

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

**LCB File No. R207-08**

September 12, 2008

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

AUTHORITY: §§1-11, NRS 386.430.

A REGULATION relating to interscholastic activities; providing for the selection of the members of the Board of Control of the Nevada Interscholastic Activities Association; revising the eligibility of a private high school to apply for membership in the Association; revising the circumstances under which a school may submit a written request to allow the school to participate in another classification, league or region for sanctioned sports; deleting provisions that prohibit a school from sponsoring a pupil or team to participate in an out-of-season competition for a sanctioned sport; authorizing a pupil at a vocational or technical school to participate in a sanctioned sport at the school under certain circumstances; revising the eligibility of a pupil who transfers from a member school to another member school; and providing other matters properly relating thereto.

**Section 1.** NAC 386.628 is hereby amended to read as follows:

386.628 1. The Board consists of nine voting members ~~eleected~~ *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 ~~eleected~~ *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); and
- (c) A representative from Class 4A South who is not serving as such a nonvoting member.
3. Each nonvoting member specified in subsection 2 serves for a term of 2 years.

**Sec. 2.** NAC 386.630 is hereby amended to read as follows:

386.630 1. Each school trustee and each person who is:

- (a) A superintendent of a school district;
- (b) An assistant or deputy superintendent of a school district;
- (c) A director of athletics of a school district; or
- (d) A principal of a high school,

↪ is eligible to be ~~eleeted~~ *selected* to serve as a member of the Board.

2. The school trustees of each administrative region established pursuant to NAC 386.627 shall ~~elect~~ *select* the members of the Board from that region. The term of ~~an-eleeted~~ *a selected* member begins on July 1 after his ~~election.~~ *selection*. A member of the Board may be ~~reelected.~~ *reselected*.

3. If a vacancy occurs in the membership of the Board, the Executive Director shall notify the school trustees of the administrative region from which the vacant member was ~~eleeted.~~ *selected*. An unexpired term of a member of the Board must be filled by the school trustees of the administrative region in which the vacancy occurs. Each member ~~eleeted~~ *selected* to fill a vacancy serves for the remainder of the unexpired term.

4. Except as otherwise provided in subsection 3, each voting member of the Board serves for a term of 3 years.

**Sec. 3.** NAC 386.653 is hereby amended to read as follows:

386.653 1. Any private high school in this State may apply for membership in the Association by submitting a written request to the Executive Director.

2. ~~Upon~~ *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 he receives the written request. 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~~ *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. 4.** NAC 386.665 is hereby amended to read as follows:

386.665 1. The private schools in this State that are member schools shall, every 2 years, ~~elect~~ *select* a principal or an athletic administrator of such a school to serve as a liaison for the Board for a term of 2 years. A principal or athletic administrator who is ~~elected~~ *selected* as a liaison for private schools pursuant to this section:

(a) Serves as the president of the private schools during the period in which he serves as a liaison for the Board;

(b) Shall conduct the annual meeting of private schools required pursuant to subsection 2;  
and

(c) Shall communicate with the private schools concerning issues of the Association during each year as required by the Board.

2. Each president ~~felected~~ *selected* pursuant to subsection 1 shall conduct an annual meeting. Each private school specified in subsection 1 shall attend the meeting. At least 10 days before the meeting, the president shall submit a written notice to each of those private schools setting forth the date, time and place of the meeting. The written notice must include an agenda for the meeting. The agenda must:

(a) Set forth each item that will be discussed at the meeting; and

(b) Include at least one item relating to membership of private schools in the Association.

**Sec. 5.** NAC 386.667 is hereby amended to read as follows:

386.667 1. 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 Board and the committee appointed pursuant to subsection 1 shall, 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; ~~and~~

(e) Any competitive factors relating to the school ~~and~~; *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 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 ~~the~~ *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 386.695 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]~~ *uniforms* 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 *the school or 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;
- (c) Shorts and sweatshirts; and
- (d) A helmet and shoulder, hip and thigh pads, and any other protective equipment.

6. A coach or pupil shall not use 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. 7.** NAC 386.782 is hereby amended to read as follows:

386.782 1. 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 a parent or legal guardian of the pupil as determined by the school district in which the residence is located.

2. 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 by an order or decree issued by a court of competent jurisdiction establishing that the parent has been awarded primary physical custody of the pupil.

3. 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 ~~pupil must choose which residence will be his primary residence for establishing eligibility to participate in a sanctioned sport. If the pupil chooses a primary residence pursuant to this paragraph, the~~ *member* school that is located within the zone of attendance of the residence *of the pupil at the time of the divorce or separation* is the pupil's home school for the purposes of NAC 386.600 to 386.886, inclusive.

4. A pupil who begins ninth grade at a private 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 private school.

5. For the purposes of NAC 386.600 to 386.886, inclusive, the Association will not recognize a temporary guardianship that is granted without the approval of a court pursuant to NRS 159.205 or 159.215.

6. 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 386.785.

**Sec. 8.** NAC 386.787 is hereby amended to read as follows:

386.787 1. A pupil who does not reside within the zone of attendance of a magnet school *or a vocational or technical school* that is located within a school, and who obtains a waiver to attend the program of the magnet school ~~or~~ *or vocational or technical school*, is eligible to participate in any sanctioned sport at the school.

2. To establish eligibility pursuant to subsection 1, the pupil must:

(a) Comply with the requirements of the magnet school *or vocational or technical school* for filing an application;

(b) Comply with the requirements to participate in the program of the magnet school ~~or~~ *or vocational or technical school;*

(c) Enroll in the courses required for pupils participating in the program of the magnet school ~~or~~ *or vocational or technical school;* and

(d) Maintain eligibility to complete the program of the magnet school ~~or~~ *or vocational or technical school.*

3. During the period in which the pupil is enrolled in the magnet school ~~or~~ *or vocational or technical school*, the pupil may participate only in a sanctioned sport that is offered by the school in which the magnet school *or vocational or technical school* is located.

4. A pupil who is approved to enroll in a magnet school *or a vocational or technical school* and fails to comply with the requirements of subsection 2, or who does not complete the program of the magnet school ~~[.]~~ *or vocational or technical school*, becomes immediately ineligible to participate in a sanctioned sport at the school in which the magnet school *or vocational or technical school* is located for 180 school days.

5. A pupil who is accepted into the program of a magnet school *or a vocational or technical school* and who, after acceptance into the program, chooses to return 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 sanctioned sport in which his name appeared on a roster of the Association during the period he attended the magnet school ~~[.]~~ *or vocational or technical school*.

**Sec. 9.** NAC 386.788 is hereby amended to read as follows:

386.788 A pupil who attends a magnet school *or a vocational or technical school* that does not offer a sanctioned sport ~~[, including, without limitation, the Advanced Technologies Academy, the Las Vegas Academy and the Southern Nevada Vocational and Technical Center,]~~ remains eligible at his school of residence for the purpose of participating in any sanctioned sport that is not offered at the magnet school ~~[.]~~ *or vocational or technical school*.

**Sec. 10.** NAC 386.798 is hereby amended to read as follows:

386.798 1. A pupil who attends a ~~[public]~~ *member* school and wishes to transfer to another *member* school may apply to the Association for a waiver from the requirements for eligibility ~~[.]~~ *at least 90 days before the date established by the Association for the season for which the pupil wishes to participate*. The pupil must submit the application on a form approved by the Association. The Association may approve the application if the pupil complies with the

regulations of his school district relating to the issuance of a variance in the zone of attendance of the pupil. If the Association approves the application, the pupil is eligible to participate in a sanctioned sport at any level other than varsity. A pupil may not apply more than once for a waiver pursuant to this section.

2. A pupil whose application for a waiver pursuant to subsection 1 is denied may appeal that decision in accordance with the provisions of NAC 386.850 to 386.858, inclusive.

3. If a pupil is granted a waiver pursuant to subsection 1 and, after the waiver is granted, transfers to another school, including a school within his zone of attendance, the pupil is ineligible to participate in a sanctioned sport for 180 school days. A pupil whose request for a subsequent transfer is denied may not appeal that decision.

4. A waiver that is granted pursuant to subsection 1 becomes effective at the beginning of the next semester.

5. If any pupil or a parent or legal guardian of a pupil submits an application for a waiver pursuant to subsection 1 that includes any false information, the pupil becomes ineligible to participate in a sanctioned sport for 2 school years after the Association determines that the application includes false information.

**Sec. 11.** Notwithstanding the amendatory provisions of sections 1, 2 and 4 of this regulation, each member of the Board of Control of the Nevada Interscholastic Activities Association who is a member of the Board on the effective date of this regulation and who is otherwise qualified to serve as a member of the Board remains eligible to serve for the remainder of his unexpired term.