Mr. David J. Barnicoat
President/Owner
Mojave Barber College
15505 7th Street
Victorville, California 92395-3201

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Dear Mr. Barnicoat:

This is to inform you that the Secretary of Education (Secretary) has determined that Mojave Barber College (Mojave) is unable to meet its responsibilities under its provisional program participation agreement (PPA) (Enclosure 1). 34 C.F.R. § 668.13(d)(1). As a result, the provisional certification the U.S. Department of Education (Department) sent to Mojave on December 13, 2010, is hereby revoked. With this revocation, Mojave's PPA ends, effective the date of this letter, which is also the date of its mailing. 34 C.F.R. § 668.13(d)(2)(ii). Following the revocation of a PPA, an institution may no longer participate in the federal student financial assistance programs authorized pursuant to Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1070 *et seq.* and 42 U.S.C. §§ 2751 *et seq.* (Title IV, HEA programs). 34 C.F.R. § 668.26(a)(4).

In particular, with the mailing of this letter, Mojave is no longer eligible to participate in the following Title IV, HEA programs: Federal Pell Grant (Pell Grant), Federal Supplemental Educational Opportunity Grant (FSEOG), Teacher Education Assistance for College and Higher Education (TEACH) Grant, Federal Work-Study (FWS), Federal Perkins Loan (Perkins Loan), and William D. Ford Federal Direct Loan (Direct Loan) programs. The Direct Loan Program includes the Federal Direct Stafford/Ford Loan Program, the Federal Direct Unsubsidized Stafford/Ford Loan Program, the Federal Direct PLUS (PLUS) program, and the Federal Direct Consolidation Loan Program. The FSEOG, FWS, and Perkins Loan programs are known as the campus-based programs.

To participate in the Title IV, HEA programs, an institution must demonstrate to the Secretary that it qualifies to be certified to participate in those programs under 34 C.F.R. Part 668, Subpart B. Specifically, an institution must meet the standards of administrative capability set forth at 34 C.F.R. § 668.16, and the standards of financial responsibility set forth at 34 C.F.R. Part 668, Subpart L. Moreover, an institution must satisfy the definitional prerequisites of institutional eligibility. 34 C.F.R. § 668.13(a)(1).

By executing its provisional PPA, Mojave affirmed that it would comply with all applicable regulatory and statutory provisions governing the administration of the Title IV, HEA programs. Mojave also expressly agreed that a cause for revocation included, among other things, "a violation of Department regulations deemed material by the Department." (Enclosure 1 at 2.) As discussed below, the Department has determined that Mojave does not satisfy the statutory and regulatory specifications of an eligible institution and thus, by definition, is ineligible for

additional Title IV, HEA program funds. A statutory loss of Title IV eligibility also constitutes a material violation of the Department's regulations.

The Department is revoking Mojave's provisional certification based on a November 20, 2012 notice from the National Accrediting Commission of Career Arts & Sciences (NACCAS) reporting the final withdrawal of Mojave's accredited status, effective November 20, 2012. (Enclosure 2.) Accreditation by a nationally recognized accrediting agency, such as NACCAS, is one of the statutory requirements that an institution must meet in order to be eligible to participate in the programs authorized under Title IV of the HEA. 20 U.S.C. §§ 1001(a)(5), 1002(b)(1)(D), (c)(1)(B). When Mojave lost its accreditation, it became ineligible to participate in the Title IV, HEA programs since it no longer met the definition of a Title IV eligible institution.

Department regulations establish the date on which a loss of Title IV eligibility is effective. 34 C.F.R. § 600.40. As pertinent here, they provide that an institution loses its eligibility on the date that the institution fails to meet any of the eligibility requirements of 34 C.F.R. Part 600. 34 C.F.R. § 600.40(a)(1)(i). Thus, pursuant to 34 C.F.R. § 600.40(a)(1)(i), Mojave's eligibility to participate in the Title IV programs ended on November 20, 2012, the effective date of its loss of accreditation.

An institution may not be considered Title IV eligible for 24 months after it has had its accreditation or preaccreditation withdrawn, revoked or otherwise terminated for cause, unless the accrediting agency that took that action rescinds its action. 34 C.F.R. § 600.11(c)(1). Due to Mojave's loss of accreditation, the Department will not entertain an application from Mojave for reinstatement to participate in the Title IV programs before November 20, 2014. In addition, the Department will notify Mojave of any liabilities it owes for Title IV, HEA funds it received after November 20, 2012 in a separate letter. That letter will provide Mojave with the opportunity to contest those liabilities under the procedures set forth at 34 C.F.R. Part 668, Subpart H.

Mojave may request reconsideration of this revocation by submitting to the Secretary, **no later than 20 days following receipt of this notice**, written evidence to show that it did not lose its accreditation, and thus, the revocation is unwarranted. 34 C.F.R. § 668.13(d)(3)(i). Should Mojave elect to pursue this option, please submit written materials to me at the following address:

Administrative Actions and Appeals Service Group
U.S. Department of Education
Federal Student Aid/PC
830 First Street, NE- UCP-3, Room 84F2
Washington, DC 20002-8019

Should Mojave elect to submit written materials by facsimile transmission, the number to be used is (202) 275-5864. Contemporaneous with such a transmission, the institution is responsible for sending by overnight mail a hard copy of the same materials to the above-address. The Secretary discourages the use of facsimile transmissions for documents longer than five pages. 34 C.F.R. § 668.13(d)(3)(iv).

The Secretary's designated official will promptly consider any request for reconsideration and will notify the institution by certified mail, return receipt requested, of a final decision. 34 C.F.R. § 668.13(d)(4)(i).

If you have any questions regarding this letter, you may contact Lawrence Mwethuku at (202) 377-3684.

Sincerely,

Mary E. Gust
Director
Administrative Actions and Appeals Service Group

Enclosures

cc: Tony Mirando, M.S., D.C., Executive Director, NACCAS, via amirando@naccas.org
Joanne Wenzel, Bureau for Private Postsecondary Education, via Joanne.Wenzel@dca.ca.gov