

LCB File No. R144-07

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

**NOTICE OF HEARING FOR THE ADOPTION OF REGULATIONS
OF THE NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION**

The Nevada Interscholastic Activities Association (“NIAA”) will hold a public hearing starting at 8:30 a.m. on the 29th day of November, 2007 and at 8:30 a.m. on the 30th day of November 2007, at the Green Valley Resort, Henderson, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of Regulations that pertain to Chapter 386 of the Nevada Administrative Code.

The following is provided pursuant to the requirements of NRS 233B.0603:

1. The adoption of these Regulations are needed for purposes of the governance of high school athletics and activities throughout the State of Nevada which are governed by the NIAA.
2. The Regulation changes will address the following:
 - (a) NAC 386.628 – Board: Composition; role; nonvoting membership
 - (b) NAC 386.653 – Membership in Association: Private high school.
 - (c) NAC 386.654 – Membership in Association: provisional membership.
 - (d) NAC 386.667 – Classification and alignment of schools: General requirements; request for pupil or team to participate in another league or region.
 - (e) NAC 386.693 – Approval by Association of competition when each member of all-star team is eligible to participate in sanctioned sport.
 - (f) NAC 386.695 – Period of season and first day of practice for sanctioned sport; prohibited and authorized out-of-season activities relating to sanctioned sport.
 - (g) NAC 386.696 – Restrictions on participation in out-of-season activities relating to sanctioned sport.
 - (h) NAC 386.782 – Residency of pupil: General Requirements.
 - (i) NAC 386.786 – Pupil who transfer from public school to private school, from private school to public school or from one private school to another.
 - (j) NAC 386.787 – Pupil who is approved to attend magnet school that offers sanction sport.
 - (k) NAC 386.788 – Pupil who attends magnet school that does not offer sanctioned sport.
 - (l) NAC 386.851 – Appeal of certain determinations that impose hardship on pupil.
- 3(a). The economic effect of the Regulation on high school athletics will be minimal.

(b). The immediate and long term effects of this Regulation will be to provide a better source of information to the public regarding the governance of high school athletics and activities, including high school athletes, parents, coaches and officials all of whom are governed by the NIAA.

4. The estimated cost to the NIAA for purposes of enforcement of the proposed Regulation are minimal.

5. This Regulation does not overlap or duplicate any regulations of other state or local governmental agencies.

6. The adoption of this Regulation is not required pursuant to federal law.

7. The adoption of this Regulation does not include any provisions which are more stringent than any federal regulation. *See*, paragraph 6, above.

8. The adoption of this Regulation does not establish any new fee or increases to existing fees associated with the governance of the NIAA.

Persons wishing to comment upon the proposed action of the NIAA may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Eddie Bonine, Executive Director, Nevada Interscholastic Activities Association, One East Liberty Street, Suite 505, Reno, Nevada 89501. Written submissions must be received by the NIAA on or before November 23, 2007. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the NIAA may proceed immediately to act upon any written submissions.

A copy of this Notice and the Regulations to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the Notice and the Regulations to be adopted will be available at One East Liberty Street, Suite 505, Reno, Nevada 89501, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This Notice and the text of the proposed Regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the internet at <<http://www.leg.state.nv.us>>. Copies of this Notice and the proposed Regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within thirty (30) days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This Notice of Hearing has been posted at the following locations on or before October 26, 2007:

Office of the Nevada Interscholastic Activities Association
One East Liberty Street, Suite 505
Reno, Nevada 89501

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

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

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

NAC 386.695 Period of season and first day of practice for sanctioned sport; prohibited and authorized out-of-season activities relating to sanctioned sport. (NRS 386.430)

1. The season for each sanctioned sport begins on the first day of practice for the sanctioned sport established by the Board pursuant to this subsection and ends upon the completion of the state tournament for the sanctioned sport. Except as otherwise provided in NAC 386.600 to 386.886, inclusive, not later than September 1 of each year, the Board shall:

(a) Establish the date for the first day of practice for each sanctioned sport for the school year; and

(b) Prepare a schedule of activities that includes each date established pursuant to paragraph (a).

2. Each school shall ensure that a practice for a sanctioned sport is conducted on the date established for that practice pursuant to subsection 1.

3. A school shall not sponsor a pupil or team or provide a uniform or transportation or otherwise accept responsibility for a pupil or team to participate in any out-of-season competition for a sanctioned sport, including, without limitation, a camp, summer league or travel to a foreign country or another state, territory, district or possession of the United States. A school may engage in an activity to obtain money for an out-of-season competition and deposit any money obtained as a result of that activity in an account maintained by a bank or other financial institution in this State. A school shall not use any money that is budgeted for a school district or any state money for an out-of-season competition for a sanctioned sport.

4. A coach of a school that complies with subsections 2 and 3 may assist a pupil in an activity that is related to a sanctioned sport and that is conducted during a period that is not the season for the sanctioned sport. The participation of the pupil in the activity must be voluntary and must not be a condition for qualifying for a team or for accepting the pupil as a member of a team during the season for the sanctioned sport.

5. Except as otherwise provided in this section, a coach or pupil specified in subsection 4 may, if approved by the school and the school district in which the school is located, use any facility or equipment of the school to engage in an activity specified in that subsection. A coach or pupil may use the following equipment for football during any period that is not the football season:

(a) Footballs;

(b) Football shoes; and

(c) Shorts and sweatshirts;

(d) Helmet, shoulder, hip and thigh pads, and any other protective equipment.

6. A coach or pupil shall not use the following equipment for football pursuant to subsection 5:
~~[(a) A helmet or shoulder, hip or thigh pads, or any other protective equipment; or
(b)]~~ (a) A blocking dummy or sled, or any similar device.

7. A school or school district in which a school is located may require each pupil of the school who engages in an activity relating to a sanctioned sport pursuant to subsection 5 to maintain a policy of health insurance in an amount determined by the school or school district.

8. A coach or pupil shall not engage in an out-of-season activity relating to a sanctioned sport pursuant to subsection 5 if the activity interferes with an in-season sport.

NAC 386.696 Restrictions on participation in out-of-season activities relating to sanctioned sport. (NRS 386.430)

1. A person shall not require a pupil to participate in any athletic program for a sanctioned sport that is conducted before or after the season for that sanctioned sport.

2. Each team that participates in a sanctioned sport must be selected, and practices for that team conducted, during the season for that sanctioned sport.

3. A pupil may engage in any out-of-season activity relating to a sanctioned sport if:

(a) He engages in that activity voluntarily; and

(b) The activity is conducted to improve his ability to participate in the sanctioned sport.

(c) The activity is not conducted between a school and another school, including, without limitation, any competition, scrimmage or practice for the sanctioned sport.

(d) That activity is not engaged in one week before try-outs and the week of try-outs.

NAC 386.786 ~~[Pupil who transfers from public school to private school, from private school to public school or from one private school to another.] Any student that transfers from one school to another school. (NRS 386.430)~~

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 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 is ineligible to participate in any sanctioned sport in which his 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 is ineligible:

(a) For the remainder of the school year in which he 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 public member school or affiliate school, may transfer from a public school to a private school or a private school to a public school, regardless of whether the change in the zone of attendance was initiated to establish the zone of attendance for a new public school or to carry out the rezoning of an existing public school.

3. A pupil specified in subsection 2 may transfer from a public school to a private school or a private school to a public 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.

NAC 386.851 Appeal of certain determinations that impose hardship on pupil. (NRS 386.430)

1. Except as otherwise provided in NAC 386.600 to 386.886, inclusive, a pupil may appeal a determination made pursuant to any of those sections if the determination imposes a hardship on the pupil. The pupil must prove by a preponderance of the evidence that:

(a) The hardship exists; and

(b) If the determination relates to a transfer by the pupil, the pupil was not recruited to make the transfer.

~~[2.— If a determination made pursuant to NAC 386.600 to 386.886, inclusive, relates to a transfer by a pupil from a private school to a public school, the pupil may appeal the determination if the pupil transferred to the public school because of a financial burden incurred by him. A reverse financial burden may also be considered if the pupil demonstrates a lack of sufficient money at one time followed by a sufficient amount of money at a later date.~~

~~—3.— If a determination made pursuant to NAC 386.600 to 386.886, inclusive, relates to a transfer by a pupil from a public school to a private school, the pupil may appeal the determination if the pupil transferred to the private school because of any financial gain, relief or windfall incurred by him:~~

~~—4. As used in this section, “financial gain, relief or windfall” means a change in the financial status of a parent, legal guardian or other family member who provides money for a pupil to attend a private school if:~~

~~—(a) The change is solely the result of an increase in:~~

~~—(1) The salary of the parent, legal guardian or family member; or~~

~~—(2) Any investment income that is owned and held in the name of the parent, legal guardian or family member; and~~

~~—(b) The existence of the change is established to the satisfaction of the Executive Director by the submission of a copy of:~~

~~—(1) The most recent paycheck of the parent, legal guardian or family member; and~~

~~—(2) The federal income tax return and withholding statement of the parent, legal guardian or family member for the year immediately preceding the first year the pupil enrolled in the public school and for each year the pupil attended the public school.~~

~~→ The term does not include a change in any financial assistance obtained from a person who is not a member of the family of the pupil.]~~