



THE SECRETARY OF EDUCATION
WASHINGTON, DC 20202

In the Matter of

BRYANT AND STRATTON COLLEGE,

**Docket No. 04-20-SP
Federal Student Aid Proceeding**

Respondent.

ORDER OF REMAND

This matter comes before the Secretary on appeal by the office of Federal Student Aid (FSA) of the Initial Decision issued by Chief Administrative Judge Ernest C. Canellos on April 14, 2005. FSA requests that I reverse the findings of the Initial Decision, which relieved Respondent, Bryant and Stratton College, of a repayment liability of \$48,473.

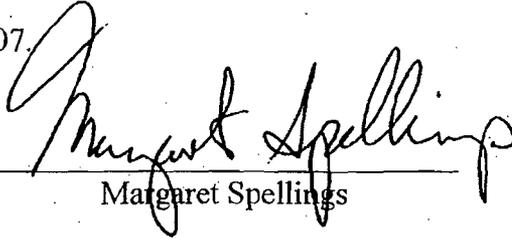
According to FSA, the Initial Decision erred in rejecting FSA's argument that Respondent wrongfully disbursed Title IV funds to students enrolled in Respondent's unaccredited on-line delivery of courses in a business management program offered through a consortium agreement during the 2000-2001 award year. FSA argues that Respondent did not receive the required accreditation to provide the courses in question through on-line delivery. Respondent argues that the Initial Decision should be upheld because the Federal regulations pertinent to the institution's arrangement to offer courses on-line do not require accrediting agency approval. Moreover, Respondent asserts that the evidence of record, including the May 4, 2001 letter addressed to Respondent from its accrediting agency and cited in the Initial Decision, cannot support a finding that the Respondent was not authorized to provide on-line courses.

Based on the entire record, I agree with FSA that Respondent did not receive accreditation to provide the courses in question through on-line distance learning. However, the Initial Decision does not clearly address the more fundamental issue of whether Federal statutory/regulatory provisions require, under the circumstances of a contractual and/or consortium arrangement, accrediting agency approval before Respondent can offer on-line courses. Accordingly, I remand this case to Judge Canellos to conduct further proceedings consistent herewith.

ORDER

ACCORDINGLY, the Initial Decision issued by Chief Administrative Judge Ernest C. Canellos on April 14, 2005, is HEREBY REMANDED to the tribunal for further proceedings.

So ordered this 31st day of October 2007.


Margaret Spellings

Washington, D.C.

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