

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

LCB File No. R090-26

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

AUTHORITY: §§ 1-3, NRS 385B.060.

A REGULATION relating to interscholastic activities; revising provisions governing residency requirements for eligibility to participate in a sanctioned sport; 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 activities and events. (NRS 385B.060) Existing regulations prescribe the general requirements for a pupil to be eligible to participate in a sanctioned sport, including certain residency requirements. (NAC 385B.712) **Section 2** of this regulation revises these requirements to require a pupil who is enrolled at a private school to reside within this State to be eligible to participate in a sanctioned sport. **Sections 1 and 3** of this regulation make conforming changes to reflect that a pupil who is enrolled at a private school must reside within this State to be eligible to participate in a sanctioned sport.

Section 1. NAC 385B.706 is hereby amended to read as follows:

385B.706 A pupil is eligible to participate or practice in a sanctioned sport if the pupil:

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;
2. ~~[Resides within the zone of attendance of the school in accordance]~~ *Complies* with *the residency requirements prescribed by* NAC 385B.712;
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;
4. Has not received a high school diploma or general equivalency diploma;

5. Is not enrolled full-time at a college, junior college or other postsecondary educational institution;

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

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

Sec. 2. NAC 385B.712 is hereby amended to read as follows:

385B.712 1. Except as otherwise provided in this section 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 a residential affidavit 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~~ :

(a) *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 applicable school.

(b) *Private school is eligible to participate in a sanctioned sport at the private school if the residence of a parent or legal guardian of the pupil is located within this State.*

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. 3. 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 ~~[-]~~ *or within this State, as applicable.*

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 ~~[-]~~ *or within this State, as applicable;* 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 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 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) 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

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

5. If a pupil establishes eligibility to participate in a sanctioned sport pursuant to 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 any sanctioned sport at the former school for 180 school days.

