

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

**LCB File No. R105-06**

June 9, 2006

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

AUTHORITY: §§1-10, NRS 386.430.

A REGULATION relating to interscholastic activities; authorizing each school that is placed in a class and aligned in a league or region by the Board of Control of the Nevada Interscholastic Activities Association to appeal the placement or alignment to the Board under certain circumstances; revising the circumstances under which the Board must appoint a committee to place each school in a class and align that school in a league or region; requiring the Board to place a school in a higher or lower classification under certain circumstances; revising the circumstances under which a pupil who is a member of a team or spirit squad of a school may engage in certain other interscholastic activities; revising the proof that a legal guardian of a pupil who transfers from a school to another school must provide to the Association; prohibiting a foreign exchange student from participating in a sanctioned sport at the varsity level under certain circumstances; prohibiting a pupil, team or coach of a school from engaging in certain activities on a Sunday; authorizing the Association to postpone or cancel an event that is sponsored by the Association under certain circumstances; and providing other matters properly relating thereto.

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

*On or before September 1 of each year, each school that is placed in a class and aligned in a league or region pursuant to NAC 386.667 may, for any reason specified by the Board, appeal the placement or alignment to the Board pursuant to NAC 386.850 to 386.858, inclusive.*

**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, have the meanings ascribed to them in those sections.

**Sec. 3.** NAC 386.667 is hereby amended to read as follows:

386.667 1. The Board shall, not later than ~~[January 1, 2005,]~~ *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 ~~[each member]~~ *the members* of the Board *who are selected by the Board for that purpose* and one ~~[representative]~~ *or more representatives* from each ~~[school]~~ *classification of schools who are* selected by the ~~[school.]~~ *Board for that purpose*. As soon as practicable after the ~~[appointment of each member]~~ *creation* of the committee, the committee shall ~~[survey each school, study]~~ *consider* the factors required *for the classification of each school* pursuant to subsection ~~[4]~~ *3* and submit to the Board a written recommendation for the classification and alignment of each ~~[school.]~~ *of those schools. 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. *Each classification and alignment of a school approved pursuant to this section becomes effective on August 1, 2008. Except as otherwise provided in this section, each*

*subsequent classification and alignment of the school that is approved pursuant to this section becomes effective:*

- (a) Except as otherwise provided in paragraphs (b) and (c), 4 years after that date;*
- (b) If the classification and alignment are approved after the date the classification and alignment become effective pursuant to paragraph (a), 4 years after the date the classification and alignment become effective pursuant to that paragraph; or*
- (c) If the classification and alignment are approved after the date the classification and alignment become effective pursuant paragraph (b), on the date specified by the Board.*

3. The Board and the committee appointed pursuant to subsection 1 shall, based upon the report of enrollment submitted ~~[by the board of trustees of each school district in this State pursuant to paragraph (b) of subsection 1 of NRS 387.303]~~ 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 ~~[in a league]~~ pursuant to this section, the Board and the committee ~~[shall consider:]~~ *may consider, without regard to priority:*

- (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; ~~[and]~~

(d) Any financial ~~for~~ *factors relating to any interscholastic activities conducted at or by the school; and*

(e) *Any* competitive factors relating to the school.

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 ~~and~~ *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 *for the next school year* pursuant to paragraph (b) . ~~and~~

~~—(b) Not later than September 1,~~

(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 ~~and~~ *based on the report of enrollment*, the Board shall place the school into the next highest classification ~~and~~ *for that school year and the school year occurring immediately after 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 ~~[and]~~ *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 ~~[and]~~ *pursuant to subsection 6*.

8. *If, during the second school year in which a school is placed in 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 school will remain in the higher classification into which it was placed 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 return the school to 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 *for the next school year* pursuant to paragraph (b) . ~~[and]~~

~~—(b) Not later than September 1,]~~

*(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 ~~[and]~~ *based on the*

*report of enrollment*, the Board shall place the school in the next lowest classification ~~[ ]~~ *for that school year and the school year occurring immediately after 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 ~~[ ]~~

~~9.]~~ *pursuant to subsection 6.*

*10. If, during the second school year that a school is placed in 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 school will remain in the lower classification into which it was placed pursuant to paragraph (b) of subsection 9.*

*(b) Continues to be not 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 return the school to that classification.*

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

*(a) Shall ~~[establish]~~ align at least ~~[one league]~~ two leagues within the classification consisting of at least two schools in ~~[the league:]~~ each of those leagues; and*

*(b) May ~~[establish a league in a region]~~ align not less than two regions within the classification consisting of at least two ~~[schools in the league-~~*

~~10.]~~ *leagues in each of those regions.*

12. If a school ~~[determines]~~ *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 ~~[place]~~ *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 *the 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 ~~[the other league or region]~~ *another classification* will improve the competitive balance among the schools to which the written request applies. Any written request that the Board approves pursuant to this subsection ~~[is:]~~

~~—(a) Subject] :~~

*(a) Is subject* to any term or condition specified by the Board for the written request ~~[; and~~

~~—(b) A]~~ *, 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. 4.** NAC 386.698 is hereby amended to read as follows:

386.698 1. ~~{A pupil who,}~~ *If*, during the school year, *a pupil* participates in a sanctioned sport as a member of a team *or engages in 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* approves the pupil's participation on the team or in the event;

(b) 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 is not a team for a school.

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 contests 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.

**Sec. 5.** NAC 386.783 is hereby amended to read as follows:



386.783 1. The burden of proof rests with a parent or legal guardian of a pupil, or a pupil if he 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 ~~74~~ 6 of NAC 386.785 to establish residency.

3. To establish residency pursuant to this section, a pupil or a parent or legal guardian of a pupil must submit to the school district or Executive Director, as appropriate, evidence establishing to the satisfaction of the school district or Executive Director the right of the pupil, parent or legal guardian to use the new residence, and other evidence establishing abandonment of the former residence by the pupil, parent or legal guardian. The evidence 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 new residence;

(c) A bill for the payment of utility services, including a bill for telephone, power, 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; and

(f) Any other evidence indicating that the pupil or the parent or legal guardian resides at the new address.

4. If a pupil establishes his eligibility to participate in a sanctioned sport pursuant to subsection 3 and, within 1 year after establishing that eligibility, reestablishes a residence in his former school district or zone of attendance, the pupil is ineligible to participate in interscholastic activities at the former school for 180 school days unless the pupil has complied with the provisions of NAC 386.786.

**Sec. 6.** NAC 386.785 is hereby amended to read as follows:

386.785 1. A pupil who transfers from a school to another school within the same school district or to another school district may rebut the presumption of ineligibility set forth in NAC 386.784 if he 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 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 159.205 or 159.215 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 NAC 386.600 to 386.886, inclusive, *and section 1 of this regulation*, 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 ~~the guardianship was not~~

~~established for the purpose of recruiting the pupil to make a transfer specified in subsection 1.~~

~~—6.— If a pupil is less than 18 years of age and does not reside with a parent or legal guardian, the pupil must, in addition to the proof required by subsection 1, provide a certified copy of the decree of emancipation of the pupil entered by a court of competent jurisdiction.~~

~~—7.] a hardship exists.~~

6. If a pupil ~~is 18 years of age or older and~~ does not reside with a parent or legal guardian, the pupil must ~~[, in addition to the proof required by subsection 1,]~~ establish by a preponderance of the evidence that he is ~~[emancipated and is voluntarily]~~ living apart ~~[and]~~ *from the parent or legal guardian* without financial support from ~~the parent or legal guardian.~~

~~—8.] 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 386.850 to 386.858, inclusive, the pupil is eligible to participate in a sanctioned sport.

~~{9.}~~ 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 his former residence or a residence in the school district from which he transferred is ineligible to participate in the sanctioned sport for 180 school days after the date on which he returns to that residence.

~~{10.}~~ 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.

~~{11.}~~ 10. Except as otherwise provided in NRS 386.464, if a high school is opened in a school district specified in subsection ~~{10.}~~ 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. 7.** NAC 386.791 is hereby amended to read as follows:

386.791 1. A pupil who is eligible to participate in a sanctioned sport at a school that is located in the school district in which he resides and who is enrolled in a high school that is located within a community college of the Nevada System of Higher Education pursuant to a program of a school district remains eligible to participate in the sanctioned sport at the school that is located in the school district in which he resides.

2. A pupil who attends Washoe High School, Sunset High School, Horizon High School or any other high school pursuant to an alternative program specified in NRS 388.537 ~~{is ineligible}~~

*may submit a written appeal to the Association requesting a determination of eligibility to participate in ~~[any]~~ a sanctioned sport. Before submitting an appeal pursuant to this subsection, the pupil must obtain approval to participate in the sanctioned sport from:*

*(a) The principal of the high school at which the pupil is enrolled pursuant to the alternative program;*

*(b) The principal of the school at which the pupil may participate in the sanctioned sport; and*

*(c) The administrator of the school district in which the pupil resides.*

**Sec. 8.** NAC 386.795 is hereby amended to read as follows:

386.795 1. The provisions of this section govern the eligibility of:

(a) A foreign exchange student; and

(b) An international student who enrolls in a school and is not a foreign exchange student.

2. The Association will allow a foreign exchange student to participate in a sanctioned sport *at a level other than varsity* if the foreign exchange student:

(a) Is sponsored by and placed with a host family in the United States by an international student exchange program that:

(1) Is approved for listing by the Council on Standards for International Educational Travel or its successor organization;

(2) Is recognized by the United States Department of State; and

(3) Assigns students to host families in a manner which ensures that a student, school or other interested party is unable to influence the assignment of the student to a host family for athletic or other purposes or in any other manner which ensures that the student is not chosen or placed because of his athletic interests or abilities;

(b) Possesses a J-1 Visa issued by the ~~[United States Immigration and Naturalization Service;]~~ *Bureau of Citizenship and Immigration Services of the Department of Homeland Security;*

(c) Attends the school on the first day of the school year and enrolls in a foreign exchange program at the school that is conducted for at least 1 year;

(d) Is eligible for not more than 1 year at any school or combination of schools in this State or any other state beginning on his initial date of enrollment in a school in the United States;

(e) Has not completed the 12th grade or its equivalent in the United States or any other country; and

(f) Complies with any other requirements for eligibility of the Association during the period in which he is a pupil enrolled in a school.

3. If a foreign exchange student transfers to another school during the school year because of a change in residence by the student and the host family with whom he was placed at the time of enrollment in the original school, the transfer does not affect his eligibility to participate in a sanctioned sport. If the transfer occurs because the student is placed with another host family, the student is ineligible to participate in a sanctioned sport at the school to which he transfers for the remainder of the school year.

4. If a school or coach of a school places or arranges for the placement of a student in violation of any provision of this section, the student is ineligible to participate in a sanctioned sport and the Association may impose a penalty against the school or coach pursuant to NAC 386.600 to 386.886, inclusive ~~[H]~~, *and section 1 of this regulation.*

5. A student from a foreign country who is enrolled in a school because he has been issued an F-1 Visa by the ~~[United States Immigration and Naturalization Service]~~ *Bureau of*

*Citizenship and Immigration Services of the Department of Homeland Security* shall be deemed to be a transfer student. To be eligible to participate in a sanctioned sport, the student must comply with the provisions for eligibility *and participation in a sanctioned sport* that are applicable to a transfer student. *A student who participates in a sanctioned sport pursuant to this subsection may not participate in that sanctioned sport at the varsity level.*

6. For the purposes of this section, a foreign exchange student shall be deemed to be placed with a host family if:

(a) The school that the student attends was not involved in the selection or assignment of the student; and

(b) The principal office for the sponsoring organization approves the placement of the student.

7. As used in this section, “foreign exchange student” has the meaning ascribed to it in NRS 483.075.

**Sec. 9.** NAC 386.816 is hereby amended to read as follows:

386.816 1. Except as otherwise provided in this section ~~1. a~~:

(a) A school shall not schedule or conduct on a Sunday any game, contest or meet or a practice for any game, contest or meet that is sponsored or sanctioned by the Association.

*(b) A pupil or team of a school that participates in a sanctioned sport or a coach of the pupil or team shall not engage in any activity on a Sunday with any other pupil, team or coach of a school relating to that sanctioned sport, including, without limitation, conducting an informal practice, general workout, meeting or film session with such a pupil, team or coach.*

↪ The provisions of this subsection do not apply to skiing.

2. A school may authorize a pupil or team to participate in a game, contest or meet outside this State that is held on a Sunday if the school obtains approval from the Executive Director for the game, contest or meet.

**Sec. 10.** NAC 386.830 is hereby amended to read as follows:

386.830 **1.** The Association will impose the penalties set forth in NAC 386.829 against a team or pupil of a school that is disqualified or ineligible to participate in a sanctioned sport pursuant to NAC 386.600 to 386.886, inclusive, *and section 1 of this regulation* if:

~~1-1~~ **(a)** After the team or pupil is disqualified or becomes ineligible, the team or pupil is allowed to participate in the sanctioned sport in accordance with a restraining order, injunction or other order issued by a court of competent jurisdiction against a school, school district or the Association; and

~~1-2~~ **(b)** After the restraining order, injunction or other order is issued, the restraining order, injunction or other order is vacated, stayed, reversed or determined by a court not to justify the initial relief granted.

**2.** *Except as otherwise provided in subsection 3, if an order specified in subsection 1 authorizes a disqualified or ineligible team or pupil to participate in an event that is sponsored by the Association, the Association will postpone that event until the judgment pursuant to which the order is issued and any appeal from that judgment become final.*

**3.** *If the Executive Director determines that a judgment or appeal from a judgment will not become final within a period sufficient to allow the event to be conducted, the Association will, as determined by the Executive Director, cancel the event or postpone the event indefinitely.*