

OF THE CONDITIONS OF ENTRANCE, SCHOLARSHIP, AND RESIDENCE UPON WHICH IT IS BASED.

(C) EVERY INSTITUTION OF POSTSECONDARY EDUCATION, EXCEPT THOSE OPERATING UNDER A CHARTER GRANTED BY THE GENERAL ASSEMBLY, SHALL OBTAIN A CERTIFICATE OF APPROVAL FROM THE BOARD IN ORDER TO COMMENCE OR CONTINUE TO OPERATE, DO BUSINESS, OR FUNCTION IN THIS STATE. THE BOARD SHALL ISSUE A CERTIFICATE OF APPROVAL TO AN APPLICANT IF IT FINDS THAT THE FACILITIES, CONDITIONS OF ENTRANCE AND SCHOLARSHIP AND EDUCATIONAL QUALIFICATIONS AND STANDARDS ARE ADEQUATE AND APPROPRIATE FOR THE PURPOSES OF THE INSTITUTION AND THE PROGRAMS, TRAINING, AND COURSES TO BE TAUGHT BY THE INSTITUTION.

(D) IF THE BOARD HAS REASON TO BELIEVE THAT AN INSTITUTION OF POSTSECONDARY EDUCATION IS NOT IN COMPLIANCE WITH THE CONDITIONS OR STANDARDS UPON WHICH ITS CERTIFICATE OF APPROVAL WAS BASED, IT SHALL GIVE THE INSTITUTION WRITTEN NOTICE OF ITS BELIEF. THE NOTICE SHALL SPECIFY THE ALLEGED DEFICIENCIES, AND REQUIRE THE INSTITUTION TO CORRECT THEM WITHIN 30 DAYS OR A PERIOD DETERMINED BY THE BOARD, WHICHEVER IS GREATER. UPON APPLICATION OF THE INSTITUTION FILED WITHIN 20 DAYS OF THE NOTICE, THE BOARD SHALL HOLD A HEARING TO DETERMINE THE MATTER. THE ORDER TO CORRECT THE DEFICIENCIES SHALL BE STAYED PENDING A DETERMINATION MADE FOLLOWING THE HEARING.

(E) IF A HEARING IS NOT REQUESTED, OR IF, AFTER THE HEARING, THE BOARD DETERMINES THAT THE INSTITUTION IS NOT IN COMPLIANCE WITH THE CONDITIONS OR STANDARDS, AND THE INSTITUTION FAILS TO CORRECT THE SPECIFIED DEFICIENCIES WITHIN THE PERIOD SET BY THE BOARD, THE BOARD MAY ORDER THE INSTITUTION TO CEASE OPERATIONS. THE ORDER SHALL TAKE EFFECT 15 DAYS AFTER ITS ISSUANCE.

(F) THE INSTITUTION HAS THE RIGHT OF JUDICIAL REVIEW PROVIDED BY THE ADMINISTRATIVE PROCEDURE ACT. HOWEVER:

(1) THE DECISION OF THE BOARD SHALL BE PRESUMED CORRECT AND PROPER, AND THE BURDEN OF PROVING OTHERWISE IS ON THE INSTITUTION; AND

(2) THE BOARD SHALL BE A PARTY TO THE PROCEEDING.

(G) THIS SECTION DOES NOT APPLY TO APPRENTICESHIP AND ON-THE-JOB TRAINING PROGRAMS SUBJECT TO APPROVAL BY THE APPRENTICESHIP AND TRAINING COUNCIL.

### 32B. EDUCATION COORDINATING COMMITTEE CREATED; MEMBERSHIP

(A) THE EDUCATION COORDINATING COMMITTEE IS CREATED. IT CONSISTS OF THREE MEMBERS OF THE STATE BOARD OF [[ELEMENTARY AND SECONDARY]] EDUCATION SELECTED BY ITS PRESIDENT, THREE MEMBERS OF THE STATE BOARD FOR HIGHER