

**COOPERATIVE AGREEMENT
BETWEEN
THE VIRGINIA DEPARTMENT OF GAME AND INLAND
FISHERIES
AND
APPROVED COURSE PROVIDERS
FOR
BOATING SAFETY EDUCATION COURSES**

This cooperative agreement is established in accordance with the provisions of Department of Game and Inland Fisheries regulation 4 VAC 15-410-50 between the Virginia Department of Game and Inland Fisheries (hereafter referred to as VDGIF) and the named Approved Course Provider (hereafter referred to as United States Power Squadrons Inc. a North Carolina not-for-profit corporation).

The purpose of this cooperative agreement is to set forth the administrative guidelines, understandings, and responsibilities for VDGIF and Approved Course Providers to work together for the delivery of boating safety education courses to recreational boaters of the Commonwealth for compliance with Virginia's boating safety education requirement pursuant to §29.1-735.2 of the Code of Virginia.

In accordance with the provisions of Department of Game and Inland Fisheries regulation 4 VAC 15-410-20, the following words and terms shall have the following meanings when used in this agreement:

“Approved course provider” is any individual, business, or organization that makes available to the boating public a boating safety education course approved by the National Association of State Boating Law Administrators (NASBLA) and accepted by the department. An approved course provider shall have executed and have on file a valid cooperative agreement with the department. Persons who simply provide classroom instruction for an approved course provider shall not be considered an approved course provider.

“Boating safety education course” means a course offered in the classroom, through the Internet, or through an electronic format such as CD-ROM that provides a course content and test questions that have been reviewed and approved by the National Association of State Boating Law Administrators (NASBLA) in accordance with the National Boating Education Standards, updated January 1, 2008, and accepted by the department. A boating safety education course shall include no less than 50 test questions, which shall include at least 10 test questions specific about Virginia boating laws.

“Department” means the Department of Game and Inland Fisheries.

Now, therefore, the parties to this cooperative agreement do hereby agree to the following:

General Requirements for Approved Course Providers

1. All boating safety education courses must be approved by NASBLA in accordance with the National Boating Education Standards (updated January 1, 2008 or a subsequent update) and accepted by the department.
2. All boating safety education courses must meet the spirit of the National Boating Education Standards by conveying “the minimum body of knowledge that must be included in a short, 6-8 hour, boating education course.”
3. Upon successful completion of a boating safety education course, the approved course provider shall provide the student with a course certificate and/or pocket-size card. At a minimum, such certificate/card shall include the student’s name and date of birth, the issuance date, the name of the course, and indication of NASBLA course approval and acceptance by the department. Upon request by the student and subject to verification of successful course completion, it shall be the responsibility of each approved course provider to issue duplicate certificates/cards. A sample copy of the certificate/card issued by the approved course provider shall be provided to the department.
4. Not later than April 30 (for the January – March quarter), July 31 (for the April – June quarter), October 31 (for the July – September quarter), and January 31 (for the October – December quarter), the approved course provider shall provide to the department a copy of the record of those students successfully completing their course. Such record shall be in a text file using a file format of Comma-Separated Variables (CSV) file and shall include, but not be limited to, student name, address, date of birth, course completion date, and the specific name of the course. Student records should be sent to: Boating Safety Education Program, Virginia Department of Game and Inland Fisheries, 4010 West Broad Street, Post Office Box 11104, Richmond, VA 23230 Attention Mr. Tom Guess and/or Ms. Stacey Brown (tom.guess@dgif.virginia.gov and/or stacey.brown@dgif.virginia.gov)
5. It shall be the responsibility of each approved course provider to ensure that reasonable measures, such as the Payment Card Industry (PCI) data security measures, are taken to protect any acquired student data. Further, such data shall not be sold or otherwise used in any way except for the student’s own completion of a boating safety education course and issuance of course completion

documents. A copy of the course provider's data security policy shall be provided to the department as an attachment to this agreement.

6. Approved course providers shall ensure the following boating safety education course competencies for the successful completion of their course:

A. Classroom course – 70% passing score on a written test administered closed-book at the conclusion of the course by the designated course instructor(s) or other designated course assistant;

B. Classroom course – 90% passing score on a written test administered open-book at the conclusion of the course by the designated course instructor(s) or other designated course assistant. In taking the exam open-book, the student may use the course text, instructor handouts, any related course material, and any personal notes taken during the class instruction to assist in the completion of the exam. The exam must be completed in a single session with a time limit not to exceed two (2) hours;

C. Internet or other electronic format course – 90% passing score on a self-test administered in conjunction with the course material.

7. Classroom course providers shall take reasonable steps to ensure that their course instructors have the appropriate qualifications and competencies to instruct a public education course. Providers may refer to VDGIF regulation 4 VAC 15-410-90 in determining their own instructor certification process and procedure.

8. Any material and/or products to be used by an approved course provider that make reference to the department must be approved by the department, through the state boating law administrator, before publishing and/or distribution to the public.

9. Any fees charged by a course provider are set by the course provider, but must be clearly communicated to the student prior to taking the course.

Additional Requirements for Approved Internet Course Providers (Effective January 1, 2009)

Internet courses must:

1. Be formatted and made available to the student only in instructional/training modules;

2. Consist of no less than six (6) instructional/training modules with each module having no less than 10 test questions, randomly selected from a pool of questions that contains at least three (3) times the number of questions presented in the module test in 2009 and four (4) times the number of questions presented in the module test in 2010 and each following year;

3. Allow for the student to advance through the modules only in a sequential, chronological order and only upon successful completion of the test questions for the module. Successful completion shall be by a score of at least 90% correct on the test questions;

4. Be designed so that the student should spend at least six (6) hours of active involvement in completing the course. Completing the course shall include familiarization with the course material, completion of any review questions or practice exams, and completion of the test questions (no more than one (1) hour may be used in the allocation of total time for completion of the test questions covering all of the modules). The course design shall also include the provision of at least fifty (50) separate web pages of course content and material for presentation to the student. Active involvement shall require the student to click on a "Next" or "Forward" button to progress through the course material;

5. Be designed so that the student is directed to repeat the entire module if the student has not scored at least 90% correct on the test questions for that module. The student shall also be provided with a reference to the applicable course test material for any missed questions on the module test; and

6. Be designed to promote the presentation, understanding, and comprehension of boating safety information and safe practices and not the simple completion of an end-of-course test.

The effective date of this cooperative agreement, as amended, is ^{May 11} ~~April~~ 10, 2009 and the agreement may be amended at any time by the department. The department may cancel the agreement with thirty (30) days notice upon failure of the course provider to comply with the terms and conditions of the agreement or its amendments. *CS*

In carrying out the terms of this agreement, there shall be no discrimination against any person because of sex, race, color, creed, national origin or disability.

For United States Power Squadrons

Signature

Robert Sweet
Printed Name

April 28, 2009

Date

National Educational Officer
Title

For the Virginia Department of Game and Inland Fisheries

Signature

Charles A. Scott
Printed Name

Date

May 11, 2009
State Boating Law Administrator
Title

**ADDENDA TO THE
COOPERATIVE AGREEMENT
BETWEEN
THE VIRGINIA DEPARTMENT OF GAME AND INLAND FISHERIES
AND
THE UNITED STATES POWER SQUADRONS
FOR
BOATING SAFETY EDUCATION COURSES**

For clarification, in complying with the Cooperative Agreement between the Virginia Department of Game and Inland Fisheries and the United States Power Squadrons ®(USPS) we propose the following clarifications or modifications:

General Requirements for Approved Course Providers;

Section 3 – USPS prints master certificates and wallet cards that are used throughout the country. These are supported by printing templates used by individual squadrons to apply the names and other pertinent information at the local level. USPS requests that we be allowed to use these standard forms. The wallet cards will contain all the information required of this section. We understand that it would be acceptable that the seal of the State of Virginia will not be required on the certificate or wallet card.

Section 4 – We understand the need for data and would like the option to use either the State of Virginia green registration sheets or the comma delimited text file as stated in this section to report student data.

Section 5 – To clarify our approach to the intent of this section - we secure student data on our mainframe computer at the Raleigh Headquarters of USPS. This server is behind our firewall and is not assessable to the public. No credit card data is stored by USPS. All information is subject to the USPS Privacy and Data Policy which is attached for your reference.

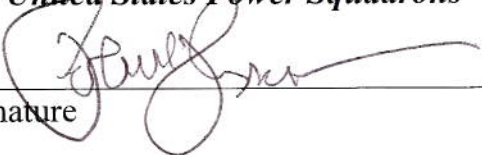
These courses have been the primary means of developing members for USPS. It is our intent to contact and solicit from course graduates, membership and other course products offered by USPS. Our policy is that each student will have the opportunity to Opt-Out of any solicitations from our partners as indicated on the attached enrollment form.

Section 6 – The USPS standard is a minimum 80% passing grade for the closed book exam which we would prefer to adhere to. That is more stringent than the 70% identified in this section. We use a 90% passing grade for an open book exam which is consistent with the requirements of this section.

Section 7 – USPS has a thorough Instructor Certification program which we use to certify our instructors across the entire organization. We request that these certified instructors not be required to seek additional state certification; however, we will encourage our Instructors to become State of Virginia Certified Instructors.

We would appreciate your support and concurrence with these modifications and recommend that we mutually document them by signing below.

For United States Power Squadrons




Signature

April 28, 2009
Date

Robert Sweet
Printed Name

National Educational Officer
Title

For the Virginia Department of Game and Inland Fisheries



Signature

May 11, 2009
Date

CHARLES A. SCODD
Printed Name

State Boating Law Administrator
Title

ATTACHMENT ONE (1)

STUDENT DATA RECORD LAYOUT

<u>FIELD</u>	<u>TYPE</u>	<u>MAX LENGTH</u>	<u>NOTES</u>
Last Name	Char	30	
First Name	Char	25	
Middle Initial	Char	01	
Date of Birth	Date	10	MM/DD/YYYY
Gender	Char	01	"M" or "F"
Address Line 1	Char	50	
Address Line 2	Char	50	
City	Char	20	
State	Char	02	
Zip Code	Char	10	"XXXXXX-XXXX" or "XXXX"
Course Completion Date	Date	10	MM/DD/YYYY
Course Name	Char	30	
Course Provider Name	Char	30	

In this format, each record is a single line and each field in the record is indicated by a comma; character fields are enclosed in double quotes. Example: "Boater","John","Q",07/01/1972,"M",4000 Main Street,"Suite100",Richmond,"VA",23230,06/25/2009,Boats R US,"Acme Boating Course Company"

ATTACHMENT TWO (2)

APPROVED COURSE PROVIDER DATA SECURITY POLICY

USPS Privacy and Data Policy

17 January 2004

Purpose: The United States Power Squadrons Privacy and Data Policy is intended to inform all interested persons of our policy, and to protect the privacy of USPS, its members and guests from inappropriate use of data. At the same time we seek to facilitate our use of valuable data for USPS purposes and inform persons who supply us with data of, and protect them against unsolicited or unwanted communications.

Application: This policy applies equally to data of any kind, whether electronic, print or otherwise. The terms "data" and "information" shall, when the context allows, be used interchangeably.

Principles:

USPS Data:

Generally: The USPS data policy needs to balance existing policies developed for paper records and the realities of instantaneous worldwide electronic data sharing. There are a number of considerations:

1. Members should have a reasonable expectation of privacy.
2. We will continue to inform members and respect their privacy and will extend the same courtesy to non-members.
3. Members and employees of USPS will not seek financial gain from information learned from USPS membership, nor will others be allowed to do so.
4. We seek to educate the boating public and invite them to join our ranks.
5. Access to our wealth of training materials is generally reserved for members, but some of our educational materials are for the use of the public in accordance with our educational policies, or other USPS purposes.
6. There are practical limits of computer security technology, and any system can probably be compromised.
7. Authorized USPS officers, committee members and Headquarters staff need access to information to do their jobs.
8. USPS officers and committee members have a wide range of computer skills from expert to no computer skills at all.

These considerations call for different procedures, depending on the data involved and the needs of various users of that type of information.

Use and Modification of USPS Data and Membership Records:

1. Access shall be restricted to USPS members and Headquarters staff. Users must identify themselves before accessing our data. The identification will be used to select the set of records that can be accessed by that user.
2. Use of USPS data shall be on a "need to know" or "need to use" basis. This will be the overriding principle for use and modification of USPS and membership records. The following rules shall govern use and modification of USPS and membership records:

Members may only review and update (or correct) their own personal contact data such as addresses and phone numbers, and order authorized products and services for themselves.

Squadron officers and committee members may only review and update data and order products and services appropriate to their responsibilities for their own squadron. For example, squadron secretaries and membership records chairs should be able to change member contact information and may update information developed at the squadron level, such as current rank and office held.

District officers and committee members may only review and update data and order products and services appropriate to their responsibilities for their own district.

National officers and committee members may only review and update data and order products and services appropriate to their responsibilities. For example, National officers and committee members should be able to access and modify data such as the following provided it is appropriate to their office:

- Merit Marks and related member designations such as Senior Member, Life Member and Governing Board Member Emeritus.
- Educational courses completed and grades such as P, AP, SN, etc.

Headquarters staff may review and update data and order products and services appropriate to their responsibilities.

Further, Headquarters staff will support local squadrons, districts and national officers and committee members as appropriate, including those without computer access.

Headquarters staff will be solely authorized to enter membership categories, new members, changes of membership status, sustaining members, etc.

Headquarters staff will also be able to assist in entering and changing such information as renewals, squadron transfers and other changes submitted by squadrons, appropriate officers and committee members without computer access.

3. The Operating Committee may authorize disclosure of information to governmental bodies, grant providers, and others if it's advantageous to USPS or its members or is required by law.

Public Disclosure of Member Information: Members, officers and committee members, on behalf of themselves and their squadrons, districts and the national organization, shall be sensitive to the privacy expectations of members. Members' personal contact information, including but not limited to names, addresses, E-mail addresses, phone numbers and fax numbers, may be published in accordance with this policy.

Membership data may be reproduced on a limited basis electronically or published in a limited access Web page provided that:

- Records are kept as to who has authorization to access the data;
- It is prominently marked or noted on or in connection with the data in a practical manner that the data is to be used for official business only, and that it cannot be distributed or made available except as authorized;
- Before publication, the responsible bridge officer (squadron, district or national as appropriate) must approve such publication; and

We may use vendors (such as mailing services) to perform services for us. If so, we will require a vendor to abide by this policy and maintain the confidentiality of our data. Where appropriate, we will require a written assurance of compliance with this policy by a vendor. When a vendor is finished using the data, it will be returned to USPS.

Duties of Officers and Members Having Access to Membership and USPS Data: Members ending a term of office are expected to pass all records and USPS property to their successors, including assets and membership records in paper, electronic and other forms. Members having access to membership lists, no matter the form or media, are expected to observe the "no commercial use" policy expressed in the USPS Bylaws.

Continuing Awareness of Electronic Security: The Information Technology Committee will continue to seek appropriate, reasonable and efficient methods to safeguard member privacy while enabling easy member usage of USPS electronic data. This includes taking advantage of new technology or techniques.

Changes to the USPS Privacy and Data Policy: USPS and technology continue to evolve. If we need to change our privacy policy in the future, we may do so through action of the Operating Committee, and if we can, we'll give you reasonable notice of the changes by posting in the Website, THE ENSIGN or any other reasonable medium.

USPS Web sites:

USPS Web site Privacy Statement: USPS has created this privacy statement in order to demonstrate our firm commitment to privacy. The following discloses our data gathering and dissemination practices the provisions of which shall be used as a minimum for all USPS Web sites whether at the National, District or Squadron level, regardless of where they are located on the Internet.

Upon Entering the Web site - Cookies: We compile information on the IP addresses that contact us so we can improve the services provided by our Site, but we will not provide that information to others. We may keep track of the pages you visited by placing a small entry in a text file called a "cookie" on your hard drive. The cookie contains an identifying number that allows us to track the pages you've visited on our Website. We may also use cookies to save your member access authorization (for a limited time, on our internal web pages) so you do not have to re-enter it each time you visit our Site. We may use member access authorization to maintain the privacy of our internal web pages. Information voluntarily provided by you may help us tailor our Site to your needs and interests.

Cookies don't reveal personal information. The only personal information a cookie can contain is information you supply yourself. Cookies can't read unrelated data off your hard drive. The help function on most browsers contains information on how to set your browser to notify you before accepting a cookie or to disable cookies entirely. However, if you don't accept cookies, you may not be able to take advantage of various features on our site such as membership only pages.

Links: Our Web sites may contain links to external Web sites that are not within our control. If you decide to use any of these external links, you will be connected to a site not covered by our privacy policies. We recommend that you read their privacy statements, since they may differ from ours. This privacy statement applies only to information collected on USPS Web sites.

Order Forms: Our Site uses order forms to request information, products and services. We collect a visitor's contact information (like an E-mail address), unique identifiers (like a USPS certificate number), and financial information (like an account or credit card number). Contact information from the order form is used to send products to our customers. The contact information is also used to get in touch with the customer when necessary.

We do not maintain a repository of this information after the initial information is sent. Financial information that is collected is used to check the user's qualifications and bill the user for products and services. Unique identifiers (such as a USPS certificate number) are collected from Website visitors to verify the user's identity and for use as account numbers in our record system.

Online Surveys: Our online surveys ask visitors for contact information (like their E-mail address). The contact information is used to contact the visitor when necessary.

Requested Information: Whenever our site asks a visitor to provide information, we will provide the visitor the opportunity to decline to have their information used for subsequent notices about our products or publications or those of our associates.

Security: We exercise care and diligence in managing, transmitting and securing personal information once we receive it. Your personal information is protected by safeguards that are appropriate to the sensitivity of the information and are in line with currently available security technology. This may include use of passwords and encryption. It is important for you to understand that data transmission over the Internet is not 100% secure. Despite our best efforts, we cannot guarantee the absolute security of any information you transmit to us, and you therefore do so at your own risk.

Your Agreement to Be Bound By This Policy: By visiting our Web site, you agree that your visit is governed by the USPS Privacy and Data Policy, and that the Policy may be revised from time to time.

Contact the Web site: If you have any questions about this privacy statement, the practices of the USPS National Web site, or your dealings with that Web site, you can contact the National Secretary:

1. By E-mail to ns@usps.org
2. By postal mail to:
National Secretary
United States Power Squadrons, Inc.
1504 Blue Ridge Road
Raleigh, NC 27607
3. By telephone to (888) FOR-USPS (367-8777)
4. By fax to (888) 304-0813