

12-206. SUPERVISION BY BOARD.

(A) IN GENERAL.

IF THE STATE BOARD FOR HIGHER EDUCATION BELIEVES THAT AN INSTITUTION OF POSTSECONDARY EDUCATION DOES NOT MEET THE CONDITIONS OR STANDARDS ON WHICH ITS CERTIFICATE OF APPROVAL WAS BASED, IT SHALL GIVE THE INSTITUTION WRITTEN NOTICE OF ITS BELIEF.

(B) NOTICE AND HEARING.

(1) THE NOTICE SHALL SPECIFY THE ALLEGED DEFICIENCIES, AND DIRECT THE INSTITUTION TO CORRECT THEM WITHIN A PERIOD OF NOT LESS THAN 30 DAYS.

(2) IF THE INSTITUTION REQUESTS A HEARING WITHIN 20 DAYS OF THE NOTICE, THE BOARD SHALL HOLD A HEARING ON THE MATTER.

(3) THE ORDER TO CORRECT THE DEFICIENCIES SHALL BE STAYED UNTIL A DETERMINATION IS MADE AFTER THE HEARING.

(C) ORDER TO STOP OPERATING.

(1) IF THE INSTITUTION FAILS TO CORRECT THE DEFICIENCIES WITHIN THE PERIOD SET BY THE BOARD, THE BOARD MAY ORDER THE INSTITUTION TO STOP OPERATING, DOING BUSINESS, OR FUNCTIONING IN THIS STATE IF:

(I) A HEARING IS NOT REQUESTED; OR

(II) AFTER THE HEARING, THE BOARD DETERMINES THAT THE INSTITUTION DOES NOT MEET THE CONDITIONS OR STANDARDS ON WHICH THE CERTIFICATE WAS ISSUED.

(2) THE ORDER TAKES EFFECT 15 DAYS AFTER IT IS ISSUED.

(D) JUDICIAL REVIEW.

(1) AN INSTITUTION THAT IS AGGRIEVED BY AN ORDER OF THE BOARD HAS THE RIGHT TO JUDICIAL REVIEW PROVIDED BY THE ADMINISTRATIVE PROCEDURE ACT.

(2) THE DECISION OF THE BOARD SHALL BE PRESUMED CORRECT AND THE INSTITUTION HAS THE BURDEN OF PROVING OTHERWISE.

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

REVISOR'S NOTE: This section presently appears as Art. 77A, §32A(d), (e), and (f).

The only changes are in style.

12-207. RECORDS OF DEFUNCT INSTITUTIONS.