

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

**LCB File No. R144-07**

October 19, 2007

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

AUTHORITY: §§1-5, NRS 386.430.

A REGULATION relating to interscholastic activities; authorizing the use of certain protective equipment for football during a period that is not the season for football under certain circumstances; revising the circumstances under which a pupil may participate in an out-of-season activity relating to a sanctioned sport; revising the circumstances under which a pupil is eligible to participate in a sanctioned sport after transferring from one school to another; deleting provisions that authorize a pupil who transfers to a public school because of a financial burden to appeal certain determinations; and providing other matters properly relating thereto.

**Section 1.** NAC 386.695 is hereby amended to read as follows:

386.695 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 ~~and~~; *and*
- (d) A helmet and 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 [.] for football pursuant to subsection 5.~~

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.

**Sec. 2.** NAC 386.696 is hereby amended to read as follows:

386.696 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;

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

~~and]~~

(c) The activity is not conducted between two or more schools, including, without limitation, any competition, scrimmage or practice for the sanctioned sport ~~[.] ; and~~

*(d) The activity is not conducted during the week before or the week of tryouts for another sanctioned sport.*

**Sec. 3.** NAC 386.786 is hereby amended to read as follows:

386.786 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]~~ *another* 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]~~ *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.

**Sec. 4.** NAC 386.790 is hereby amended to read as follows:

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

2. A pupil specified in subsection 1 who attends his 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, he is ineligible to participate in a sanctioned sport for 180 school days after his 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 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 his name appeared on a roster of the Association during the period he 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 386.785. The provisions of subsection 2 of NAC 386.786 apply to any pupil of a ~~public or private~~ 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.

**Sec. 5.** NAC 386.851 is hereby amended to read as follows:

386.851 ~~[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)]~~ 1. The hardship exists; and

~~[(b)]~~ 2. 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.]~~