

## **Addressing Federal On-Line/Distance Education Requirements**

### **Introduction**

The Nonpublic Postsecondary Education Commission (NPEC) operates under the provisions of the Official Code of Georgia—Annotated (O.C.G.A.) 20-3-250 ff.

Any institution not based in the State of Georgia, whether or not it offers instruction to residents of Georgia only over the Internet, is determined to need a Certificate of Authorization issued by the Commission to offer postsecondary instruction in the State if they engage in at least one of the following activities:

1. The institution maintains a telephone number with a Georgia area code;
2. The institution maintains a postal address with a Georgia zip code;
3. The institution markets and/or recruits Georgia students via any means of media which originates in Georgia;
4. The institution maintains an Internet URL which originates in Georgia or utilizes an ISP which is based in Georgia; or
5. The institution provides payment reportable for income tax purposes via either a W-2 or Form 1099 to any individual resident of the State for any purpose directly associated with the institution's Georgia students.

### **Institutional Self-Assessment**

Institutions are asked to self-assess as to whether the programming they offer entails any one or more of the activities listed above.

### **Institutions Engaging in NO Activities**

Institutions which engage in NONE of the above activities should address a letter to NPEC which states the following:

"Name of Institution located at Legal Mailing Address has reviewed the conditions which would cause it to be required by the State of Georgia's Nonpublic Postsecondary Education Commission (NPEC) to be authorized. Resultant from this review, Name of Institution stipulates that it engages in none of the listed conditions."

The body of the letter should also indicate the name and contact information for the individual to whom any return information should be directed.

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This letter must be written on institutional letterhead stationary, signed by either the institution's President or legal counsel, notarized, and mailed to:

Carl G. Camann, Ph.D.  
Deputy Director  
Nonpublic Postsecondary Education Commission  
2082 East Exchange Place, Suite 220  
Tucker, Georgia 30084

Having received and reviewed this letter, NPEC will return to the institution (by name) a statement indicating that no further action is needed by the institution to provide on-line programming to Georgia residents under the procedures in effect as of the date of issuance of the statement. The statement will be in effect for twelve (12) months from the date of issuance or until the institution engages in any activity which would cause a Certificate of Authorization to be required, whichever occurs first.

**Institutions Engaging in ONE or MORE Activities**

Institutions which engage in ONE or MORE of the activities listed above should access the NPEC Website at [www.gnpec.org](http://www.gnpec.org) for information on submitting an application for a Certificate of Authorization, and should inform NPEC in writing at the address listed above that such an application is forthcoming. Any institution which must apply should cease and desist from enrolling any further Georgia residents as students until a Certificate of Authorization is issued.

**Further Questions**

Questions pertaining to the contents of this document should be directed to Carl G. Camann, Deputy Director of NPEC, at 770-414-3208 or at [ccam@npec.state.ga.us](mailto:ccam@npec.state.ga.us) .

Procedure Implemented 03/01/11

Procedure Modified 5/6/11 to correct "1098" to read "1099" in item number 5. and to insert the word "directly" after "...for any purpose..." in item number 5.