

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

LCB File No. R029-16

Effective June 28, 2016

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

AUTHORITY: §§1-9, NRS 385B.060.

A REGULATION relating to interscholastic activities; expanding the nonvoting membership of the Board of Control of the Nevada Interscholastic Activities Association to include a representative from a charter school that is a member school; revising the circumstances under which a high school in this State may apply to the Executive Director of the Association for membership in the Association; revising provisions governing the classification and alignment of a school; revising the circumstances under which a pupil who participates in a sanctioned sport as a member of a team or engages in an activity as a member of a spirit squad for a school may participate as a member of any other team or event for the sanctioned sport or spirit squad; authorizing the Executive Director to grant an exemption from the maximum number of games, contests or meets during seasons for certain sanctioned sports; revising provisions governing the prohibited use of undue influence by a person associated with a school; 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 385B.050, 385B.060) Existing law further requires those regulations to provide for the membership in the Association of charter schools, private schools and parochial schools which may elect to join the Association. (NRS 385B.110) Pursuant to those laws, the Association has adopted regulations which extensively regulate sanctioned sports and other interscholastic activities in this State. (NAC 386.600-386.886)

Existing regulations provide for the voting membership and nonvoting membership of the Board of Control of the Association. (NAC 386.628) **Section 3** of this regulation expands the nonvoting membership of the Board to include a representative from a charter school that is a member school of the Association. Existing regulations authorize any private high school in this State to apply to the Executive Director of the Association for membership in the Association.

(NAC 386.653) **Section 4** of this regulation authorizes any high school in this State with an enrollment of less than 500 pupils to apply for such membership.

Existing regulations require: (1) the Board to appoint a committee to place each school in a class and align the school in a league or region; and (2) the Board and the committee to place each school in Class 1A, Class 2A, Class 3A or Class 4A based upon certain considerations of the Board and committee. (NAC 386.667) **Section 5** of this regulation requires the Board and committee to place each school in a class based upon certain competitive factors set forth in a rubric approved by the Board and certain additional considerations.

Existing regulations authorize a pupil who participates in a sanctioned sport or engages in an activity as a member of a spirit squad for a school to participate as a member of any other team or event for the sanctioned sport or spirit squad if: (1) the coach for the sanctioned sport or spirit squad approves the pupil's participation on the team or in the event; (2) the pupil counts each game, contest or meet in which the other team participates or each event in which the spirit squad competes as one of the allowable games, contests or meets or competitions for the sanctioned sport or spirit squad; and (3) the other team is not a team for a school. (NAC 386.698) **Section 6** of this regulation revises those requirements by authorizing the pupil to participate as a member of the other team for the sanctioned sport or spirit squad if: (1) the coach for the sanctioned sport or spirit squad and the principal or other person in charge of the school or his or her designee approves the pupil's participation on the team or in the event; and (2) the other team or spirit squad is not a team or spirit squad for a school, does not have the same coach or members and is not otherwise the same team or spirit squad as the team or spirit squad of which the pupil is a member.

Existing regulations set forth the maximum number of games, contests or meets for sanctioned sports in which a school or pupil enrolled in a school may participate during the seasons for those sanctioned sports. (NAC 386.699) **Section 7** of this regulation authorizes the Executive Director to exempt from that requirement not more than one contact, game, match or meet for a sanctioned sport that is conducted against a school that is placed on independent status.

Existing regulations ensure that a pupil who attends a charter school that is approved by a school district remains eligible at his or her school of residence to participate in any sanctioned sport that is not offered by the charter school. (NAC 386.789) **Section 8** of this regulation deletes the requirement that a charter school must be approved by a school district. **Sections 1 and 2** of this regulation make conforming changes relating to that deletion.

Existing regulations prohibit a person who is associated with a school from using or attempting to use undue influence on a prospective pupil to solicit or encourage the pupil to enroll in the school. The term "undue influence" is defined to prohibit numerous specified activities. (NAC 386.823) **Section 9** of this regulation expands that definition to prohibit a person who is associated with a school from allowing a pupil who is enrolled in a junior high or middle school to participate in a high school program which includes certain activities before the pupil completes the eighth grade at the junior high or middle school.

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

“Charter school” has the meaning ascribed to it in section 59 of Assembly Bill No. 448, chapter 539, Statutes of Nevada 2015, at page 3816 (NRS 0.0307).

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*

(e) A representative from a charter school that is a member school.

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 *with an enrollment of less than 500 pupils* 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 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}~~ *The* Board and the committee appointed pursuant to subsection 1 shall, based upon *any points or other competitive factors set forth in a rubric approved by the Board and any consideration set forth in subsection 4 or based upon* the report 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 of enrollment for the school for a school year, 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 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 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 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 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 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 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 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 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 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~~ *considerations* 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 386.698 is hereby amended to read as follows:

386.698 1. If, during the school year, a pupil participates in a sanctioned sport as a member of a team or engages in an activity as a member of a spirit squad for a school, the pupil may participate as a member of any other team or event for the sanctioned sport or spirit squad if:

(a) The coach for the sanctioned sport or spirit squad *and the principal or other person in charge of the school or his or her designee* approves the pupil's participation on the team or in the event; *and*

(b) The ~~the pupil counts each game, contest or meet in which the other team participates or each event in which the spirit squad competes as one of the allowable games, contests or meets or competitions specified in the athletic bylaws for the sanctioned sport or spirit squad; and~~
~~—(c) The~~ other team *or spirit squad* is not a team *or spirit squad* for a school ~~H~~, *does not have the same coach or members and is otherwise not the same team or spirit squad as the team or spirit squad of which the pupil is a member.*

2. In addition to the requirements of subsection 1, if the team or spirit squad of which the pupil is a member is a team or spirit squad of a high school, and if the pupil participates in an interscholastic activity other than as a member of the team or spirit squad, the pupil's participation in the interscholastic activity must be approved by the head coach of the high school. The pupil is not required to substitute games, contests or meets to participate as a member of the team or spirit squad.

3. Each league, region or class established pursuant to NAC 386.667 may establish the requirements for eligibility for a pupil who is in the league, region or class to participate in any competition for a sanctioned sport or spirit squad that is conducted after the expiration of the regular season for the sanctioned sport or spirit squad.

Sec. 7. NAC 386.699 is hereby amended to read as follows:

386.699 ~~H~~

1. Except as otherwise provided in subsection 2, 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:

~~11-1~~ (a) For the fall season:

~~1(a)~~ (1) Fourteen cross-country meets;

~~1(b)~~ (2) Except as otherwise provided in subsection 5 of NAC 386.720, nine football games;

~~1(c)~~ (3) Sixteen matches for girls' golf;

~~1(d)~~ (4) Except as otherwise provided in subsection 5 of NAC 386.731, eighteen soccer games and two tournaments for soccer;

~~1(e)~~ (5) Eighteen tennis matches; or

~~1(f)~~ (6) Eighteen matches for girls' volleyball.

~~12-1~~ (b) For the winter season:

~~1(a)~~ (1) Eighteen basketball games and two tournaments for basketball;

~~1(b)~~ (2) Eighteen bowling competitions and two tournaments for bowling;

~~1(c)~~ (3) Fourteen ski races;

~~1(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

~~1(e)~~ (4) Fifteen wrestling contacts or meets.

~~13-1~~ (c) For the spring season:

~~1(a)~~ (1) Twenty-one baseball games and two tournaments for baseball;

~~1(b)~~ (2) Sixteen matches for boys' golf;

~~1(c)~~ (3) Twenty-one softball games and two tournaments for softball;

~~1(d)~~ (4) Twelve swim meets;

~~[(e)]~~ (5) Fourteen track and field meets; or

~~[(f)]~~ (6) Eighteen matches for boys' volleyball.

2. For each sanctioned sport specified in subsection 1, the Executive Director may exempt from the provisions of this section not more than one contact, game, match or meet for the sanctioned sport that is conducted against a school that is placed on independent status pursuant to NAC 386.653.

Sec. 8. NAC 386.789 is hereby amended to read as follows:

386.789 1. A pupil who attends a charter school ~~that is approved by a school district~~ remains eligible at his or her school of residence for the purpose of participating in any sanctioned sport that is not offered by the charter school.

2. A pupil who participates in a sanctioned sport at his or her school of residence pursuant to subsection 1 must comply with the requirements for eligibility of the school he or she attends.

3. Any requirements of a charter school relating to eligibility for participation in a sanctioned sport must be approved by the Association or the school district in which the charter school is located.

~~4. As used in this section, "charter school" has the meaning ascribed to it in NRS 385.007.~~

Sec. 9. NAC 386.823 is hereby amended to read as follows:

386.823 1. A person who is associated with a school shall not:

(a) Use or attempt to use undue influence on a prospective pupil to solicit or encourage the pupil to enroll in the school; or

(b) Request any other person to solicit or encourage a prospective pupil to enroll in the school.

2. A school, or any person acting on behalf of a school, shall not give any speech or other presentation or distribute any written material, including an advertisement in a newspaper, magazine or other publication, which states or implies that the athletic program of the school is superior to the athletic program of any other school, or that it is more advantageous for a prospective pupil to participate in athletics at that school.

3. The provisions of this section do not prohibit a school from conducting a program to attract pupils to enroll in the school based upon the educational and extracurricular programs of the school.

4. If a pupil enrolled in a junior high, middle school or high school, or a parent or legal guardian of that pupil, notifies a coach of another school concerning the possibility of attending the coach's school, the coach shall immediately refer the pupil, parent or legal guardian to the principal of the school or any other person at that school who is responsible for enrolling prospective pupils.

5. As used in this section, "undue influence" includes, without limitation:

(a) Initiating or arranging communication, including calls by telephone, questionnaires, cards or letters, with a prospective pupil or member of his or her family with the intent to solicit or encourage the pupil to enroll in a school;

(b) Visiting or entertaining a prospective pupil or a member of his or her family with the intent to solicit or encourage the pupil to enroll in a school;

(c) Providing transportation for a prospective pupil or a member of his or her family to visit a school or to meet with a person who is associated with a school with the intent to solicit or encourage the pupil to enroll in the school;

(d) Attending a game, contest or meet of a grade school, junior high or middle school to evaluate and recruit a prospective pupil who is not assigned by a school district to a zone of attendance;

(e) Requesting a pupil or an alumnus of a school or a member of a club or other organization that supports a team at the school to notify a prospective pupil or a member of his or her family in person or by telephone, letter or any other form of communication to discuss the merits of the athletic program of the school; ~~and~~

(f) *Allowing a pupil who is enrolled in a junior high or middle school to participate in a high school program of conditioning, lifting weights, open gymnasiums, intramurals or team practices before the pupil completes the eighth grade at the junior high or middle school; and*

(g) Any other communication with a prospective pupil of a school or a member of his or her family with the intent to solicit or encourage the pupil to enroll in the school.