

**ADOPTED REGULATION OF THE
NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION**

LCB File No. R060-15

Effective June 28, 2016

EXPLANATION – Matter in *italics* is new; matter in brackets ~~(omitted material)~~ is material to be omitted.

AUTHORITY: §§1-10, NRS 386.430 and 386.450.

A REGULATION relating to interscholastic activities; revising the nonvoting membership of the Board of Control of the Nevada Interscholastic Activities Association; revising provisions governing the placement of a school in a class and the alignment of the school within a league or region; prohibiting a school or a pupil enrolled in a school from participating in more than two tournaments for volleyball; removing certain provisions governing the ineligibility of a pupil who enrolls in ninth grade at a private or public high school; revising provisions governing the issuance of passes to a member of any news media; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the formation of the Nevada Interscholastic Activities Association for the purpose of controlling, supervising and regulating all interscholastic athletic events and other interscholastic events in the public schools in this State and requires the Association to adopt regulations governing those events. (NRS 386.420, 386.430) Pursuant to that requirement, the Association has adopted regulations which set forth the number of voting and nonvoting members of the Board of Control of the Association. (NAC 386.628) **Section 3** of this regulation expands the number of nonvoting members of the Board to include a representative appointed by an association of sports officials approved by the Association.

Existing regulations: (1) set forth the manner in which the Board is required to place each school within a class and align that school in a league or region for the purpose of participation by the school in a sanctioned sport; and (2) require the Board to place and align the school based on several factors, including the number of pupils enrolled in the school as set forth in a report of enrollment for the school. (NAC 386.653, 386.667) **Sections 1, 4 and 5** of this regulation revise those regulations relating to the report of enrollment for the school by requiring the determination of the number of pupils to be based upon a certain count of enrollment for the first quarter of the immediately preceding school year.

Existing regulations prohibit a school or pupil enrolled in a school who participates in volleyball as a sanctioned sport from participating in more than a certain number of matches during each volleyball season. (NAC 386.699) **Section 6** of this regulation also prohibits the school or pupil from participating in more than two tournaments during each volleyball season.

Existing regulations specify that a pupil who enrolls in ninth grade at a private or public high school is ineligible to participate in a sanctioned sport at the level of varsity for 180 school days after his or her enrollment at the school under certain circumstances. (NAC 386.779)

Section 7 of this regulation removes that period of ineligibility.

Existing regulations authorize the Executive Director of the Association to issue not more than two passes to each station that broadcasts a tournament for a sanctioned sport by radio. (NAC 386.885) Existing regulations also require the Executive Director and the director of a tournament for a sanctioned sport, before each tournament, to determine the number of passes that are available for issuance for that tournament to each station that broadcasts the tournament by television. (NAC 386.886) **Sections 8 and 9** of this regulation remove those existing provisions and authorize the Executive Director to issue a pass to attend a game, contest, meet or tournament to any member of any news media that provides regular coverage of the game, contest, meet or tournament.

Section 1. Chapter 386 of NAC is hereby amended by adding thereto a new section to read as follows:

“Count of enrollment” for any school year means:

- 1. The average daily enrollment of pupils for the first quarter of the immediately preceding school year as determined pursuant to NRS 387.123; or***
- 2. The count of pupils enrolled in a private school based upon a report of enrollment submitted pursuant to NRS 394.130.***

Sec. 2. NAC 386.600 is hereby amended to read as follows:

386.600 As used in NAC 386.600 to 386.886, inclusive, ***and section 1 of this regulation,*** unless the context otherwise requires, the words and terms defined in NAC 386.601 to 386.622, inclusive, ***and section 1 of this regulation*** have the meanings ascribed to them in those sections.

Sec. 3. NAC 386.628 is hereby amended to read as follows:

386.628 1. The Board consists of nine voting members selected from the administrative regions established pursuant to NAC 386.627. The Board is the governing body of the Association.

2. In addition to the voting members specified in subsection 1, the Board includes the following nonvoting members:

(a) The president of:

(1) Each class established pursuant to NAC 386.667;

(2) The private schools selected pursuant to NAC 386.665; and

(3) The Nevada Athletic Directors Association or its successor organization;

(b) A representative from Class 4A North who is not serving as a nonvoting member pursuant to subparagraph (1) of paragraph (a);

(c) A representative from Class 4A South who is not serving as such a nonvoting member;

~~and~~

(d) A representative appointed by the Nevada Association of School Administrators or its successor organization ~~and~~; *and*

(e) A representative appointed by an association of sports officials approved by the Association.

3. Each nonvoting member specified in subsection 2 serves for a term of 2 years.

Sec. 4. NAC 386.653 is hereby amended to read as follows:

386.653 1. Except as otherwise provided in NAC 386.6546 and 386.6549, any private high school in this State may apply for membership in the Association by submitting a written request to the Executive Director.

2. Except as otherwise provided in subsection 6, upon receipt of a written request submitted pursuant to subsection 1, the Executive Director shall place the school on independent status for 2 years beginning on the date the written request is received. A school that is placed on independent status may, during the period in which the school is on independent status, schedule

a game, contest or meet with a member or affiliate school for a season for a sanctioned sport. The school may not, during the period in which it is on independent status, participate in any game, contest or meet for a sanctioned sport that is conducted after the regular season for that sanctioned sport.

3. A school that is placed on independent status shall, if the class into which the school is placed conducts a meeting of the class not later than August 31 of the year after the school is placed on independent status, attend the meeting of the class and submit a request for membership in the Association at that meeting. As soon as practicable after the meeting, the members of the class shall evaluate:

(a) The facilities of the school; and

(b) The extent to which the school has complied with:

(1) The schedule of the school for participating in games, contests or meets pursuant to this section; and

(2) The regulations of the Association concerning participation by the school in a sanctioned sport.

4. As soon as practicable after conducting an evaluation of a school pursuant to subsection 3, the class shall submit to the Board a recommendation to approve or deny the written request of the school for membership in the Association.

5. If the Board approves a written request for membership in the Association pursuant to subsection 4, the Board shall, in accordance with NAC 386.667, place the school in a class and align it in a league for the school year after the Board approves the request.

6. On and after August 1, 2012:

(a) Each school that submits a written request for membership in the Association pursuant to subsection 1 must have at least one athletic program for boys and at least one athletic program for girls during the fall season, winter season and spring season of each school year.

(b) If the Board receives a written request for membership in the Association pursuant to subsection 1, the Board shall, based upon twice the number of pupils specified in the ~~report~~ *count* of enrollment ~~submitted~~ for the school ~~for the first month of the school~~ year ~~immediately preceding the school year~~ in which the Board considers the written request, place the school in a class and align it in a league pursuant to NAC 386.667.

Sec. 5. NAC 386.667 is hereby amended to read as follows:

386.667 1. Except as otherwise provided in NAC 386.6549, the Board shall, not later than September 1, 2006, and every 4 years thereafter, appoint a committee to place each school in a class and align that school in a league or region. The committee must consist of the members of the Board who are selected by the Board for that purpose and one or more representatives from each classification of schools who are selected by the Board for that purpose. As soon as practicable after the creation of the committee, the committee shall consider the requirements for the classification of each school pursuant to subsection 3 along with any relevant considerations set forth in subsection 4 and submit to the Board a written recommendation for the classification and alignment of each school. The written recommendation must be submitted on or before the date specified by the Board for that purpose.

2. As soon as practicable after receiving the written recommendation, the Board shall conduct a public hearing to consider the written recommendation. The Board shall provide a notice to each school setting forth the date, time and place of the hearing. The classification and alignment of each school must be determined by a majority vote of the Board. A determination

of the Board relating to a written recommendation of the committee is final and binding on each school. The initial classification and alignment of a school approved by the Board pursuant to this section becomes effective on August 1, 2008. A classification and alignment of a school approved after that date and before August 1, 2012, becomes effective on August 1, 2012. Each 4 years thereafter, any classification and alignment made during the 4-year period becomes effective on August 1 at the end of the 4-year period.

3. Except when a different determination is justified based on a consideration set forth in subsection 4, the Board and the committee appointed pursuant to subsection 1 shall, based upon the ~~report~~ *count* of enrollment ~~submitted~~ for the ~~school for the first school month of the~~ school year ~~immediately preceding the school year~~ in which the Board and the committee consider the classification and alignment of a school pursuant to subsection 1, place the school in:

- (a) Class 1A, if not more than 169 pupils are enrolled in the school;
- (b) Class 2A, if not less than 170 but not more than 460 pupils are enrolled in the school;
- (c) Class 3A, if not less than 461 but not more than 1,200 pupils are enrolled in the school; or
- (d) Class 4A, if 1,201 or more pupils are enrolled in the school.

4. In determining the classification and alignment of a school pursuant to this section, the Board and the committee may consider:

- (a) Any geographic factors relating to the school;
- (b) The requirements of the school to travel to an interscholastic activity;
- (c) Any traditional rivalries of the school;
- (d) Any financial factors relating to any interscholastic activities conducted at or by the school;

(e) Any competitive factors relating to the school; and

(f) On and after August 1, 2012, whether the school has at least one athletic program for boys and at least one athletic program for girls during the fall season, winter season and spring season of a school year.

5. Except as otherwise provided in this section, the Board shall not revise the classification or alignment of a school more than once every 4 years.

6. If, during the 4 years after a school is classified and aligned pursuant to this section, the enrollment of pupils in the school, based on the ~~{report}~~ *count* of enrollment for ~~{the school for~~ *a* ~~any~~ school year ~~{}~~ *during that period* exceeds the maximum number required for its classification pursuant to subsection 3 or falls below the minimum number of pupils required for that classification based on that ~~{report}~~ *count* of enrollment, the school shall notify the Association of that fact.

7. If a school notifies the Association pursuant to subsection 6 that the number of pupils in the school exceeds the maximum number of pupils required for its classification pursuant to subsection 3, the Board shall:

(a) As soon as practicable after receiving the notice, notify the school that the Board will make a determination of the classification of the school for the next school year pursuant to paragraph (b).

(b) Based upon the ~~{report}~~ *count* of enrollment for the ~~{school for the}~~ next school year, determine whether the number of pupils enrolled in the school exceeds the maximum number of pupils required for its classification. If the Board determines that the number of pupils enrolled in the school exceeds the maximum number required for its classification based on the ~~{report}~~ *count* of enrollment, the Board shall designate the school for placement into the next highest

classification for the next school year and the school year immediately following that school year. If the Board determines that the number of pupils enrolled in the school does not exceed the maximum number required for its classification based on the ~~report~~ *count* of enrollment, the Board shall allow the school to remain in the classification into which it was placed at the time the school submitted the notice to the Association pursuant to subsection 6.

8. If, during the second school year in which a school is designated for placement into a higher classification pursuant to paragraph (b) of subsection 7, the Board determines that, based on the ~~report~~ *count* of enrollment for the second school year, the number of pupils enrolled in the school:

(a) Continues to exceed the maximum number of pupils required for the classification into which it was placed at the time the school submitted the notice to the Association pursuant to subsection 6, the Board shall place the school into the higher classification in which the school was designated for placement pursuant to paragraph (b) of subsection 7.

(b) Does not continue to exceed the maximum number required for the classification into which it was placed at the time the school submitted the notice to the Association pursuant to subsection 6, the Board shall allow the school to remain in that classification.

9. If a school notifies the Association pursuant to subsection 6 that the number of pupils enrolled in the school is less than the minimum number of pupils required for its classification pursuant to subsection 3, the Board shall:

(a) As soon as practicable after receiving the notice, notify the school that the Board will make a determination of the classification of the school for the next school year pursuant to paragraph (b).

(b) Based upon the ~~report~~ *count* of enrollment for the school for the next school year, determine whether the number of pupils enrolled in the school is less than the minimum number of pupils required for its classification. If the Board determines that the number of pupils enrolled in the school is less than the minimum number of pupils required for its classification based on the ~~report~~ *count* of enrollment, the Board shall designate the school for placement into the next lowest classification for the next school year and the school year immediately following that school year. If the Board determines that the number of pupils enrolled in the school is not less than the minimum number of pupils required for its classification based on the ~~report~~ *count* of enrollment, the Board shall allow the school to remain in the classification in which it was placed at the time the school submitted the notice to the Association pursuant to subsection 6.

10. If, during the second school year that a school is designated for placement into a lower classification pursuant to paragraph (b) of subsection 9, the Board determines that, based on the ~~report~~ *count* of enrollment for the second school year, the number of pupils enrolled in the school:

(a) Continues to be less than the minimum number of pupils required for the classification into which it was placed at the time the school submitted the notice to the Association pursuant to subsection 6, the Board shall place the school into the lower classification for which the school was designated for placement pursuant to paragraph (b) of subsection 9.

(b) Does not continue to be less than the minimum number required for the classification into which it was placed at the time the school submitted the notice to the Association pursuant to subsection 6, the Board shall allow the school to remain in that classification.

11. Within each classification established pursuant to this section, the Board:

(a) Shall align at least two leagues within the classification consisting of at least two schools in each of those leagues; and

(b) May align not less than two regions within the classification consisting of at least two leagues in each of those regions.

12. If a school believes that a pupil or team of the school is unable to participate successfully in a sanctioned sport or that it is in the best interests of the pupil or team to participate in the sanctioned sport in a classification that is higher or lower than the classification of the school or in a league or region that is aligned in a classification other than the classification of the school, the school may submit a written request to the Board to allow the pupil or team, based upon the factors set forth in subsection 4, to participate in a classification, league or region other than the classification, league or region in which the school is placed or aligned pursuant to this section. The Board shall include each written request received pursuant to this subsection on the agenda for the next regularly scheduled meeting of the Board, if the Board receives the written request before that meeting or before any other date specified by the Board for the submission of items for that meeting. Each school that submits a written request pursuant to this subsection has the burden of establishing that, if the written request is approved, the participation of the school in another classification will improve the competitive balance among the schools to which the written request applies. To become effective for a school year, each appeal submitted pursuant to NAC 386.6685 concerning the written request must be heard and a final decision rendered on the appeal at a regularly scheduled meeting of the Board held during September or November of that school year. Any written request that the Board approves pursuant to this subsection:

(a) Is subject to any term or condition specified by the Board for the written request, including, but not limited to, the year or season in which the placement of a school into another classification pursuant to this section will begin; and

(b) Is a final decision and binding on each school to which the written request applies.

~~{13. As used in this section, “report of enrollment” means a report setting forth the enrollment of a school that is submitted by:~~

~~—(a) The board of trustees of a school district pursuant to NRS 387.303; or~~

~~—(b) The principal or other person in charge of a private school pursuant to NRS 394.130.}~~

Sec. 6. NAC 386.699 is hereby amended to read as follows:

386.699 A school or a pupil enrolled in a school who participates in a sanctioned sport shall not, during the season for the sanctioned sport, participate in more than:

1. For the fall season:

(a) Fourteen cross-country meets;

(b) Except as otherwise provided in subsection 5 of NAC 386.720, nine football games;

(c) Sixteen matches for girls’ golf;

(d) Except as otherwise provided in subsection 5 of NAC 386.731, eighteen soccer games and two tournaments for soccer;

(e) Eighteen tennis matches; or

(f) Eighteen matches for girls’ volleyball ~~+~~ *and two tournaments for girls’ volleyball.*

2. For the winter season:

(a) Eighteen basketball games and two tournaments for basketball;

(b) Eighteen bowling competitions and two tournaments for bowling;

(c) Fourteen ski races;

(d) Except as otherwise provided in subsection 5 of NAC 386.731, eighteen soccer games for girls' soccer and two tournaments for girls' soccer; or

(e) Fifteen wrestling contacts or meets.

3. For the spring season:

(a) Twenty-one baseball games and two tournaments for baseball;

(b) Sixteen matches for boys' golf;

(c) Twenty-one softball games and two tournaments for softball;

(d) Twelve swim meets;

(e) Fourteen track and field meets; or

(f) Eighteen matches for boys' volleyball ~~1~~ *and two tournaments for boys' volleyball.*

Sec. 7. NAC 386.779 is hereby amended to read as follows:

386.779 ~~1. Except as otherwise provided in subsection 2, a~~ *A* pupil is eligible to participate or practice in a sanctioned sport if the pupil:

~~1(a)~~ *1.* Is enrolled in the 9th, 10th, 11th or 12th grade in a school where he or she is registered to participate in the sanctioned sport;

~~1(b)~~ *2.* Resides within the zone of attendance of the school in accordance with NAC 386.782;

~~1(c)~~ *3.* Complies with the regulations of the Association, the school and the school district that has jurisdiction over the school relating to eligibility to participate in a sanctioned sport;

~~1(d)~~ *4.* Has not received a high school diploma or general equivalency diploma;

~~1(e)~~ *5.* Is not enrolled full-time at a college, junior college or other postsecondary educational institution;

~~6.~~ 6. Has not participated on an athletic team of a college, junior college or other postsecondary educational institution; and

~~7.~~ 7. Has not participated in a sanctioned sport as a professional athlete.

~~12. A pupil who enrolls in the 9th grade at:~~

~~—(a) A private high school is ineligible for 180 school days after his or her enrollment at the private high school to participate in a sanctioned sport at the level of varsity if the pupil did not attend a private grade school, junior high or middle school for at least 180 school days immediately preceding the date of his or her enrollment at the private high school.~~

~~—(b) A public high school is ineligible for 180 school days after his or her enrollment at the public high school to participate in a sanctioned sport at the level of varsity if the pupil did not attend a public grade school, junior high or middle school located within the zone of attendance of the public high school for at least 180 school days immediately preceding the date of his or her enrollment in the public high school.~~

Sec. 8. NAC 386.886 is hereby amended to read as follows:

386.886 ~~{Before each tournament for a sanctioned sport, the Executive Director and the director of the tournament shall, if a director of the tournament is appointed pursuant to NAC 386.764, determine the number of passes that are available for issuance for that tournament to each station that broadcasts the tournament by television.}~~

1. The Executive Director may issue ~~{passes only}~~ a pass to ~~{stations that broadcast the tournament by television.}~~ a member of any news media providing coverage of a game, contest or meet or any league, regional or state tournament. A pass issued pursuant to this subsection confers admission upon the holder of the pass to any facility for the game, contest or meet or league, regional or state tournament for which the pass is issued and to any area designated

by the Association for use by the member of the news media at the game, contest or meet or league, regional or state tournament.

2. As used in this section, “news media” includes any newspaper, press association, radio station, television station or other media that regularly provides coverage of any game, contest or meet or any league, regional or state tournament.

Sec. 9. NAC 386.885 is hereby repealed.

Sec. 10. 1. This regulation becomes effective on June 28, 2016.

2. The amendatory provisions of sections 6, 7 and 8 of this regulation are applicable beginning with the 2016-2017 school year.

TEXT OF REPEALED SECTION

386.885 Issuance of passes to stations that broadcast by radio. (NRS 386.430) The Executive Director may issue not more than two passes to each station that broadcasts a tournament by radio.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
NRS 233B.066
LCB FILE No. R060-15**

The following statement is submitted for adopted amendments to Nevada Administrative Code (“NAC”) Chapter 386.

1. A clear and concise explanation of the need for the adopted regulation.

This regulation is necessary to address the ever changing nature of high school athletics governed by the Nevada Interscholastic Activities Association (“NIAA”). This regulation provides for a non-voting member of the board representing officials’ associations (NAC 386.628). The regulation also revises the maximum number of games contests or meets in the sport of volleyball to add two tournaments to the contest limit (NAC 386.699). The regulation also deletes what was also formerly referred to as the “matriculation rule” under NAC 386.779 for compliance with SB330 which was passed during the 2015 legislative session and eliminated that section. Finally, the regulation combines what were formally two separate regulations pertaining to the issuance of passes of the news media at regional and state tournament contests. (NAC 386.885 (Repealed) and NAC 386.886). As indicated NAC 386.885 is being repealed by this regulation.

2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulations, and notices of intent to act upon the regulation were sent by U.S. mail and by email to persons who were known to have an interest in the subject of the governance of high school athletics in the State of Nevada, including all member schools of the NIAA, and to all persons who had specifically requested such notice. These documents were also made available at the website of the NIAA’s office, www.niaa.com, as well as <http://notice.nv.gov>; and were mailed to all county libraries in Nevada and posted at the following locations:

Nevada Interscholastic
Activities Association
549 Court Street
Reno, NV 89501

Washoe County School District
425 East Ninth Street
Reno, NA 89520

Clark County School District
2832 E. Flamingo
Las Vegas, NV 89121

These regulations were reviewed by the NIAA Board of Control at regularly scheduled quarterly meetings in 2015 and 2016, which included the opportunity for public comment concerning the proposed amendments. Thereafter, on or about March 30, 2016, the Executive Director issued a Notice of Hearing for the Adoption of Regulations pursuant

to NRS 233B.0603, which incorporated in the proposed amendments all discussions held at the above-described Board of Control meetings, as well as comments from LCB staff attorneys. That Notice is attached as Exhibit "1." On April 6, 2016, this regulation was again reviewed by the NIAA Board of Control at its regularly scheduled meeting of that date with the opportunity for public comment.

3. **The number of persons who:**
 - (a) **Attended each hearing:** 25
 - (b) **Testified at each hearing:** 0
 - (c) **Submitted to the agency written comments:** 0
4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information is provided to the agency conducting the hearing:**
 - (a) **Name;**
 - (b) **Telephone number;**
 - (c) **Business address;**
 - (d) **Business telephone number;**
 - (e) **Electronic mail address; and**
 - (f) **Name of entity or organization represented.**

There was no testimony provided by any of the persons in attendance at this meeting and, therefore, no information to provide in response hereto.

5. **A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

No businesses are affected by these regulations. Comments were solicited from member schools of the NIAA and other persons having an interest in the governance of interscholastic high school activities in the state, as well as members of the public. The summary of those comments is included in response to question No. 1, above.

6. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The regulation was adopted on April 6, 2016, and included all of the changes suggested at prior meetings where the regulations were discussed.

7. **The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**
 - (a) **Both adverse and beneficial effects; and**
 - (b) **Both immediate and long-term effects.**

(a) Both adverse and beneficial effects:

This regulation will have no economic effect, beneficial or adverse, with respect to any business or the public.

(b) Both immediate and long-term effects:

See response to No. 5.a., above.

8. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agency regulations that the proposed amendments duplicate.

10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

N/A

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

N/A

12. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use to determine the impact of the regulation on a small business?

As stated above, there are no economic effects with respect to the amendments on any business in the State of Nevada. These amendments apply to the governance of high school athletics and activities in the State of Nevada and generally do no impact private business.