

2021 Kansas Statutes

74-32,172. **Same; revocation; imposition of conditions; notice; hearing.** (a) The state board may revoke a certificate of approval or impose reasonable conditions upon the continued approval represented by a certificate.

(b) A certificate of approval may be revoked if the state board has reasonable cause to believe that the institution is in violation of any provision of this act or of any rules and regulations adopted under this act. An institution that has had a certificate of approval revoked may not reapply for a certificate of approval for 12 months after the final order of revocation, and then only if the institution establishes to the satisfaction of the state board that it has cured all deficiencies. Prior to revocation, the state board shall give written notice to the holder of the certificate of approval of the impending action, setting forth the grounds for the action contemplated to be taken and affording the institution holding the certificate of approval an opportunity to request a hearing. If a hearing is requested, such hearing shall be conducted within 30 days after the date the notice was sent. Hearings conducted pursuant to this subsection shall be conducted in accordance with the Kansas administrative procedure act.

(c) A certificate of approval may be conditioned at any time if the state board has reasonable cause to believe additional information is necessary, a violation of this act occurred or it is in the students' best interest for the institution to continue operations during a change in ownership or while an institution is completing closure requirements. A certificate of approval that has been conditioned constitutes authorization to operate but with conditions, including, but not limited to, reporting requirements, performance standard requirements, securing new or additional bonds, limiting the period of time to operate during change of ownership or for the purpose of teaching out students. The state board may require any institution with a certificate of approval that has been conditioned to suspend or cease any part of institutional activity, including, but not limited to, enrolling students, advertising or delivering certain classes or programs. Such conditions shall remain in effect until the circumstances precipitating the conditional status are corrected, and the state board has completed all reviews relating to the institution's conditional status. The state board's decision to impose reasonable conditions shall be a final agency action.

History: L. 2004, ch. 185, § 12; L. 2021, ch. 17, § 14; July 1.