation. The presiding official has no authority to consider challenges to the action of the accrediting agency.

This language is very clear. This tribunal has no authority to consider challenges to the propriety of the decision by the Commission to deny La Newton's accreditation and to remove it from its list of accredited schools.

Since La Newton admits that it is no longer accredited by the Commission and, thus, no longer meets applicable requirements with regard to accreditation, I find that, pursuant to § 600.41(e)(1), termination is warranted.

FINDINGS

I find that termination of the eligibility of La Newton School of Beauty Culture to participate in the student financial assistance programs authorized by Title IV of the Higher Education Act of 1965, as amended, is warranted.

ORDER

On the basis of the foregoing, it is hereby ordered that the eligibility of La Newton School of Beauty Culture to participate in the student financial assistance programs authorized under Title IV of the Higher Education Act of 1965, as amended, be terminated.

Judge Richard F. O'Hair

Dated: April 10, 1997

SERVICE

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

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[Footnote: 1](#) *¹Unless otherwise noted, all citations are to 34 C.F.R.*