

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

LCB File No. R021-25

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

AUTHORITY: §§ 1-3 and 5-20, NRS 385B.060; § 4, NRS 385B.060 and 385B.090.

A REGULATION relating to interscholastic activities; revising provisions governing eligibility to participate in a sanctioned sport; providing certain penalties for persons engaged in athletic recruitment; revising provisions relating to the submission of an initial roster for a sanctioned sport; requiring a school to update the roster if certain information included in the roster is changed; creating procedures for an appeal submitted to a school district; revising provisions governing appeals submitted to the Executive Director of the Nevada Interscholastic Activities Association; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Nevada Interscholastic Activities Association to adopt rules and regulations concerning interscholastic athletic events. (NRS 385B.060)

Existing regulations provide that a pupil who transfers to another school and who does not qualify for immediate eligibility under existing law is presumed ineligible to participate in any sanctioned sport at the school to which the pupil transfers for 180 school days. (NAC 385B.716) **Section 11** of this regulation: (1) revises this presumption by providing that it applies only if the pupil’s name appeared on a roster of the Association during the preceding 180 school days; (2) makes the presumption applicable to both pupils who transfer to another school and pupils who enroll in a school for the first time; and (3) authorizes a pupil, parent or legal guardian to apply for a waiver of the presumption. **Section 2** of this regulation sets forth requirements for the submission and approval of an application for such a waiver and provides that a pupil to whom the Association grants a waiver is eligible to participate in any sanctioned sport.

Section 3 of this regulation creates a separate, nonwaivable presumption of ineligibility that applies to a pupil who enrolls in a school for the first time or transfers to another school if, during the year immediately preceding the date of enrollment or transfer, the pupil: (1) participated in an athletic event as a member of a team affiliated with the school in which the pupil enrolls or to which the pupil transfers; or (2) received athletic instruction from a person affiliated with such a school.

Existing law provides that certain pupils who transfer to a school are immediately eligible to participate and practice in any sanctioned sport or other interscholastic activity or event at the school. (NRS 385B.130) **Section 5** of this regulation requires a pupil who qualifies for immediate eligibility to notify the Association, using a process approved by the Association, of the applicable eligibility criterion.

Existing law prohibits certain persons from engaging in athletic recruitment and pupils from transferring to or enrolling in a school as the result of athletic recruitment. Existing law also sets forth certain penalties for such actions. (NRS 385B.225) Existing regulations authorize the Association to impose additional penalties for violations of chapter 385B of NAC. (NAC 385B.960) **Section 6** of this regulation revises prohibitions against athletic recruitment to provide that a person who commits certain actions is subject to such additional penalties.

Existing regulations prescribe certain requirements relating to the registration of a pupil with the Executive Director of the Association and the submission of an initial roster for each sanctioned sport. (NAC 385B.702) **Section 7** of this regulation revises provisions governing registration by: (1) replacing the requirement that registration be completed on a form approved by the Executive Director with a requirement that registration be completed through a process approved by the Association; and (2) eliminating the requirement that a pupil register separately for each sanctioned sport during a school year. **Section 7** also revises provisions governing rosters by: (1) eliminating the requirement that an initial roster be mailed or transmitted by facsimile; (2) requiring that an initial roster include the jersey number and assigned position of each pupil under certain circumstances; (3) requiring a school to update the roster whenever information changes; and (4) providing that a school that fails to comply with requirements governing the submission or updating of rosters is subject to certain penalties imposed at the discretion of the Association.

Section 8 of this regulation eliminates certain stipulations that a school district must adhere to if the school district adopts additional requirements for eligibility that are stricter than those set forth by the Association. (NAC 385B.704)

Section 9 of this regulation: (1) provides that a pupil enrolled in a school based on a residential affidavit, rather than an affidavit of residency, is not eligible to participate in any sanctioned sport at the school for 180 days; and (2) defines the term “residential affidavit” for the purposes of **section 9**. **Section 9** additionally provides that, in addition to a pupil who begins ninth grade at a private school, a pupil who begins ninth grade at a charter school, magnet school or vocational or technical school that serves all pupils located within the zone of attendance of the residence of a parent or legal guardian of the pupil is eligible to participate in a sanctioned sport at the applicable school. (NAC 385B.712)

Existing regulations provide that a pupil who establishes eligibility to participate in a sanctioned sport using certain evidence and, within 1 year after doing so, reestablishes a residence in his or her former school district or zone of attendance, is ineligible to participate in interscholastic activities for 180 school days unless the pupil complies with certain provisions. (NAC 385B.714) **Section 10** of this regulation revises the type of evidence that may be submitted by a pupil or his or her parent or legal guardian to establish such eligibility.

Section 12 of this regulation revises provisions governing the rebuttal of certain presumptions of ineligibility by requiring proof that the parent who has physical custody of the

pupil, rather than legal custody, resides within the applicable zone of attendance. **Section 12** also eliminates provisions that: (1) exempt a school district from complying with certain requirements; and (2) authorize a school district to request approval to deviate from regulations adopted by the Association. (NAC 385B.718)

Existing regulations require a pupil to attend the school located in the zone of attendance of the residence of the pupil to be eligible to participate in a sanctioned sport, unless an exception applies. (NAC 385B.712) Under existing regulations, one such exception provides that a pupil who does not reside within the zone of attendance of a magnet school or a vocational or technical school located within a school is eligible to participate in any sanctioned sport at the school. (NAC 385B.722) **Section 13** of this regulation eliminates this exception and instead authorizes a pupil who, after enrolling in grade 9, attends such a school to apply for a waiver of the requirement. **Section 13** also sets forth the requirements governing the submission and approval of an application for such a waiver.

Section 14 of this regulation eliminates provisions governing the eligibility of a homeschooled child to participate in a sanctioned sport after withdrawing from a school in which the child was enrolled. (NAC 385B.734)

Section 15 of this regulation clarifies that certain provisions governing the eligibility of siblings to participate in a sanctioned sport apply to pupils enrolled in public school. **Section 15** also authorizes a pupil who resides in an area affected by a change in the zone of attendance of a school to transfer from one school to another school under certain circumstances. (NAC 385B.736)

Existing regulations: (1) prohibit a pupil from practicing or participating in any sanctioned sport for more than one school during a season; and (2) authorize the Executive Director to waive this prohibition under certain circumstances. (NAC 385B.740) **Section 16** of this regulation revises the circumstances under which the Executive Director may grant such a waiver.

Section 17 of this regulation expands the circumstances under which a pupil who is ineligible to participate in a sanctioned sport because of a transfer may reestablish eligibility. (NAC 385B.742)

Existing regulations authorize a pupil who wishes to transfer schools to apply for a waiver from eligibility requirements. (NAC 385B.744) **Section 18** of this regulation specifies: (1) the circumstances under which a pupil may apply for such a waiver; (2) the eligibility requirement that may be waived; and (3) the procedures for submitting and approving an application.

Section 20 of this regulation repeals provisions governing the eligibility of: (1) pupils who obtain a waiver to attend a magnet school or a vocational or technical school that is located within a school; and (2) pupils who are assigned to option-zoned schools. (NAC 385B.720, 385B.728)

Existing law requires the rules and regulations of the Association to provide for adequate review procedures for disputes concerning the decisions and activities of the Association. (NRS 385B.090) Existing law additionally: (1) provides that a pupil or school aggrieved by a final decision or order made pursuant to a regulation adopted by the Association may appeal the decision or order to the Executive Director; and (2) authorizes a pupil or school that is aggrieved

by a decision or order made pursuant to such an appeal to further appeal to the school district within which the pupil is enrolled or the school is located. (NRS 385B.100) **Section 4** of this regulation sets forth the procedures that a school district, or a person designated by the school district to hear such an appeal, must follow. **Section 19** of this regulation revises provisions governing appeals submitted to the Executive Director. (NAC 385B.910)

Section 1. Chapter 385B of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

Sec. 2. 1. *A pupil who enrolls in a school for the first time or who transfers from one school to another school or a parent or legal guardian of the pupil may apply to the Association for a waiver of the presumption of ineligibility set forth in NAC 385B.716.*

2. An application submitted pursuant to subsection 1 must be submitted using a process approved by the Association. A pupil or a parent or legal guardian of the pupil may not apply more than once for a waiver pursuant to this section.

3. The Association will approve an application submitted pursuant to subsection 1 if the pupil:

(a) Complies with any applicable policies or regulations of the Association and the school district in which the school attended by the pupil is located;

(b) Has not previously been deemed immediately eligible pursuant to the provisions of paragraphs (b) or (c) of subsection 2 of NRS 385B.130; and

(c) Has not previously received a waiver pursuant to this section.

4. If the Association approves an application submitted pursuant to subsection 1, the pupil is eligible to participate in any sanctioned sport.

5. Any subsequent transfer of a pupil to whom the Association grants a waiver pursuant to this section is subject to the presumption of ineligibility set forth in NAC 385B.716.

Sec. 3. 1. Except as otherwise provided in subsection 2, a pupil who enrolls in a school for the first time or who transfers from one school to another school is ineligible to participate in any sanctioned sport at the school in which the pupil enrolls or to which the pupil transfers for 180 school days if, within the year immediately preceding the date of enrollment or the date of transfer, the pupil:

(a) Participated in an athletic event as a member of a team that is affiliated with the school in which the pupil enrolls or to which the pupil transfers, including, without limitation, an athletic event sponsored or conducted by the Amateur Athletic Union, the American Legion or a similar organization specified by the Executive Director; or

(b) Received any athletic instruction from a person who is affiliated with the school in which the pupil enrolls or to which the pupil transfers.

2. A pupil will not be deemed ineligible pursuant to subsection 1 if the pupil enrolls in a high school for the first time after attending a middle school or junior high school that serves as a feeder school for the high school.

3. As used in this section, "feeder school" means a middle school or junior high school identified by a school district as a feeder school for a high school located within the school district based upon the number of pupils who enroll in the high school after completing grade 8 at the feeder school.

Sec. 4. 1. An appeal made pursuant to subsection 4 of NRS 385B.100 must be conducted pursuant to this section. Such an appeal must be:

(a) Conducted in accordance with the provisions of chapter 233B of NRS relating to contested cases;

(b) Except as otherwise provided in subsection 2, closed to the general public; and

(c) Recorded on audiotape.

2. A pupil who is at least 18 years of age and who files an appeal pursuant to this section is entitled to have any hearing conducted concerning the appeal open to the general public.

3. Each party to an appeal may present a closing argument after the submission of evidence at any hearing concerning the appeal that is conducted pursuant to this section.

4. A school district shall notify the Executive Director of the employee of the school district or the person designated by the school district to hear the appeal. Such a person shall:

(a) After the submission of the evidence and the presentation of any closing arguments, declare the hearing closed; and

(b) Within 10 days after closing the hearing, prepare findings of fact and conclusions of law and submit his or her decision to:

(1) The Executive Director;

(2) The legal counsel representing the Association; and

(3) Each party to the appeal.

5. The decision issued pursuant to subsection 4 is final and binding and may not be appealed.

Sec. 5. A pupil who qualifies for immediate eligibility pursuant to NRS 385B.130 must notify the Association, using a process approved by the Association, of the criterion satisfied to obtain such eligibility.

Sec. 6. NAC 385B.342 is hereby amended to read as follows:

385B.342 1. A person shall not recruit or attempt to recruit a pupil to participate in a sanctioned sport ~~†~~ *in accordance with the provisions of NRS 385B.225.*

2. A pupil who is recruited in violation of a provision of this section is *, in addition to the penalties prescribed in NRS 385B.225,* ineligible to participate in a sanctioned sport *at any other school* for not less than one semester and not more than 180 school days as determined by the Executive Director.

3. A school that violates the provisions of subsection 1 ~~†may be fined and placed on probation for 1 year†~~ :

(a) Will be subject to penalties in accordance with the provisions of ~~†NAC 385B.960.†~~ *NRS 385B.225; and*

(b) May be subject to penalties in accordance with the provisions of paragraphs (a), (b) and (d) of subsection 1 of NAC 385B.960.

4. A coach who violates the provisions of subsection 1 ~~†may be suspended for 2 years†~~ :

(a) Shall be subject to penalties in accordance with the provisions of ~~†NAC 385B.960.†~~ *NRS 385B.225; and*

(b) Shall be subject to penalties in accordance with the provisions of paragraphs (a) and (b) of subsection 1 of NAC 385B.960.

Sec. 7. NAC 385B.702 is hereby amended to read as follows:

385B.702 1. A school shall ensure that each pupil who attends the school registers with the Executive Director before the pupil participates in any sanctioned sport. The registration

must be completed ~~{on a form}~~ *through the process* approved by the ~~{Executive Director}~~ *Association.*

2. ~~{A pupil must register separately for each sanctioned sport in which he or she participates during each school year.~~

~~—3.~~ Each initial roster prepared by a school must be ~~{mailed or transmitted by facsimile machine}~~ *submitted* to the Executive Director ~~{and must be postmarked or dated by a facsimile machine}~~ on or before the date of the first game, contest or meet that is authorized for the sanctioned sport by the Association. *An initial roster submitted to the Executive Director pursuant to this subsection must contain, if applicable, for each pupil included in the roster, the number displayed on the jersey of the pupil and the position to which the pupil is assigned. A school must, using a portal approved by the Association, update the roster whenever a change to the information contained in the roster, including, without limitation, the removal of a pupil from the roster, occurs during the season of the sanctioned sport for which the roster is used.* Any name added to the initial roster must be received by the Executive Director before the pupil whose name is added to the roster is eligible to participate in the sanctioned sport.

~~{4.}~~ 3. A school shall not schedule the first game, contest or meet of a sanctioned sport until 10 days after the first day of the season for the sanctioned sport.

~~{5.}~~ 4. A school that fails to comply with subsection ~~{3 shall pay a fine of \$100}~~ *2 is subject* to the ~~{Association}~~ *penalties set forth in NAC 385B.960.*

Sec. 8. NAC 385B.704 is hereby amended to read as follows:

385B.704 ~~{H}~~ Except as otherwise provided in NRS 385B.170, any school district that has jurisdiction over a school may adopt additional requirements for eligibility that are stricter than the requirements for eligibility set forth in NAC 385B.700 to 385B.798, inclusive. ~~{, if:~~

~~—(a) The school district that proposes to adopt stricter requirements submits a copy of the proposed requirements to the Executive Director at least 30 days before the next regularly scheduled meeting of the Board;~~

~~—(b) The proposed requirements identify the regulations adopted by the Association that the school district proposes to amend; and~~

~~—(c) The Board approves the proposed requirements at its next regularly scheduled meeting.~~

~~—2. The Board shall, within 30 days after reviewing a proposed requirement pursuant to paragraph (c) of subsection 1, send a written notice of its decision to the school district.]~~

Sec. 9. NAC 385B.712 is hereby amended to read as follows:

385B.712 1. Except as otherwise provided in this section ~~{H}~~ *and NRS 385B.130 and 385B.135*, to be eligible to participate in a sanctioned sport, a pupil must attend the school that is located in the zone of attendance of the residence of the pupil and his or her parent or legal guardian. When a pupil initially enrolls in a school, one residence of the pupil must be identified as the residence of the pupil within the zone of attendance of the school regardless of the number of homes in which the pupil may actually reside and that school is the pupil's school of residence for the purposes of determining eligibility to participate in a sanctioned sport.

2. A pupil enrolled in a school based on ~~{an}~~ *a residential* affidavit ~~{of residency}~~ is not eligible to participate in any sanctioned sport at the school for 180 school days beginning on the date on which the pupil first attends the school.

3. A pupil whose parents are divorced or separated is eligible to participate in a sanctioned sport at the school that is located within the zone of attendance of the residence of the parent having primary physical custody of the pupil as determined pursuant to subsection 1.

4. If the primary physical custody of a pupil whose parents are divorced or separated is jointly shared at the separate residences of the parents and if the pupil:

(a) Was enrolled in a member school at the time of the divorce or separation, the pupil remains eligible to participate in a sanctioned sport at that member school.

(b) Was not enrolled in a member school at the time of the divorce or separation, the school in which the pupil initially enrolls in ninth grade in accordance with subsection 1 is the pupil's school of residence for the purposes of eligibility to participate in a sanctioned sport.

5. A pupil who begins ninth grade at a private school , *charter school, magnet school or vocational or technical school* that serves all pupils who are located within the zone of attendance of the residence of a parent or legal guardian of the pupil is eligible to participate in a sanctioned sport at the ~~private~~ *applicable* school.

6. For the purposes of this chapter, the Association will not recognize a temporary guardianship that is granted without the approval of a court pursuant to NRS 159A.205 or 159A.215.

7. A pupil is not eligible to participate in a sanctioned sport at a school that is located within the zone of attendance of the legal guardian of the pupil unless the legal guardian has complied with subsection 3 of NAC 385B.718.

8. As used in this section, "residential affidavit" means an affidavit submitted to a school by the parent or legal guardian of a pupil which indicates that the pupil and his or her parent

or legal guardian reside in the home of another person who is not the pupil's parent or legal guardian and whose home is located within the zone of attendance of the school in which the pupil is located.

Sec. 10. NAC 385B.714 is hereby amended to read as follows:

385B.714 1. The burden of proof rests with a parent or legal guardian of a pupil, or a pupil if he or she is 18 years of age or older and does not live with a parent or legal guardian, to prove to the satisfaction of the school district or the Executive Director, as appropriate, that the pupil has established a residence within the zone of attendance of a school.

2. A pupil who is 18 years of age or older and does not live with a parent or legal guardian must comply with subsection 6 of NAC 385B.718 to establish residency.

3. If a pupil has a new residence, to establish residency pursuant to this section, the pupil or his or her parent or legal guardian must submit to the school district or Executive Director, as appropriate, evidence establishing to the satisfaction of the school district or Executive Director:

(a) The right of the pupil and each parent or legal guardian with whom the pupil resided at the former residence to use the new residence for the purpose of establishing eligibility to participate in a sanctioned sport;

(b) That the new residence is located within the zone of attendance of the school at which eligibility is sought; and

(c) That the pupil and his or her parent or legal guardian no longer reside at the former residence. Evidence submitted pursuant to this paragraph must include, without limitation, information and documentation establishing that:

(1) The former residence has been sold or transferred from the legal ownership or possession of the parent or legal guardian;

(2) The transfer of personal property ordinarily associated with a legitimate change of residence has been completed; and

(3) The former residence is not currently being used by the parent or legal guardian or by any other relative of the pupil or parent or legal guardian under circumstances in which the school district or Executive Director may reasonably infer that the pupil has not changed residences and the request is an attempt to circumvent the requirements for eligibility to participate in a sanctioned sport prohibited pursuant to NAC 385B.776.

4. The evidence required pursuant to *paragraphs (a) and (b) of* subsection 3 may include, without limitation:

(a) A document indicating ~~the sale of the former residence and~~ the issuance of the deed for the new residence to the pupil, parent or legal guardian;

(b) A document indicating the pupil, parent or legal guardian leases the entire new residence and the previous occupants of the new residence have vacated the new residence;

(c) A bill for the payment of utility services, including a bill for ~~telephone,~~ power, *gas, water,* sewer or garbage service at the new residence;

(d) A driver's license or certificate of registration of a vehicle that includes the address of the new residence;

(e) ~~A change of address included on a form for the registration of voters;~~

~~—(f)~~ An order or decree issued by a court of competent jurisdiction declaring that the parent or the legal guardian described in subsection 3 of NAC 385B.718 with whom the pupil resides at the new residence has been awarded primary physical custody of the pupil; and

~~(g)~~ *(f)* Any other evidence indicating that the pupil and the parent or legal guardian reside at the new address ~~H~~, *as requested by the school district or Executive Director.*

5. If a pupil establishes eligibility to participate in a sanctioned sport pursuant to ~~subsection 3~~ *this section* and, within 1 year after establishing that eligibility, reestablishes a residence in his or her former school district or zone of attendance, the pupil is ineligible to participate in ~~interscholastic activities~~ *any sanctioned sport* at the former school for 180 school days .

~~[unless the pupil has complied with the provisions of NAC 385B.720.]~~

Sec. 11. NAC 385B.716 is hereby amended to read as follows:

385B.716 1. ~~Any~~ *Except as otherwise provided in subsection 2, a pupil who enrolls in a school for the first time or transfers to another school is presumed ineligible to participate in any sanctioned sport in which the pupil's name appeared on a roster of the Association during the preceding 180 school days* at the school to which the pupil transfers for 180 school days.

2. ~~[The presumption set forth in subsection 1 applies to a pupil who transfers from:~~

~~—(a) A school to another school within the same school district that has established zones of attendance for pupils who reside within that school district;~~

~~—(b) A school district to another school district; or~~

~~—(c) A public school to a private school, a private school to a public school or a private school to another private school within the zone of attendance.~~

~~3. Except as otherwise provided in subsection 4, a~~ A pupil or a parent or legal guardian of the pupil may ~~rebut~~ :

(a) Apply for a waiver of the presumption set forth in subsection 1 by submitting an application pursuant to section 2 of this regulation, if the pupil has not previously received a waiver granted pursuant to section 2 of this regulation;

(b) Apply for a waiver of the presumption set forth in subsection 1 by submitting a waiver pursuant to NRS 385B.135 which is reviewed using a process that complies with the provisions of NRS 385B.135 and is approved by the Association; or

(c) Rebut the presumption set forth in subsection 1 by filing an appeal pursuant to NAC 385B.900 to 385B.924, inclusive.

~~4. A pupil or a parent or legal guardian of a pupil may not rebut the presumption set forth in subsection 1 if the pupil transferred to another school within 1 year after the pupil:~~

~~(a) Participated in an athletic event as a member of a team that is affiliated with the school to which he or she transferred, including, without limitation, an athletic event sponsored or conducted by the Amateur Athletic Union, the American Legion or a similar organization specified by the Executive Director; or~~

~~(b) Received any athletic instruction from a person who is affiliated with that school.]~~

Sec. 12. NAC 385B.718 is hereby amended to read as follows:

385B.718 1. ~~4A~~ *Except as otherwise provided in NRS 385B.135, a* pupil who transfers from a school to another school within the same school district or to another school district may, after filing an appeal pursuant to NAC 385B.900 to 385B.924, inclusive, rebut the presumption of ineligibility set forth in NAC 385B.716 if the pupil provides proof satisfactory to the

Association that the parents or legal guardian of the pupil or, if the parents are divorced or separated, the parent who has ~~legal~~ *physical* custody of the pupil resides within the zone of attendance of the school or the boundaries of the school district to which the pupil transfers in accordance with the provisions of this section.

2. If the parents of a pupil specified in subsection 1 are not living together, the parent with whom the pupil resides must provide, in addition to the proof required by subsection 1, a certified copy of the order or decree issued by a court of competent jurisdiction establishing that the parent has been awarded physical custody of the pupil.

3. If a pupil specified in subsection 1 resides with a legal guardian, the legal guardian must provide, in addition to the proof required by subsection 1, a certified copy of the order or decree of a court of competent jurisdiction appointing that person as the legal guardian of the pupil and setting forth a specific finding by the court that the legal guardianship has not been established pursuant to NRS 159A.205 or 159A.215 and that:

- (a) The parents of the pupil are unfit or incapable of maintaining or caring for the pupil; or
- (b) The pupil is a delinquent who will benefit from the guardianship.

4. The exception set forth in subsection 3 applies only to a pupil for whom a legal guardian is appointed by a court of competent jurisdiction for the best interests of the pupil. If the Association determines that a legal guardianship has been established to circumvent the provisions of this chapter, the Association will refuse to recognize the legal guardianship and determine the eligibility of the pupil as if no legal guardianship existed.

5. If a guardianship is established for any reason other than the reasons set forth in paragraph (a) or (b) of subsection 3, the legal guardian must provide, in addition to the proof required by subsection 1, proof satisfactory to the Association that a hardship exists.

6. If a pupil does not reside with a parent or legal guardian, the pupil must establish by a preponderance of the evidence that he or she is living apart from the parent or legal guardian without financial support from any person or entity.

7. If a pupil or a parent or legal guardian of a pupil establishes by a preponderance of the evidence the matters set forth in subsection 1 at a hearing conducted pursuant to NAC 385B.900 to 385B.924, inclusive, the pupil is eligible to participate in a sanctioned sport.

8. A pupil who is eligible to participate in a sanctioned sport pursuant to this section and who, within 1 year after becoming eligible, returns to the pupil's former residence or a residence in the school district from which he or she transferred is ineligible to participate in ~~the~~ any sanctioned sport for 180 school days after the date on which the pupil returns to that residence.

~~9.—A school district consisting of more than one school is not required to comply with the requirements of this section if the school district imposes requirements that are stricter than the requirements set forth in this section.~~

~~—10.—Except as otherwise provided in NRS 385B.170, if a high school is opened in a school district specified in subsection 9, the school district may submit a request to the Association to deviate from the regulations adopted by the Association relating to the transfer of pupils. Each request submitted pursuant to this subsection must include the regulations from which the school district wishes to deviate and the reason for each requested deviation. Upon approval of the~~

~~request, the school district may, during the year in which the high school is opened, deviate from the regulations in the manner specified by the Association in its approval of the request.]~~

Sec. 13. NAC 385B.722 is hereby amended to read as follows:

385B.722 1. A pupil who , *after enrolling in grade 9*, does not reside within the zone of attendance of a magnet school or a vocational or technical school that is located within a school, and who obtains a waiver to attend the program of the magnet school or vocational or technical school, ~~is eligible to participate in any sanctioned sport at the school.]~~ *may apply for a waiver of the requirements of subsection 1 of NAC 385B.712.*

2. ~~[To establish eligibility pursuant to subsection 1, the pupil must:~~

~~—(a) Comply with the requirements of the magnet school or vocational or technical school for filing an application;~~

~~—(b) Comply with the requirements to participate in the program of the magnet school or vocational or technical school;~~

~~—(c) Enroll in the courses required for pupils participating in the program of the magnet school or vocational or technical school; and~~

~~—(d) Maintain eligibility to complete the program of the magnet school or vocational or technical school.]~~ *An application submitted pursuant to subsection 1 must be submitted using a*

process that complies with the provisions of NRS 385B.135 and is approved by the Association. A pupil may apply for a waiver pursuant to this section not more than once.

3. ~~[During the period in which the pupil is enrolled in the magnet school or vocational or technical school, the pupil may participate only in a sanctioned sport that is offered by the school in which the magnet school or vocational or technical school is located.~~

~~—4.— A pupil who is approved to enroll in a magnet school or a vocational or technical school and fails to comply with the requirements of subsection 2, or who does not complete the program of the magnet school or vocational or technical school, becomes immediately ineligible to participate in a sanctioned sport at the school in which the magnet school or vocational or technical school is located for 180 school days.~~

~~—5.— A pupil who is accepted into the program of a magnet school or a vocational or technical school and who, after acceptance into the program, chooses to return to his or her school of residence, becomes ineligible for the remainder of the school year in which the transfer occurs and for an additional 180 school days in any sanctioned sport in which the pupil's name appeared on a roster of the Association during the period he or she attended the magnet school or vocational or technical school.]~~ *An application submitted pursuant to subsection 1 will be approved if the pupil:*

(a) Meets the requirements set forth in NRS 385B.135; or

(b) Is granted a waiver pursuant to section 2 of this regulation.

Sec. 14. NAC 385B.734 is hereby amended to read as follows:

385B.734 1. To be eligible to participate in a sanctioned sport, a parent or legal guardian of a homeschooled child must submit to the school district in which the homeschooled child resides a written notice of intent to provide instruction for the homeschooled child at home. A parent or legal guardian of a homeschooled child who submits such a notice shall be deemed to be the teacher of the homeschooled child for all matters relating to participation by the homeschooled child in a sanctioned sport.

2. To be eligible to participate in a sanctioned sport, a parent or legal guardian of a homeschooled child must submit evidence satisfactory to the Executive Director that the homeschooled child has complied with the requirements for academic eligibility set forth in NAC 385B.750 to 385B.770, inclusive. The evidence must be submitted to the person designated by the school pursuant to paragraph (c) of subsection ~~4.~~ 3.

3. ~~A homeschooled child who withdraws from a school where he or she is enrolled:~~
~~—(a) Remains eligible to participate in a sanctioned sport at that school if eligible to participate in that sanctioned sport at the time of withdrawal from the school; or~~
~~—(b) If not eligible to participate in a sanctioned sport at the time of withdrawal from the school, must establish eligibility to participate in that sanctioned sport by complying with the requirements for academic eligibility specified in subsection 2.~~

~~4.~~ If a homeschooled child resides within the zone of attendance of a school and notifies the school that he or she wishes to participate in a sanctioned sport at that school, the school shall provide to the parent or legal guardian of the homeschooled child:

(a) A statement setting forth the requirements for academic eligibility to participate in a sanctioned sport specified in subsection 2;

(b) All schedules and requirements of the school relating to eligibility for participation in a sanctioned sport at the school; and

(c) The name and telephone number of a person in the athletic department of the school with whom the homeschooled child or a parent or legal guardian of the homeschooled child may communicate relating to the academic eligibility of the homeschooled child to participate in the sanctioned sport.

~~15.1~~ 4. A homeschooled child may participate in a sanctioned sport at a private school upon approval by the private school. The private school may charge and collect a fee for authorizing the participation of the pupil in the sanctioned sport. The fee must be uniform with respect to homeschooled children. The private school shall report any such fee to the Association. A homeschooled child who participates in a sanctioned sport pursuant to this section is subject to the provisions *of NRS 385B.130, 385B.135 and the provisions* of this chapter governing transfers.

Sec. 15. NAC 385B.736 is hereby amended to read as follows:

385B.736 1. The provisions of ~~this section~~ *subsections 2, 3 and 4* apply to a family that has more than one child who:

(a) Is enrolled in a *public* high school in this State; and

(b) In accordance with the regulations of a school district relating to zoning, is assigned by the school district to a *public* school.

2. The oldest child of a family specified in subsection 1 is eligible to participate in a sanctioned sport only at the school to which that child is assigned by the school district.

3. Each younger child who is enrolled in a high school in this State at the time the regulations specified in paragraph (b) of subsection 1 are adopted by the school district and who qualifies for a variance in his or her zone of attendance pursuant to those regulations is eligible to participate in a sanctioned sport at the school within his or her zone of attendance or the school attended by the oldest child. ~~If the younger child transfers to another school after making the initial choice of a school, he or she is ineligible to participate in a sanctioned sport for 180 school days.~~

4. The provisions of subsection 3 apply to any member of a family who is approved for a variance specified in that subsection during any period in which another child of the family attends the school that is located within the zone of attendance of the family. If a member of the family chooses to attend his or her school of residence or if a member of the family does not attend the school of residence, the family must comply with the requirements for eligibility that are applicable to any other pupil enrolled in the school.

5. A pupil who resides with a parent or legal guardian, or who is emancipated, and resides in an area that is affected by a change in the zone of attendance of a school, may transfer from a school to another school, regardless of whether the change in the zone of attendance was initiated to establish the zone of attendance for a new school or to carry out the rezone of an existing school.

6. A pupil may transfer from a school to another school pursuant to subsection 5:

(a) Not more than once; and

(b) Only if the transfer is completed on or before the beginning of the school year in which the change in the zone of attendance occurred.

Sec. 16. NAC 385B.740 is hereby amended to read as follows:

385B.740 1. Except as otherwise provided in subsection 2 ~~†~~ *and NRS 385B.135*, a pupil shall not practice or participate in any sanctioned sport for more than one school during the season for the sanctioned sport, including, without limitation, any school that is located outside the State of Nevada regardless of whether that school is an affiliate school.

2. ~~†~~ *Except as otherwise provided in subsection 3, the* **The** Executive Director may waive the provisions of subsection 1 if ~~†~~ **a** :

(a) *The* pupil moves with his or her parent or legal guardian from the zone of attendance of a school to the zone of attendance of another school during a season ; ~~†~~

~~—3. The Executive Director shall not issue a waiver pursuant to subsection 2 if:~~

~~—(a) The move is completed after more than one half of the season is completed;†~~ or

(b) The pupil ~~{to whom the}~~ *has not been granted a* waiver ~~{applies:~~

~~—(1) Is dismissed from or is otherwise no longer a member of the team for the sanctioned sport; or~~

~~—(2) Is ineligible for any reason to participate in a sanctioned sport at the school from which he or she transferred.†~~ *pursuant to section 2 of this regulation.*

Sec. 17. NAC 385B.742 is hereby amended to read as follows:

385B.742 A pupil who is ineligible to participate in a sanctioned sport because of a transfer may reestablish eligibility to participate in a sanctioned sport if he or she complies with the provisions of NAC 385B.700 to 385B.798, inclusive, and:

1. Completes 180 school days of ineligibility at the school to which the pupil transferred;
~~{or}~~

2. *Is granted a waiver pursuant to NRS 385B.135; or*

3. Is determined to be eligible by the Executive Director, an administrator or a panel pursuant to NAC 385B.900 to 385B.924, inclusive.

Sec. 18. NAC 385B.744 is hereby amended to read as follows:

385B.744 1. A pupil who attends a school ~~{and wishes to transfer to another school}~~ *that is not located in the zone of attendance of the residence of the pupil or a parent or legal guardian of the pupil* may apply to the Association for a waiver ~~{from}~~ *of* the requirements ~~{for}~~

~~eligibility at least 90 days before the date established by the Association for the season for which the pupil wishes to participate. The pupil must submit the~~ *of subsection 1 of NAC 385B.712.*

2. *An application ~~on~~ submitted pursuant to subsection 1 must be submitted using a ~~form~~ process approved by the Association. A pupil may not apply more than once for a waiver pursuant to this section.*

3. The Association ~~may~~ *will* approve ~~the~~ *an* application *submitted pursuant to subsection 1* if the pupil complies with the regulations of his or her school district relating to the issuance of a variance in the zone of attendance of the pupil. ~~It~~

4. *Except as otherwise provided in subsection 5, if* the Association approves ~~the~~ *an* application ~~it~~ *submitted pursuant to subsection 1*, the pupil is eligible to participate in a sanctioned sport at any level other than varsity. ~~A pupil may not apply more than once for a waiver pursuant to this section.~~

~~2.~~ *5. The Association will approve an application submitted pursuant to subsection 1 and deem the pupil eligible to participate in a sanctioned sport at any level if the pupil is granted a waiver pursuant to NRS 385B.135 or section 2 of this regulation.*

6. A pupil whose application for a waiver pursuant to subsection 1 is denied may appeal that decision in accordance with the provisions of NAC 385B.900 to 385B.924, inclusive.

~~3. If a pupil is granted a waiver pursuant to subsection 1 and, after the waiver is granted, transfers to another school, including a school within his or her zone of attendance, the pupil is ineligible to participate in a sanctioned sport for 180 school days. A pupil whose request for a subsequent transfer is denied may not appeal that decision.~~

~~—4.— A waiver that is granted pursuant to subsection 1 becomes effective at the beginning of the next semester.~~

~~—5.— If any pupil or a parent or legal guardian of a pupil submits an application for a waiver pursuant to subsection 1 that includes any false information, the pupil becomes ineligible to participate in a sanctioned sport for 2 school years after the Association determines that the application includes false information.~~

Sec. 19. NAC 385B.910 is hereby amended to read as follows:

385B.910 1. A pupil who is adversely affected by a determination made pursuant to NAC 385B.908 may appeal that determination pursuant to this section.

2. An appeal filed pursuant to this section must be:

(a) Heard by a hearing officer who is appointed by the Executive Director and approved by the Board;

(b) Heard in Reno or Las Vegas unless the Executive Director specifies another location for the appeal; ~~and~~

(c) Except as otherwise provided in subsection 3, accompanied by a nonrefundable fee of \$500 ~~+~~; *and*

(d) Based on information presented during an appeal conducted pursuant to NAC 385B.908.

3. The Executive Director may waive the fee for filing an appeal specified in subsection 2 if he or she determines that:

(a) The pupil who filed the appeal qualifies for the school lunch program pursuant to 42 U.S.C. §§ 1751, et seq.; or

(b) The payment of the fee will impose a substantial financial hardship on the pupil.

4. Except as otherwise provided in this section, each hearing held pursuant to this section must be:

(a) Conducted in accordance with the provisions of chapter 233B of NRS relating to contested cases;

(b) Except as otherwise provided in subsection 5, closed to the general public; and

(c) Recorded on audiotape.

5. A pupil who is at least 18 years of age and who files an appeal pursuant to this section is entitled to have any hearing conducted concerning the appeal open to the general public.

6. Each party to an appeal may present a closing argument after the submission of evidence at any hearing concerning the appeal that is conducted pursuant to this section.

7. The Association must be represented by legal counsel at any hearing held pursuant to this section.

8. *School and school district personnel may act as a witness at any hearing but may not act as counsel for the pupil.*

9. A hearing officer who is appointed to conduct an appeal pursuant to this section shall:

(a) After the submission of the evidence and the presentation of any closing arguments, declare the hearing closed; and

(b) Within 10 days after closing the hearing, prepare findings of fact and conclusions of law and submit his or her decision to:

(1) The Executive Director;

(2) The legal counsel representing the Association; and

(3) Each party to the appeal.

~~9.~~ **10.** The decision of a hearing officer issued pursuant to this section ~~is final and binding~~
~~and~~ may ~~not~~ be appealed ~~+~~
~~—10.~~ *pursuant to NRS 385B.100.*

11. The office of the Executive Director shall:

(a) Provide administrative and clerical support for each hearing officer who is appointed pursuant to this section; and

(b) If money is available for that purpose, reimburse the hearing officer for any per diem or travel expenses incurred or fees charged by him or her for conducting the appeal.

Sec. 20. NAC 385B.720 and 385B.728 are hereby repealed.

TEXT OF REPEALED SECTIONS

385B.720 Pupil who transfers to another school within same zone of attendance or after change in zone of attendance. (NRS 385B.060)

1. Except as otherwise provided in subsection 2, an eligible pupil who attends a school for at least 180 school days and transfers from a school to another school within the zone of attendance is ineligible to participate in any sanctioned sport in which the pupil's name appeared on a roster

of the Association for 180 school days after the date of the transfer. If the pupil transfers within the first 180 school days, he or she is ineligible:

- (a) For the remainder of the school year in which he or she transfers; and
- (b) For 180 school days after the date of the transfer.

2. A pupil who resides with a parent or legal guardian, or who is emancipated, and resides in an area that is affected by a change in the zone of attendance of a school, may transfer from a school to another school, regardless of whether the change in the zone of attendance was initiated to establish the zone of attendance for a new school or to carry out the rezoning of an existing school.

3. A pupil specified in subsection 2 may transfer from a school to another school pursuant to that subsection:

- (a) Not more than once; and
- (b) Only if the transfer is completed on or before the beginning of the school year in which the change in the zone of attendance occurred.

385B.728 Pupil assigned to option-zoned school; effect of rezoning of boundaries of certain school districts during school year. (NRS 385B.060)

1. A pupil who is assigned to an option-zoned school by a school district may establish eligibility to participate in a sanctioned sport in accordance with this section.

2. A pupil specified in subsection 1 who attends his or her school of residence remains eligible at that school. The pupil may choose to attend an option-zoned school at any time, and is immediately eligible to participate in a sanctioned sport at that option-zoned school. If the pupil

transfers between schools that are located within an option zone, the pupil is ineligible to participate in a sanctioned sport for 180 school days after the initial transfer.

3. A pupil specified in subsection 1 who initially chooses to attend an option-zoned school is immediately eligible to participate in any sanctioned sport that is offered by the option-zoned school. A pupil who initially chooses to attend an option-zoned school and who, after attending the option-zoned school, transfers to his or her school of residence, becomes ineligible for the remainder of the school year in which the transfer occurs and for an additional 180 school days in any sport in which the pupil's name appeared on a roster of the Association during the period he or she attended the option-zoned school.

4. If a school district has more than one school located within the school district and the school district rezones its boundaries during a school year, the school district is not required, during that school year, to comply with the provisions of NAC 385B.718. The provisions of subsection 2 of NAC 385B.720 apply to any pupil of a school who is affected by the rezoning. A pupil who is adversely affected by the rezoning may not appeal the decision of the school district to the Association.

5. As used in this section, "option-zoned school" means a school for which a school district authorizes a pupil who does not reside within the zone of attendance of the school to attend the school. The term includes a magnet school.