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December 20, 2013

Wayne Stacey
U. S. Coast Guard (CG-54222)
Office of Auxiliary & Boating Safety
2100 Second Street SW Stop 7581
Washington, DC 20593

**RE: NASBLA Final Grant Report – Advancing the Efficacy of the
National Boating Education Standards–Grant No. 1202.04**

Dear Mr. Stacey,

This is the final grant project report for the NASBLA - Coast Guard Grant Agreement 1202.04. This report represents grant deliverables over the period of October 2012 through September 2013. This is a summarized report of activity as outlined in quarterly reports previously filed for this grant project.

I. Narrative Performance Report

Through its establishment of the National Boating Education Standards Panel and the Panel's adoption of an open, consensus-based standards development process conforming to the Essential Requirements of the American National Standards Institute, NASBLA seeks to provide national agreement and consistency in boating education program content and course delivery for the nation's boaters. This grant project advanced this goal through these specific deliverables and outputs:

- 1) With this financial support, the National Boating Education Standards Panel, held two in-person meetings to supplement nine monthly teleconference meetings. The in-person meetings were held September 7-8, 2012 in conjunction with the NASBLA National Conference in Mobile, AL and March 21-22, 2013 in conjunction with the International Boating and Water Safety Summit in San Antonio, TX. Both meetings focused on implementing and advancing the critical foundation work to implement a consensus-based process to refine the National Boating Education Standards currently in use, either voluntarily or mandated by state law, by all fifty states, the District of Columbia, and six U.S. Territories. These meetings provided focused opportunities to conduct the Panel's work while providing a greater level

of communication with, and recognition by, members of the boating community in attendance at these national conferences.

- 2) Each meeting provided an opportunity to review, self-audit, and address requirements of the American National Standards Institute (ANSI) through revisions of Panel Rules or process modifications. After other standards-setting processes were initially considered, the ANSI process seemed most suitable to address the high level of recognition and acceptance to position the Education Standard as an accredited American National Standard. The National Education Standards Panel Rules, which govern the consensus process, were amended in May 2013 to further conform with and encompass the ANSI Essential Requirements. (*See Appendix A – Panel Rules – amended May 2013*)
- 3) The Panel compiled 62 reference resources (ESP Resource Library is located at <http://community.nasbla.org/resources/libraryview/?LibraryKey=d9ebb0ae-fce2-4d57-9d6f-ab9856e21521>) and drafted decision criteria on how to utilize results of risk assessments based on available, relevant, and reliable information such as boating accident statistics, boater survey and participation data; and on other applicable boating safety and education research studies, scientific resources, and subject matter expertise. This process is being used to dispose of each public comment submission received during the call for proposed revisions or Public Review Period. The panel disposes of each submitted comment using one of the following three formats:
 - 1) Accepted. (No comment necessary)
 - 2) Accepted in principle. The general ideas in the submission were accepted, but they may not be entirely on topic or all parts may not be able to be used. (No comment necessary)
 - 3) Rejected. (A reason for the rejection must be provided)

In disposing of submissions under this paragraph, the Panel may raise and address additional editorial or technical points that had not been proposed during the original call period, but that are deemed necessary to provide consistency and clarity as a result of submissions that are “accepted” or “accepted in principle.”

- 4) The web tool EZ-ESP (<http://esp.nasbla.org/esp/>) was developed and launched as an online, technology-based system for viewing by any member of the public materially affected by the Standards. This system provides for public input, as well as Panel member comment, response, and documentation of Panel members’ official actions (e.g., votes, consensus results, and posting of official meeting minutes) regarding each proposed, revised or final Standard being considered. To date, 282 participants are registered to use the EZ-ESP web tool.

- 5) The Panel and its processes provide a network of resources for statistical analysis, academic research/input/review, procedural/support personnel, and Subject Matter Experts (as appropriate) for anticipated development of rationales, testing and process procedures, appropriate to implement the new/updated Standards.

Utilizing these processes, a revised draft of the National Boating Education Standard is posted to complete a PUBLIC REVIEW process on January 1, 2014. The draft standard, retitled as P-1-20XX BASIC BOATING KNOWLEDGE, was revised based on Panel disposition of 120 public comments received during the initial Call for Proposed Revisions period. At the date of this report, over 50 additional technical and editorial comments have been posted by the public as part of the Public Review process. The Panel will review and dispose of each of these comments in early 2014. *(See Appendix B – P-1-20XX Basic Boating Knowledge draft for Public Review.)*

Also posted for its initial Call for Proposed Revision is the National Paddlesports Standard. Now retitled as H-1-20XX BASIC HUMAN-PROPELLED BOATING KNOWLEDGE, over 80 public comments have been received to date. The Panel will review and disposed of each of these comments in early 2014. *(See Appendix C – H-1-20XX Basic Human-Propelled Boating Knowledge.)*

II. Obstacles/Impediments

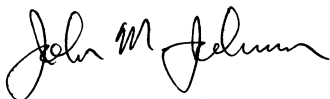
There were no significant obstacles or impediments to report at this time.

III. Financial Status Report

Financial report, Form 425, has been submitted under separate cover.

If you have any questions, or if I can provide additional information, please do not hesitate to contact me at 859.225.9487.

Sincerely,



John M. Johnson
Chief Executive Officer
National Association of State Boating Law Administrators

Attachments:

- Appendix A – Panel Rules – amended May 2013
- Appendix B – P-1-20XX Basic Boating Knowledge draft for Public Review
- Appendix C – H-1-20XX Basic Human-propelled Boating Knowledge

NATIONAL BOATING EDUCATION STANDARDS PANEL RULES

PART I. INTRODUCTION

The National Association of State Boating Law Administrators (NASBLA) is a national, nonprofit organization representing the U.S. state and territorial recreational boating authorities responsible for administering and enforcing recreational boating laws. Over its 50-year history, NASBLA has provided national leadership to focus policies and resources on reducing risks associated with recreational boating; fostered partnerships and coalitions among key stakeholders in the boating community to ensure safe and secure boating environments; and strived to provide models and standards that support best practices and consistency among the states and territories.

In keeping with the Association’s mission, the National Boating Education Standards—originally adopted by the NASBLA membership in 1999 and amended seven times since—have prescribed the minimum body of knowledge to effect safe, legal, and enjoyable recreational boating and have served as the basis for boating education courses approved by NASBLA and recognized by the U.S. Coast Guard. In 2009, separate Paddlesports Education Standards, developed in consultation with the American Canoe Association for the purpose of addressing manually-powered vessels, were approved by the NASBLA membership.

Today, the National Boating Education Standards are referenced in numerous state laws and regulations as the minimum criteria for state-mandated boater education; however, several state legislatures have enacted process rules in conflict with these Standards. Through its establishment of the National Boating Education Standards Panel referenced in these Rules, and the Panel’s adoption of an open, consensus-based standards development process conforming to the Essential Requirements of the American National Standards Institute, NASBLA seeks to provide national agreement and consistency in boating education program content and course delivery for the nation’s boaters.

PART II. DEFINITIONS

As used in these Rules, unless otherwise stated:

1. “*ANSI*” means the American National Standards Institute.
2. “*ANSI Essential Requirements*” means the minimum acceptable due process requirements applying to activities associated with developing consensus for the purposes of approving, revising, reaffirming, and withdrawing standards sanctioned as American National Standards. In abbreviated form, the requirements are: Openness; Lack of Dominance; Balance; Coordination and harmonization; Notification of standards development; Consideration of views and objections; Consensus vote; Appeals (procedural); Written procedures; and Compliance.

National Boating Education Standards Panel Rules

Approved by NASBLA Executive Board – March 1, 2011; amended – April 11, 2011; Jan. 25, 2012; May 8, 2012;
May 8-9, 2013

3. “*Consensus*” means that substantial agreement has been reached by directly and materially affected interests. Consensus requires that all views and objections be considered, and that an effort be made toward their resolution.
4. “*Consensus body*” means the group that approves the content of a Standard and whose vote demonstrates evidence of consensus.
5. “*Executive Board*” or “*Board*” means the Executive Board of the National Association of State Boating Law Administrators.
6. “*In good standing*,” for a duly appointed Standards Panel member, means remaining in compliance with the Panel’s attendance, balloting, conduct, and performance requirements. See Part V.2. of these Rules.
7. “*Meeting*” means any gathering of members in person or electronically (through webinar or teleconference or other electronic communication methods open and accessible to all members) to conduct official business.
8. “*NASBLA*” means the National Association of State Boating Law Administrators.
9. “*Standards*” or “*Standard*” (upper case) means the NASBLA National Boating Education Standards or the Paddlesports Education Standards or any other national boating education standards that the Executive Board authorizes the Standards Panel to address.
10. “*Standards development*” means the overall process and procedures associated with reviewing, revising, reaffirming, withdrawing, and approving standards.
11. “*Standards Panel*” or “*Panel*” means the National Boating Education Standards Panel. See “*Consensus body*.”
12. “*Substantive change*” means a change that directly and materially affects the use of the Standard.

PART III. STANDARDS PANEL OBJECTIVE AND SCOPE OF WORK

A. **Objective.** The objective of the Standards Panel is to identify and implement a consensus-based process in conformance with ANSI Essential Requirements for the purposes of reviewing, developing, revising, and promulgating NASBLA’s National Boating Education Standards and Paddlesports Education Standards, and any other national boating education standards that the Executive Board authorizes the Panel to address.

B. **Scope of Work.**

B1. The Standards Panel is established to perform the primary function of review, and as required, updating the current NASBLA National Boating Education Standards in an open and structured manner to meet the needs of the recreational boating community.

B2. Concurrent with this review and update process, the Panel will establish and develop practices of operation that will allow NASBLA to be recognized as the standards development organization in the U.S. states and territories and District of Columbia for recreational boating.

B3. By establishing an ANSI accredited process, the Panel will then position NASBLA to establish and address further standards of training regarding topics and training regimens that become applicable to the recreational boating community as established by legislation, treaty or practical requirements to advance the safe operation of boats in the Association's waters of influence.

PART IV. STANDARDS PANEL AUTHORITY, ORGANIZATION, SELECTION, AND INTEREST CATEGORIES

1. The Standards Panel shall be the consensus body and have such authority as shall be granted to it by the NASBLA Bylaws and the Executive Board.
2. The Panel shall be appointed by and report directly to the Board.
3. The chairperson of the Panel shall be appointed by and serve at the pleasure of the Board. A chairperson who is relieved of duties by the Board, or who is otherwise unable to serve in that leadership position, may remain a Panel member, if in good standing, until the completion of the member's term of office.
4. The chairperson may designate a Panel member to serve as vice chairperson. The vice chairperson shall serve at the pleasure of the chairperson.
5. The chairperson may assign task group(s) of the membership to facilitate the Panel's work.
6. NASBLA shall designate staff to provide technical, research, and administrative support to the work of the Panel. Staff may provide additional assistance at the request of the Panel chairperson.
7. The Panel shall consist of fifteen (15) members, including the chairperson.
8. The regular term of office for a member or chairperson of the Panel shall be three (3) years, and the members' terms shall be staggered such that one-third (1/3) expire at the end of each calendar year.
9. Panel members in good standing may be reappointed. Members shall be limited to two (2) consecutive terms, and may be reappointed after a minimum one (1)-year break.
10. Any Panel member may resign at any time by giving written notice to the Panel chairperson and Board president, or if the member resigning is the chairperson, to the Board president. Any resignation shall be effective immediately unless a certain date is specified for it to take effect. Acceptance of any resignation shall not be necessary to make it effective.

National Boating Education Standards Panel Rules

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11. All members of the first Panel shall be appointed by the Board at the same time, and the appointed Panel members, other than the chairperson, shall draw lots to determine which shall serve one (1)-, two (2)-, or three (3)-year terms.

12. Appointments for Panel member terms that will expire at the end of the calendar year shall be made by the Board no later than December 15 of that year. Appointments to fill vacancies in unexpired terms created by the resignation or removal of a Panel member shall be made by the Board as soon as practicable.

13. Appointments to the Panel shall be made by the Board from among eligible applicants identified through an ongoing application process open to all persons who are directly and materially affected by the Standards. Participation shall not be conditional upon membership in NASBLA or any other organization, or unreasonably restricted on the basis of technical qualifications or other such requirements. Applications shall be advertised and made available through multiple outlets, including the NASBLA website, and shall be accepted by NASBLA year-round. The application shall request the applicant’s name, organization (if any), interest category (as described in paragraph 14 of this Part), and expertise and interest in the work associated with the Panel’s objectives (as described in Part III of these Rules).

14. The Panel shall have stakeholder representation across five (5) interest categories.

Interest Category	Defined as representation from:
Commercial	For-profit companies and organizations that offer NASBLA-approved/sanctioned boating education courses, and other commercial entities such as boat and boat accessory manufacturers, marine insurance companies, boat dealers, marina owners, towing and salvage companies.
Non-Governmental / Nonprofit Organization	Nonprofit, non-governmental organizations that offer boating education or water safety courses or otherwise have an interest in recreational boating and water safety. Includes membership, professional, and trade associations.
Federal Boating Agency	U.S. Federal government agencies (and instrumentalities of the Federal government) and international agencies that administer programs and/or enforce laws promoting recreational boating and/or water safety.
State Boating Agency	U.S. State and territorial governmental agencies and subdivisions that enforce boating laws and/or administer boating safety, education, registration and titling, and other related recreational boating programs. Includes designee agencies and personnel at the sub-state level.
Public	Individual boaters, researchers, boating writers, educators, and other persons who have an interest in boating and/or water safety and who are not covered under the other interest categories.

15. No single interest category shall constitute more than one-third (1/3) of the total appointments to the fifteen- (15-) member Panel. The “State Boating Agency” interest

category shall be maintained at five (5) members. If a Panel member resigns and that resignation causes one interest category to have more than one-third (1/3) of the membership or, in the case of the “State Boating Agency” interest category to drop below five (5) members, immediate action shall be taken to identify eligible applicant(s) in order to bring the Panel back into balance. The Panel can proceed to function as the consensus body during efforts to identify eligible applicant(s) and fill the vacancy(ies).

16. If a seated Panel member’s change in employment or other professional circumstance results in a change in the member’s stakeholder representation, the Panel chairperson shall advise the Board.

If the Board determines that the change does not affect the balance of interests described in paragraphs 14 and 15 of this Part, and if the member is otherwise in good standing (as described in Part V.2), the member shall serve out the remainder of the term. If the member is eligible for and wishes to be considered for reappointment to the Panel, the member must submit a new application.

If the Board determines that the change does affect the balance of interests on the Panel, the member shall be asked to vacate the position. If the member is eligible for and wishes to be considered for reappointment to the Panel in the future, the member must submit a new application.

17. There shall be no undue financial barriers to participation on the Panel. Subject to any limitations imposed by the Board in its approval of the NASBLA annual budget, the NASBLA Executive Director may approve requests from Panel members for reimbursement of reasonable expenses incurred in the performance of their voluntary service to the Panel and its activities. All such reimbursements must be pre-approved, and shall be in accordance with the NASBLA Travel Policy and Procedures.

PART V. GENERAL

1. Members of the Standards Panel shall adhere to the Standards Panel Code of Ethics as approved by the Executive Board. Panel members shall function independently as individuals and not as agents or representatives of organizations with which they are or may be associated or employed when engaged in the work of the Panel.
2. To be considered in good standing, members are expected to be responsible, fully engaged, knowledgeable about and active participants in the work of the Panel. Members are expected to attend and to participate in all Panel meetings and ballots, and in the event they cannot participate, are expected to notify the Panel chairperson or the chairperson’s designee.
3. A member of the Panel may be determined to no longer be in good standing for one or more of the following reasons: a) member has unexcused absences from two consecutive meetings

of the full Panel or has failed to return two consecutive ballots; b) member engaged in conduct that did not abide by these Rules; c) member violated the Panel’s Code of Ethics; d) member is otherwise disruptive to the conduct of the Panel’s business. The Panel chairperson shall state the case for a Panel member’s dismissal in writing to the Board. The member in question shall be provided the opportunity to respond in writing to the Panel chairperson and Board. Upon review of the case, the Board may decide to retain the member, request the member’s resignation, or remove the member from the Panel.

4. The Panel shall approve and, in the name of NASBLA, shall authorize the publication of all technical documents, including the Standards and any technical information reports that result from its work.
5. The Panel shall use the English standard measurements as hard numbers and offer a metric equivalent unless the Panel can show justification for doing it otherwise.

PART VI. STANDARDS PANEL MEETING MINUTES

The only public record of the Standards Panel meetings shall be contained in the minutes prepared by NASBLA-designated staff for the Panel and distributed to Panel members. All discussion, materials, and data associated with the Panel’s work are considered proprietary to NASBLA and are not appropriate for public use. Written consent must be obtained from NASBLA before the minutes can be used outside the scope of Panel activity. The minutes shall reflect the Panel’s actions on any comments submitted for its consideration, and shall reflect the general discussion of other Panel actions based on official motions made at its meetings.

PART VII. STANDARDS PANEL PROCEDURES

Standards shall be reviewed on a five (5)-year cycle.¹

A. STANDARDS DEVELOPMENT - INITIAL REVIEW CYCLE²

¹ The first cycle will use the content of the most currently approved version of the National Boating Education Standards (with effective date of Jan. 1, 2012) as the basis for review. However, in accord with the Panel’s recommendation and the NASBLA Executive Board’s subsequent approval on March 30, 2012, the current document will be reformatted in the following manner: 1) to present a single National Boating Education Standard for a basic boating safety course (formulated from the existing Standards 1-7); 2) to separate out the existing Standards 8, 9, and 10, as administrative policy for the purpose of course approval and not to be included as part of the Panel’s review; 3) to separate out the existing rationales into a separate Appendix; and 4) to create a numbering system for sections within the Standard.

² These provisions recognize the need to transition the current oversight, methods, and processes of standards development, and are intended to accommodate a period in which all interested parties can become familiar with the new elements. As important, these provisions recognize the recent, significant revisions and amendments to the National Boating Education Standards in 2009 and 2010, and which are scheduled to become effective Jan. 1, 2012. To facilitate the transition, Subpart A provides for the Panel to first organize its work and then initiate a “call for proposed revisions” that will use the most currently approved version of the Standards (the version with effective date Jan. 1, 2012) as the basis for the first review.

- A1. The provisions in this Subpart A describe the first review cycle covered under these Rules, and are intended to acknowledge the implementation schedule for the most currently approved version of the Standards and to transition NASBLA’s current oversight, methods, and processes of standards development to activities aligned with the ANSI Essential Requirements for due process.

Organizing the Standards Development Work

- A2. In 2011, the first Standards Panel shall be seated and begin organizing its standards development work. The Panel shall review the procedures and processes described in these Rules; receive further instruction on the ANSI Essential Requirements upon which they are based; develop decision criteria for assessing the proposal and approval of Standards; subject the procedures and criteria to test run(s), as feasible; clarify and recommend amendments to these Rules, as warranted; begin gathering and reviewing recreational boating accident and participation data and relevant scientific resources and research studies for its ongoing standards development work; and generally prepare for implementing a “call for proposed revisions” to the most currently approved version of the Standards.³

Call for Proposed Revisions

- A3. To start the review of the most currently approved version of the Standards, the chairperson of the Panel shall issue a call for proposed revisions. This “call for proposed revisions” period shall be ninety (90) days. Instructions requesting input shall be sent directly to each Panel member. The call for proposed revisions to the Standards, instructions for submission, and the availability of the document containing the most currently approved version of the Standards also shall be announced on the NASBLA website and other suitable media outlets, and suggestions shall be encouraged from NASBLA members and non-members alike. Submissions of proposed revisions must bear the name and contact information of the person making the submission.
- A4. The Panel shall consider only submissions of proposed revisions received during the call period. A submission received during the call period may be withdrawn by the original submitter prior to the Panel’s disposition of the comment as referenced in A6 of this Part. The submitter’s request for withdrawal may be made in person during a full Panel meeting or

(Continued) Subpart B describes the procedures as they will be employed when the Panel puts forth proposed new or revised Standards in future revision cycles.

³ The first cycle will use the content of the most currently approved version of the National Boating Education Standards (with effective date of Jan. 1, 2012) as the basis for review. However, in accord with the Panel’s recommendation and the NASBLA Executive Board’s subsequent approval on March 30, 2012, the current document will be reformatted in the following manner: 1) to present a single National Boating Education Standard for a basic boating safety course (formulated from the existing Standards 1-7); 2) to separate out the existing Standards 8, 9, and 10, as administrative policy for the purpose of course approval and not to be included as part of the Panel’s review; 3) to separate out the existing rationales into a separate Appendix; and 4) to create a numbering system for sections within the Standard.

National Boating Education Standards Panel Rules

Approved by NASBLA Executive Board – March 1, 2011; amended – April 11, 2011; Jan. 25, 2012; May 8, 2012; May 8-9, 2013

in written or electronic form to the chairperson of the Panel. Such withdrawals shall become part of the record and written minutes.

All submissions received after the closing of the call period shall be held and considered during the next review cycle of the Standards.

A5. Prior to the first meeting of the Panel at which members shall address the submissions that resulted from the call period, the Panel members and the persons who submitted proposed revisions shall receive copies of or otherwise have access to all of the submissions.

A6. The Panel, using decision criteria as referenced in A2 of this Part, and results of risk assessments based on available, relevant, and reliable information such as boating accident statistics, boater survey and participation data; and on other applicable boating safety and education research studies, scientific resources, and subject matter expertise, by simple majority must dispose of each submission received during the call for proposed revisions using one of the following three formats:

- 1) Accepted. (No comment necessary)
- 2) Accepted in principle. The general ideas in the submission were accepted, but they may not be entirely on topic or all parts may not be able to be used. (No comment necessary)
- 3) Rejected. (A reason for the rejection must be provided)

In disposing of submissions under this paragraph, the Panel may raise and address additional editorial or technical points that had not been proposed during the original call period, but that are deemed necessary to provide consistency and clarity as a result of submissions that are “accepted” or “accepted in principle.”

A7. The chairperson of the Panel shall communicate the Panel’s disposition of submissions with all persons who submitted proposed revisions. Persons who made submissions shall be informed of the Appeals process outlined in Part XIII of these Rules.

A8. The Standard(s) shall be revised by the Panel as appropriate and in accordance with its disposition of the submissions received. Depending on the nature and extent of proposed revisions to the Standard(s), the Panel chairperson may designate subgroup(s) of the Panel responsible for drafting the revision(s), and shall in all cases set the timeline for completion of revisions and distribution of the revised Standard(s) document(s) to all Panel members.

A9. Upon the approval by a simple majority of the Panel of a motion to proceed, the revised Standard(s) document(s) shall proceed to a “consensus ballot” stage (as described in A10-A16) and then to a “public review” stage (as described in A17-A22).

Consensus Ballot

- A10. The “consensus ballot” shall require a recorded vote, and all votes shall become part of the Panel’s public record. To achieve consensus, all members of the Panel, including the chairperson, must have an opportunity to vote; all views and objections must be considered; and all reasonable efforts must be made toward their resolution.
- A11. Voting in the consensus ballot stage shall occur over a period lasting forty-five (45) days and be done using a communication system open and accessible to all members of the Panel. Follow-up notices shall be issued to Panel members who have not voted within seven (7) days of the close of the ballot period. Voting may close early if all Panel members have voted.
- A12. Votes must be cast using the following options:
- 1) Affirmative.
 - 2) Affirmative, with comment.
 - 3) Negative, with comment explaining the reasoning for the negative vote. The comment must include wording or actions that the Panel member identifies to resolve the objection.
 - 4) Abstain, with reason for abstention documented.
- A13. Comments that accompany affirmative or negative votes, with the exception of editorial comments, must relate to the specific revisions under consideration and that have been made as a result of the Panel’s disposition of submissions from the call for proposed revisions. Other comments shall be held for the next review cycle unless a simple majority of the Panel agrees to consider them in the current cycle.
- A14. Negative votes without a comment or with unrelated comments shall be considered as “Negative without comments” and recorded as such. These comments shall not be addressed or considered.
- A15. Consensus shall be determined when the majority of the Panel (not counting abstentions or negative votes without comments) cast a vote and at least two-thirds (2/3) of those voting approve. Comments received as part of affirmative or negative votes and in accord with the provisions in A12, must be recorded and addressed in one of the following manners:
- 1) Accepted (No comment necessary.)
 - 2) Accepted in principle (No comment necessary.)
 - 3) Rejected (The rejection must be substantiated.)
- A16. An effort to resolve all rejected comments shall be made. Any negative comment not resolved or withdrawn shall be considered an unresolved objection and shall be re-circulated for a period of fifteen (15) days for the Panel’s consideration. Any change of vote by a Panel

member must be substantiated in writing. If resolution of a negative comment is not achieved, the member who originally made the comment shall be informed in writing of the Appeals process outlined in Part XIII of these Rules as well as any and all attempts at resolution.

Public Review

A17. A Standard(s) document(s) that has met the requirement outlined in A9 shall be made available on the NASBLA website and other suitable media outlets as a Public Review Draft. The draft and means of comment shall be made available to NASBLA members and non-members alike.

A18. Comments on the Public Review Draft must relate to the specific revisions under consideration and that have been made as a result of the Panel’s disposition of submissions from the call for proposed revisions. Other comments received shall be held for the next five (5)-year review cycle unless a simple majority of the Panel agrees to consider them in the current cycle.

A19. The comment period for the public review stage shall be forty-five (45) days.

A20. The Panel shall consider all comments received during the public review stage and attempt to resolve all comments in accord with criteria outlined in A12.

A21. Each comment submitted during the public review period must be addressed by the Panel in one of the following manners:

- 1) Accepted (No comment necessary.)
- 2) Accepted in principle (No comment necessary.)
- 3) Rejected (The rejection must be substantiated.)

In disposing of submissions under this paragraph, the Panel may raise and address additional editorial or technical points that had not been proposed during the public review period, but that are deemed necessary to provide consistency and clarity as a result of submissions that are “accepted” or “accepted in principle.”

A22. An effort to resolve all rejected comments shall be made by the Panel. Any negative comment not resolved or withdrawn shall be considered an unresolved objection and shall be recirculated for a period of fifteen (15) days for the Panel’s consideration. Any change of vote by a Panel member must be substantiated in writing. If resolution of a negative comment is not achieved, the commenter shall be informed in writing of the Appeals process outlined in Part XIII of these Rules, as well as any and all attempts at resolution.

A23. Substantive changes in the Standard(s) document(s) resulting from the consensus ballot or public review shall require the document to be reconsidered by the Panel and shall initiate an additional consensus ballot and public review cycle. If the Standard(s) document(s) has

not significantly changed as a result of the consensus ballot or public review, the Standard(s) shall proceed to publication on the NASBLA website.

B. STANDARDS DEVELOPMENT - FUTURE REVIEW CYCLES

- B1. The provisions in this Subpart B describe the procedures for the five (5)-year review cycles.
- B2. The Panel shall determine whether any revisions, additions or withdrawals to the Standards are necessary using results of risk assessments based on available, relevant, and reliable information such as boating accident statistics, boater survey and participation data; and on other applicable boating safety and education research studies, scientific resources, and subject matter expertise.
- B3. Based on determinations described in B2, the Panel shall develop a draft of newly-proposed Standards, with explanations as to the revisions, additions or withdrawals proposed to the most currently approved version of the Standards. The proposed Standards shall be published for review and a “call for comments” period shall be initiated.

Call for Comments

- B4. To start the review of the proposed Standards, the chairperson of the Panel shall issue a call for comments. This “call for comments” period shall be ninety (90) days. Instructions requesting input shall be sent directly to each Panel member. The call for comments on the proposed Standards, instructions for submission, and the availability of the documents containing the proposed Standards and most currently approved version of the Standards also shall be announced on the NASBLA website and other suitable media outlets, and comments shall be encouraged from NASBLA members and non-members alike. Comments on the proposed Standards must bear the name and contact information of the person making the comments.
- B5. The Panel shall consider only comments received during the call period. A submission received during the call period may be withdrawn by the original submitter prior to the Panel’s disposition of the comment as referenced in B7 of this Part. The submitter’s request for withdrawal may be made in person during a full Panel meeting or in written or electronic form to the chairperson of the Panel. Such withdrawals shall become part of the record and written minutes.

All comments received after the closing of the call period shall be held and considered during the next review cycle of the Standards.

- B6. Prior to the first meeting of the Panel at which members shall address the comments that resulted from the call period, the Panel members and the persons who submitted comments shall receive copies of or otherwise have access to all of the submissions.

B7. The Panel, using its decision criteria (as referenced in A2) and results of risk assessments based on available, relevant, and reliable information such as boating accident statistics, boater survey and participation data; and on other applicable boating safety and education research studies, scientific resources, and subject matter expertise, by simple majority must dispose of each comment received during the call for comments using one of the following three formats:

- 1) Accepted. (No comment necessary)
- 2) Accepted in principle. The general ideas in the comment were accepted, but they may not be entirely on topic or all parts may not be able to be used. (No comment necessary)
- 3) Rejected. (A reason for the rejection must be provided)

In disposing of submissions under this paragraph, the Panel may raise and address additional editorial or technical points that had not been proposed during the original call period, but that are deemed necessary to provide consistency and clarity as a result of submissions that are “accepted” or “accepted in principle.”

B8. The chairperson of the Panel shall communicate the Panel’s disposition of comments with all commenters. Persons who made comments shall be informed of the Appeals process outlined in Part XIII of these Rules.

B9. Upon the approval by a simple majority of the Panel of a motion to proceed, the proposed Standards document shall proceed to a “consensus ballot” stage (as described in B10-B16) and then to a “public review” stage (as described in B17-B22).

Consensus Ballot

B10. The “consensus ballot” shall require a recorded vote, and all votes shall become part of the Panel’s public record. To achieve consensus, all members of the Panel, including the chairperson, must have an opportunity to vote; all views and objections must be considered; and all reasonable efforts must be made toward their resolution.

B11. Voting in the consensus ballot stage shall occur over a period lasting forty-five (45) days and be done using a communication system open and accessible to all members of the Panel. Follow-up notices shall be issued to Panel members who have not voted within seven (7) days of the close of the ballot period. Voting may close early if all Panel members have voted.

B12. Votes must be cast using the following options:

- 1) Affirmative.
- 2) Affirmative, with comment.

- 3) Negative, with comment explaining the reasoning for the negative vote. The comment must include wording or actions that the Panel member identifies to resolve the objection.
- 4) Abstain, with reason for abstention documented.

B13. Comments that accompany affirmative or negative votes, with the exception of editorial comments, must relate to the specific revisions under consideration and that have been made as a result of the Panel's disposition of comments from the call for comments. Other comments shall be held for the next review cycle unless a simple majority of the Panel agrees to consider them in the current cycle.

B14. Negative votes without a comment or with unrelated comments shall be considered as "Negative without comments" and recorded as such. These comments shall not be addressed or considered.

B15. Consensus shall be determined when the majority of the Panel (not counting abstentions or negative votes without comments) cast a vote and at least two-thirds (2/3) of those voting approve. Comments received as part of affirmative or negative votes and in accord with the provisions in B12, must be recorded and addressed in one of the following manners:

- 1) Accepted (No comment necessary.)
- 2) Accepted in principle (No comment necessary.)
- 3) Rejected (The rejection must be substantiated.)

B16. An effort to resolve all rejected comments shall be made. Any negative comment not resolved or withdrawn shall be considered an unresolved objection and shall be recirculated for a period of fifteen (15) days for the Panel's consideration. Any change of vote by a Panel member must be substantiated in writing. If resolution of a negative comment is not achieved, the member who originally made the comment shall be informed in writing of the Appeals process outlined in Part XIII of these Rules as well as any and all attempts at resolution.

Public Review

B17. A proposed Standard(s) document(s) that has met the requirement outlined in B9 shall be made available on the NASBLA website and other suitable media outlets as a Public Review Draft. The draft and means of comment shall be made available to NASBLA members and non-members alike.

B18. Comments on the Public Review Draft must relate to the specific items under consideration as a result of the Panel's disposition of comments from the call for comments process outlined in B4-B9. Other comments received shall be held for the next five (5)-year review cycle unless a simple majority of the Panel agrees to consider them in the current cycle.

- B19. The comment period for the public review stage shall be forty-five (45) days.
- B20. The Panel shall consider all comments received during the public review stage and attempt to resolve all comments in accord with criteria outlined in B12.
- B21. Each comment submitted during the public review period must be addressed by the Panel in one of the following manners:
- 1) Accepted (No comment necessary.)
 - 2) Accepted in principle (No comment necessary.)
 - 3) Rejected (The rejection must be substantiated.)

In disposing of submissions under this paragraph, the Panel may raise and address additional editorial or technical points that had not been proposed during the public review period, but that are deemed necessary to provide consistency and clarity as a result of submissions that are “accepted” or “accepted in principle.”

- B22. An effort to resolve all rejected comments shall be made by the Panel. Any negative comment not resolved or withdrawn shall be considered an unresolved objection and shall be recirculated for a period of fifteen (15) days for the Panel’s consideration. Any change of vote by a Panel member must be substantiated in writing. If resolution of a negative comment is not achieved, the commenter shall be informed in writing of the Appeals process outlined in Part XIII of these Rules, as well as any and all attempts at resolution.
- B23. Substantive changes in the Standards document resulting from the consensus ballot or public review shall require the document to be re-considered by the Panel and shall initiate an additional consensus ballot and public review cycle. If the Standards document has not significantly changed as a result of the consensus ballot or public review, the Standards shall proceed to publication on the NASBLA website.

PART VIII. ADDITIONAL STANDARDS PANEL OVERSIGHT

During the years in which the Standards Panel is not directly involved in the review of the Standards, the members shall be tasked with reviewing and sorting through suggested revisions collected from parties directly and materially affected by the Standards, including, but not limited to individuals, organizations, companies, government agencies, and research institutions. If the Panel members determine that a suggested revision should be made to the content of the Standards in the interim time period between review cycles, then the Panel shall begin the process of revising the Standards to meet that need. This determination shall be made through a consensus decision making process within the Panel and shall be based on the existence of compelling, risk-based evidence that a change in the Standards would address and correct a life-threatening boating safety issue.

PART IX. INTERPRETATIONS

1. Requests for an official position on the Standards shall be in writing to the Standards Panel; shall be specific regarding the section or item within an identified Standard; and shall include the reasons and circumstances for making a request. The chairperson of the Panel, or the chairperson's designee, shall be tasked with responding on the Panel's behalf in writing, including e-mail, to the request for interpretation. The request shall be stated in such a manner that it can be answered either in the affirmative or the negative with only short explanation.
2. The Panel is the vehicle for rendering interpretations of the text of an existing Standard. The rendered interpretation becomes an integral part of the Standard and shall be recorded as such. It is therefore the duty of the Panel to insure that only needed and relevant interpretations are rendered. Interpretations of the text of a Standard and the intent of the developing entity shall be obtained from the body of knowledge and documentation used to support the development of the Standard.
3. The Panel shall review each request for interpretation. The Panel may decline to render an interpretation, but if it declines shall state a reason. A request for interpretation shall not be rendered if it involves a determination of compliance (e.g., course designs, program approvals) or involves subjects not previously considered by the Panel or not addressed in the document.
4. Requests for interpretation and the Panel's answer shall be published on the NASBLA website.
5. The Panel's meeting minutes shall serve as the official record of the interpretation. In the absence of a Panel meeting (e.g., electronic ballot), the requestor shall be notified of the Panel's position by electronic means.

PART X. STANDARDS PANEL MEETINGS

1. The Standards Panel shall meet at least annually to conduct official business, and may meet additional times subject to the call of the Panel chairperson. Meetings, and any needed votes, may be conducted in-person or electronically using communication methods open and accessible to all Panel members. Meeting dates shall be set and notices given to Panel members at least ten (10) days in advance of the meeting date.
2. Only members of the Panel shall have the right to vote at Panel meetings. Proxies shall not be permitted. Other persons may attend at the discretion of the Panel chairperson.

3. The Panel chairperson shall preside at meetings of the full Panel. If the chairperson is not present, the vice chairperson shall preside. If a vice chairperson has not been appointed or is not present, a member of the Panel agreed upon by consensus of Panel members shall preside.
4. A quorum shall consist of a majority of the entire Panel. Action of the Panel shall be by majority vote of those present, provided that any member present may call for a letter or electronic ballot on any action taken and, when a letter ballot is taken, action by the Panel shall be by majority vote of the entire Panel.
5. Questions of parliamentary procedure shall be determined by *Robert's Rules of Order*, latest edition, as much as practicable.

PART XI. RECORDS

The records of the Standards Panel shall be maintained in the NASBLA office, where they shall be available for inspection by NASBLA members. Records requested under a properly executed court subpoena shall be made available in accordance with the policy on access to records as approved by the Executive Board. Minutes of meetings and published standards shall be retained based on a NASBLA-approved record retention schedule. Panel ballots and drafts shall be retained for one complete review cycle (five (5) years) or until the Standard(s) is/are revised or reaffirmed.

PART XII. AMENDMENTS TO THE PANEL RULES

Upon affirmative vote of three-quarters (3/4) of the entire Standards Panel, the Panel may recommend amendments of these Rules to the Executive Board. Notice of a Panel meeting at which amendments will be considered for recommendation to and action by the Board shall be given to Panel members at least ten (10) days in advance of the meeting date.

PART XIII. APPEALS

1. Directly and materially affected interests who believe they have been or will be adversely affected by a Standard, or by the lack thereof, shall have the right to appeal substantive or procedural actions or inactions of the Standards Panel. A reference to the Appeal's process shall be made on the submission and comment forms and consensus ballots referenced in Part VII of these Rules.
2. *Appeal*- The appellant shall file a written appeal within thirty (30) days after the date of notification of action or at any time with respect to inaction. The appeal shall state the nature of the objection(s) including any adverse effects, the section(s) of these Rules or the Standards that

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are at issue, and the specific remedial action(s) that would satisfy the appellant's concerns. Previous efforts to resolve the objection(s) and the outcome of each shall be noted.

- a. *Response* - Within ninety (90) days from the day of receipt of the appeal, the respondent (i.e., the Standards Panel chairperson or the NASBLA Executive Director) shall respond in writing to the appellant, specifically addressing each allegation of fact in the appeal to the extent of the respondent's knowledge.
- b. *Hearing* - If the appellant and the respondent are unable to resolve the written appeal informally in a manner consistent with these procedures, the NASBLA Executive Director shall schedule a hearing with an Appeals Panel, appointed by the chairperson of the Standards Panel, on a date agreeable to all participants, giving at least ten (10) working days' notice.
- c. *Appeals Panel* - The Appeals Panel shall consist of three (3) individuals who have not been directly involved in the matter in dispute. At least two (2) members of the Appeals Panel shall be acceptable to the appellant, and at least two (2) shall be acceptable to the respondent.
- d. *Conduct of the Hearing* - The appellant has the burden of demonstrating adverse effects, improper actions or inactions, and the efficacy of the requested remedial action. The respondent has the burden of demonstrating that the Standards Panel took all actions in compliance with these Rules and that the requested remedial action would be ineffective or detrimental. Each party may address other pertinent arguments, and members of the Appeals Panel may address questions to individuals. The latest edition of *Robert's Rules of Order* shall apply to questions of parliamentary procedure for the hearing not already covered herein.
- e. *Decision* - The Appeals Panel shall render its decision in writing within thirty (30) days, stating findings of fact and conclusions, with reasons therefore, based on a preponderance of the evidence. Consideration may be given to the following positions, among others, in formulating the decision.
 - i. Finding for the appellant, remanding the action to the Standards Panel with a specific statement of the issues and facts in regard to which fair and equitable action was not taken.
 - ii. Finding for the respondent, with a specific statement of the facts that demonstrate fair and equitable treatment of the appellant and the appellant's objections.
 - iii. Finding that new, substantive evidence has been introduced, and remanding the entire action to the Standards Panel for appropriate consideration.

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History of amendments

March 1, 2011. NASBLA Executive Board approved initial Panel Rules.

April 11, 2011. NASBLA Executive Board approved the following amendments: 1) deletion of “Advisory” from Panel’s name to clarify its authority and function in standards development; 2) related revisions to Part II (definitions); 3) revisions to Interest Category table to standardize format and to clarify and expand upon all category descriptions; and 4) changes to Part V.1 and V.2. to address adherence to a Panel Code of Ethics approved by the Board.

January 25, 2012. NASBLA Executive Board approved the following amendments to Parts IV, V, X, and XII as recommended by the Standards Panel (in action taken at Panel meeting, January 17, 2012): 1) allow Panel chairperson to designate a vice chairperson; 2) allow Panel chairperson to assign task groups of the membership; 3) set the total Panel membership at 15; 4) distinguish timing of Board’s appointments to expiring terms from its appointments to fill vacancies in unexpired terms; 5) reinforce continuous acceptance of Panel member applications; 6) emphasize Panel’s overall stakeholder representation is across five interest categories; 7) clarify that the balance requirement associated with interest category representation refers to the appointments to the 15 member Panel (full Panel, without vacancies); 8) stipulate timely action to bring Panel back into balance in event of vacancy or vacancies; 9) authorize Panel to continue functioning as consensus body during efforts to recruit/appoint new members and get back into balance; 10) describe practical meaning and performance standards of a member “in good standing”; 11) set expectations regarding member participation in meetings and balloting and notification of Panel chairperson in event of non-participation; 12) isolate meaning of a member no longer being “in good standing” and related, possible consequences; 13) clarify that Panel may meet additional times during the year at the call of the chairperson; 14) change meeting notification from a minimum 30- to a minimum 10-days in advance of the next meeting date; 15) authorize vice chairperson to preside over meetings in absence of chairperson; 16) clarify quorum requirement as a majority of entire Panel (based on total number of members currently serving; 17) re-label Part XII as “Amendments to the Panel Rules”; 18) clarify that Panel recommends Rules amendments to the Board and the Board must take action on the recommendations; and 19) regarding Panel meeting at which Rules amendments are to be considered, reduce the meeting notification period from a minimum 30- to a minimum 10-days.

As part of the amendment process, the following technical edits were made to the Rules document: 1) reference to “Standards Panel” only upon first mention in a Part, and use of the term “Panel” in subsequent mentions; and 2) reference to “Executive Board” only upon first mention in a Part, and use of the term “Board” in subsequent mentions.

May 8, 2012. NASBLA Executive Board approved the following amendments to Parts I, II, III, and VII as recommended by the Standards Panel (in action taken at Panel meeting, May 1, 2012). The amendments were intended to reflect Panel actions and board decisions of Feb. 28 and March 30, 2012: 1) incorporate an approved Scope of Work into existing Part III, Standards Panel Objective; 2) minor edits to description of Standards as presented in second paragraph of Part I. Introduction, to reinforce that “safe, legal, and enjoyable recreational boating” was the intent of the minimum body of knowledge prescribed by the Standards as originally adopted; and 3) address the reformat of existing Standards 1-7 into a single Standard by modifying the definition (9) in Part II, and by significantly modifying the content of two footnotes in Part VII to clarify the nature of the document that will serve as the basis for review in the first call for revisions.

May 8-9, 2013. NASBLA Executive Board authorized amendments to Parts III and VII as recommended by the Standards Panel (in action taken at Panel meeting of March 21-22, 2013). As part of the amendment process, additional technical edits were made to the Rules to reflect and accurately capture both Panel recommendations and Board authorization, resulting in changes to the following sections in the Final Draft: 1) Part III A to clarify the Panel Objective and to remove redundant language; 2) Part III B2 to clarify the geographic region subject to the Scope of the Panel’s work; 3) Part VII to remove redundant language and improve consistent use of terminology; 4) Part VII A2 to correctly state the process followed in Organizing the Standards Development Work; 5) Part VII A4 and B5 to provide a method for withdrawal of a submitted comment within limitations; 6) Part VII A6 and B7 to clarify methodology to be used for Panel’s disposition of comments; 7) Part VII A6, B7, and B21 to address editorial or technical points deemed necessary as a result of comments “accepted” or “accepted in principle”; and 8) Part VII B1 and B2 to provide consistent language to guide future review cycles.