

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

**LCB File No. R040-11**

Effective December 30, 2011

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

AUTHORITY: §§1-14, NRS 386.430; §15, NRS 386.430 and 386.460.

A REGULATION relating to interscholastic activities; making a pupil who enrolls in the 9th grade at a private or public school ineligible to participate in a sanctioned sport at the level of varsity under certain circumstances; revising provisions governing the imposition of penalties for violations relating to interscholastic activities; revising provisions governing certain broadcasting rights and the collection of fees for broadcasting certain events; and providing other matters properly relating thereto.

**Section 1.** Chapter 386 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

**Sec. 2.** *“Tournament” means any series of games, contests or meets which is scheduled by the Association among member schools or by a school for any of its teams or pupils who participate in a sanctioned sport and which does not exceed 6 consecutive days, excluding Sundays.*

**Sec. 3.** *“Transfer” means the withdrawal of a pupil from a school in which he or she is enrolled and the subsequent enrollment of the pupil in another school.*

**Sec. 4.** NAC 386.600 is hereby amended to read as follows:

386.600 As used in NAC 386.600 to 386.886, inclusive, *and sections 2 and 3 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 386.601

to 386.622, inclusive, *and sections 2 and 3 of this regulation* have the meanings ascribed to them in those sections.

**Sec. 5.** NAC 386.703 is hereby amended to read as follows:

386.703 1. Except as otherwise provided in subsection 3, a pupil who participates in a sanctioned sport may not participate in more than one level of competition for that sanctioned sport during a day. If a school is unable to complete its schedule for a sanctioned sport during the season for that sanctioned sport because the number of pupils who participate in the sanctioned sport at the level of junior varsity is insufficient, the school may submit a request to the Executive Director to waive the provisions of this subsection. Before approving a request for a waiver pursuant to this subsection, the Executive Director shall obtain the approval of the request from each school that competes against the school that submits the request in the sanctioned sport for the season.

2. A pupil who participates in a sanctioned sport other than basketball or football may participate in any number of games for the sanctioned sport during a day. A coach who participates in a sanctioned sport shall consider the safety and well being of a pupil before allowing that pupil to participate in more than one game for a sanctioned sport pursuant to this subsection. If a pupil participates in more than one game for a sanctioned sport pursuant to this subsection, the pupil shall include that game in the total number of games in which he or she may participate pursuant to NAC 386.699.

3. A school that is placed in Class 1A pursuant to NAC 386.667 and that participates in volleyball or basketball as a sanctioned sport:

(a) May not submit a request for a waiver pursuant to subsection 1; and

(b) Shall comply with the provisions of NAC 386.718 or 386.751 concerning volleyball or basketball.

4. Except as otherwise provided in subsection 6, a pupil may not participate in a sanctioned sport as a member of:

(a) The freshman team for the sanctioned sport unless the pupil is in the 9th grade; or

(b) The junior varsity team for the sanctioned sport unless the pupil in the 9th, 10th or 11th grade.

5. ~~1A~~ *Except as otherwise provided in NAC 386.779, a* pupil who is qualified to participate in a sanctioned sport pursuant to NAC 386.600 to 386.886, inclusive, may participate in the sanctioned sport as a member of the varsity team for the sanctioned sport regardless of the grade in which he or she is enrolled during his or her participation as a member of that team.

6. The president of the class or league in which a school is placed or aligned pursuant to NAC 386.667 may waive the provisions of subsection 4 if the school:

(a) Submits a written request to the president;

(b) Submits a copy of the written request to the Executive Director; and

(c) Sets forth in the written request the reasons for requesting the waiver and the level of skill of each pupil for whom the school requests the waiver.

**Sec. 6.** NAC 386.779 is hereby amended to read as follows:

386.779 ~~1A~~ *1. Except as otherwise provided in subsection 2, a* pupil is eligible to participate or practice in a sanctioned sport if the pupil:

~~1A~~ (a) 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.}~~ (b) Resides within the zone of attendance of the school in accordance with NAC 386.782;

~~{3.}~~ (c) 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.}~~ (d) Has not received a high school diploma or general equivalency diploma;

~~{5.}~~ (e) Is not enrolled full-time at a college, junior college or other postsecondary educational institution;

~~{6.}~~ (f) Has not participated on an athletic team of a college, junior college or other postsecondary educational institution; and

~~{7.}~~ (g) Has not participated in a sanctioned sport as a professional athlete.

**2. *A pupil who enrolls in the 9th grade at:***

*(a) A private high school is ineligible for 180 school days after his or her enrollment at the private high school to participate in a sanctioned sport at the level of varsity if the pupil did not attend a private grade school, junior high or middle school for at least 180 school days immediately preceding the date of his or her enrollment at the private high school.*

*(b) A public high school is ineligible for 180 school days after his or her enrollment at the public high school to participate in a sanctioned sport at the level of varsity if the pupil did not attend a public grade school, junior high or middle school located within the zone of attendance of the public high school for at least 180 school days immediately preceding the date of his or her enrollment in the public high school.*

**Sec. 7.** NAC 386.784 is hereby amended to read as follows:

386.784 1. Any pupil who transfers to another school is presumed ineligible to participate in any sanctioned sport at the school to which the pupil transfers for 180 school days.

2. The presumption set forth in subsection 1 applies to a pupil who transfers from:
  - (a) A school to another school within the same school district that has established zones of attendance for pupils who reside within that school district;
  - (b) A school district to another school district; or
  - (c) 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.

3. Except as otherwise provided in subsection 4, a pupil or a parent or legal guardian of the pupil may rebut the presumption set forth in subsection 1 ~~[if he or she complies with the provisions of NAC 386.785 and 386.786.]~~ *by filing an appeal pursuant to NAC 386.850 to 386.858, inclusive.*

4. A pupil or a parent or legal guardian of a pupil may not rebut the presumption set forth in subsection 1 if the pupil transferred to another school within 1 year after the pupil:

- (a) Participated in an athletic event as a member of a team that is affiliated with the school to which he or she transferred, including, without limitation, an athletic event sponsored or conducted by the Amateur Athletic Union, the American Legion or a similar organization specified by the Executive Director; or
- (b) Received any athletic instruction from a person who is affiliated with that school.

**Sec. 8.** 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 *, after filing an appeal pursuant to NAC 386.850 to 386.858, inclusive,* rebut the presumption of ineligibility set forth in NAC 386.784 if the pupil 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, 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 a hardship exists.

6. If a pupil does not reside with a parent or legal guardian, the pupil must establish by a preponderance of the evidence that he or she is living apart from the parent or legal guardian without financial support from 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.

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 the pupil's former residence or a residence in the school district from which he or she transferred is ineligible to participate in the sanctioned sport for 180 school days after the date on which the pupil returns to that residence.

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.

10. Except as otherwise provided in NRS 386.464, if a high school is opened in a school district specified in subsection 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. 9.** NAC 386.798 is hereby amended to read as follows:

386.798 1. A pupil who attends a **[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 or her 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 or her 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. 10.** NAC 386.822 is hereby amended to read as follows:

386.822 1. A person shall not recruit or attempt to recruit a pupil to participate in a sanctioned sport.



2. A pupil who is recruited in violation of a provision of this section is ineligible to participate in a sanctioned sport for not less than one semester and not more than 180 school days as determined by the Executive Director.

3. A school that violates the provisions of subsection 1 may be *fined and* placed on probation for 1 year in accordance with the provisions of NAC 386.861.

4. A coach who violates the provisions of subsection 1 may be suspended for 2 years in accordance with the provisions of NAC 386.861.

**Sec. 11.** NAC 386.857 is hereby amended to read as follows:

386.857 1. If the Association investigates a school, the school shall cooperate with the Executive Director and each member of the Association who is involved in the investigation.

2. If the Association determines that a school has failed to cooperate with the Association pursuant to subsection 1, the Association may *fine and* place the school on probation or suspend the membership of the school in the Association in accordance with the provisions of NAC 386.861.

**Sec. 12.** NAC 386.861 is hereby amended to read as follows:

386.861 1. In addition to any penalty set forth in NAC 386.600 to 386.886, inclusive, the Association may impose any of the following penalties for a violation of a provision of those sections:

(a) The *imposition of a fine of not more than \$1,000;*

(b) *The* issuance of a sanction indicating the occurrence of misconduct ~~;~~

~~—(b)] and the imposition of a fine of not more than \$1,000;~~

(c) The placement of a school on probation ~~;~~

~~—(e)] and the imposition of a fine of not more than \$2,500;~~

(d) The suspension of the membership of a school in the Association ~~;~~ ~~or~~  
~~—(d) The~~ *and the* imposition of a fine of not more than ~~[\$1,000.]~~ *\$5,000; or*

(e) *Any combination of the actions specified in paragraphs (a) to (d), inclusive.*

2. The Association will maintain a record of each sanction issued *and fine imposed* pursuant to ~~[paragraph (a) of]~~ subsection 1. If a school ~~[that]~~ *which* is issued a sanction *or against which a fine is imposed* repeats the violation for which the sanction is issued ~~;~~ *or fine is imposed*, the Association may suspend the membership of the school in the Association for the period specified by the Board pursuant to subsection 4.

3. A school that is placed on probation pursuant to ~~[paragraph (b) of]~~ subsection 1 may not participate in any activity relating to a league, regional or state tournament for the period determined by the Association. If the school repeats the violation for which the school was placed on probation, the Association will suspend the membership of the school in the Association for the period specified by the Board pursuant to subsection 4.

4. The Executive Director, an administrator or a panel specified in NAC 386.852 may, during an appeal made pursuant to NAC 386.850 to 386.858, inclusive, suspend or impose a *fine or other* penalty against a school that is a party to the appeal. A suspension imposed pursuant to this section is not final until the Board approves the imposition and duration of the suspension.

5. If a penalty is imposed or disciplinary action is taken against a school or pupil, the Executive Director may, in addition to the penalty imposed or disciplinary action taken, impose a penalty against the school or pupil pursuant to this section.

**Sec. 13.** NAC 386.880 is hereby amended to read as follows:

386.880 The Association reserves all rights to broadcast any *game, contest or meet or any* league, regional or state tournament by radio or television ~~[:]~~ *or over the Internet*. The Board, or an agent designated by the Board, may grant permission to exercise any of those rights.

**Sec. 14.** NAC 386.881 is hereby amended to read as follows:

386.881 1. A person shall not broadcast by television a *game, contest or meet or a* league, regional or state tournament in which a right is reserved by the Association pursuant to NAC 386.880 without first obtaining the approval of the Board or an agent designated by the Board.

2. A person shall not broadcast by radio *or over the Internet a game, contest or meet or a* league, regional or state tournament in which a right is reserved by the Association pursuant to NAC 386.880 without first obtaining the approval of the Executive Director.

**Sec. 15.** NAC 386.883 is hereby amended to read as follows:

386.883 1. Except as otherwise provided in subsection 3, the Board shall charge and collect the following fees ~~for~~ *before* approving a request to broadcast a *game, contest or meet or a* league, regional or state tournament by radio or television ~~[:]~~ *or over the Internet*:

(a) For a live broadcast ~~by television~~ *over the Internet* of a : ~~league or regional tournament:~~

- (1) ~~Fifty dollars, if the tournament is Class 1A;~~
- ~~(2) Seventy five dollars, if the tournament is Class 2A;~~
- ~~(3) One hundred dollars, if the tournament is Class 3A; and~~
- ~~(4) One hundred twenty five dollars, if the tournament is Class 4A;]~~ *Game, contest or meet during the regular season for a sanctioned sport .....\$175*
- (2) *League tournament.....225*
- (3) *Regional tournament.....275*

(4) <i>State tournament</i> .....	350
(b) For a delayed broadcast <del>[by television]</del> <i>over the Internet</i> of a : <del>[league or regional tournament:]</del>	
(1) <del>[Twenty five dollars, if the tournament is Class 1A;</del>	
<del>(2) Forty dollars, if the tournament is Class 2A;</del>	
<del>(3) Fifty dollars, if the tournament is Class 3A; and</del>	
<del>(4) Seventy five dollars, if the tournament is Class 4A;]</del> <i>Game, contest or meet during the regular season for a sanctioned sport</i> .....	\$100
(2) <i>League tournament</i> .....	125
(3) <i>Regional tournament</i> .....	150
(4) <i>State tournament</i> .....	175
(c) For a live broadcast by television of a : <del>[state tournament:]</del>	
(1) <del>[Seventy five dollars, if the tournament is Class 1A;</del>	
<del>(2) One hundred dollars, if the tournament is Class 2A;</del>	
<del>(3) One hundred fifty dollars, if the tournament is Class 3A; and</del>	
<del>(4) Two hundred dollars, if the tournament is Class 4A;]</del> <i>Game, contest or meet during the regular season for a sanctioned sport</i> .....	\$250
(2) <i>League tournament</i> .....	500
(3) <i>Regional tournament</i> .....	750
(4) <i>State tournament</i> .....	1,000
(d) For a delayed broadcast by television of a : <del>[state tournament:]</del>	
(1) <del>[Fifty dollars, if the tournament is Class 1A;</del>	
<del>(2) Seventy five dollars, if the tournament is Class 2A;</del>	

<del>(3) One hundred dollars, if the tournament is Class 3A; and</del>	
<del>(4) One hundred fifty dollars, if the tournament is Class 4A;]</del> <i>Game, contest or meet</i>	
<i>during the regular season for a sanctioned sport</i> .....	\$125
(2) <i>League tournament</i> .....	175
(3) <i>Regional tournament</i> .....	325
(4) <i>State tournament</i> .....	500
(e) For a live <del>[or delayed]</del> broadcast by radio <i>or a live audio broadcast over the Internet</i> of a	
: <del>[league or regional tournament:]</del>	
(1) <del>[Twenty five dollars, if the tournament is Class 1A;</del>	
<del>(2) Fifty dollars, if the tournament is Class 2A;</del>	
<del>(3) Seventy five dollars, if the tournament is Class 3A; and</del>	
<del>(4) One hundred dollars, if the tournament is Class 4A; and]</del> <i>Game, contest or meet</i>	
<i>during the regular season for a sanctioned sport</i> .....	\$100
(2) <i>League tournament</i> .....	125
(3) <i>Regional tournament</i> .....	150
(4) <i>State tournament</i> .....	175
(f) For a <del>[live or]</del> delayed broadcast by radio <i>or a delayed audio broadcast over the Internet</i>	
of a : <del>[state tournament:]</del>	
(1) <del>[Fifty dollars, if the tournament is Class 1A;</del>	
<del>(2) Seventy five dollars, if the tournament is Class 2A;</del>	
<del>(3) One hundred dollars, if the tournament is Class 3A; and</del>	
<del>(4) One hundred fifty dollars, if the tournament is Class 4A.]</del> <i>Game, contest or meet</i>	
<i>during the regular season for a sanctioned sport</i> .....	\$50

(2) *League tournament*.....75

(3) *Regional tournament*.....100

(4) *State tournament*.....150

(g) *For each game, contest or meet included in a production of a video yearbook or the preparation of highlights of a regular season for a sanctioned sport or of a league, regional or state tournament*.....\$100

2. If a person pays a fee to broadcast a *game, contest or meet or a* league, regional or state tournament pursuant to this section, the Board:

(a) Shall require the person to include in the broadcast a public service announcement for the Association; and

(b) May require the person to include in the broadcast any information that is provided by a sponsor of the Association.

3. If a school:

(a) Operates a station for broadcasting by radio or television games, contests or meets for sanctioned sports in which the school participates ~~and~~ *or prepares those games, contests or meets for broadcast over the Internet*; and

(b) Wishes to broadcast a league, regional or state tournament using that station ~~and~~ *or over the Internet*,

↪ the Board may waive the fee required pursuant to subsection 1 for broadcasting the tournament if, as determined by the Board, the waiver of the fee is in the best interests of the Association and the tournament.

## NOTICE OF ADOPTION OF REGULATION

The Nevada Interscholastic Activities Association ("NIAA") adopted regulations assigned LCB File No. R040-11 which pertain to chapter 386 of the Nevada Administrative Code on December 5, 2011. A copy of the regulation as adopted is attached hereto.

### LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS 233B.066 LCB FILE No. R147-10

The following statement is submitted for adopted amendments to Nevada Administrative Code ("NAC") Chapter 386.

**1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

Copies of the proposed regulations, and notices of intent to act upon the regulation were sent by U.S. mail and by email to persons who were known to have an interest in the subject of the governance of high school athletics in the State of Nevada, including all member schools of the NIAA, and to all persons who had specifically requested such notice. These documents were also made available at the website of the NIAA's office, [www.niaa.com](http://www.niaa.com), and were mailed to all county libraries in Nevada and posted at the following locations:

Nevada Interscholastic  
Activities Association  
549 Court Street  
Reno, NV 89501

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

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

These regulations were reviewed by the NIAA Board of Control at regularly scheduled quarterly meetings in 2011, which included the opportunity for public comment concerning the proposed amendments. Thereafter, on or about November 1, 2011, the Executive Director issued a Notice of Hearing for the Adoption of Regulations pursuant to NRS 233B.0603, which incorporated in the proposed amendments all discussions held at the above-described Board of Control meetings, as well as comments from LCB staff attorneys. That Notice is attached as Exhibit "1." On December 5, 2011 this regulation was again reviewed by the NIAA Board of Control at its regularly scheduled meeting of that date with the opportunity for public comment. The Minutes from the December 5, 2011 meeting are not yet available but can be produced if necessary. A copy of the Agenda from the December 5, 2011 meeting is attached as Exhibit "2."

**2. The number of persons who:**  
(a) Attended each hearing: 32

- (b) Testified at each hearing: 0
- (c) Submitted to the agency written comments: 0

**3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

No businesses are affected by these regulations. Comments were solicited from member schools of the NIAA and other persons having an interest in the governance of interscholastic high school activities in the state, as well as members of the public. The summary of those comments is included in response to question No.1, above.

**4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The regulation was adopted on December 5,2011, and included all of the changes suggested at prior meetings where the regulations were discussed. Additional changes were made to Sections 2 and 6, which are included with this regulation.

**5. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**

- (a) Both adverse and beneficial effects; and**
- (b) Both immediate and long-term effects.**

(a) Both adverse and beneficial effects:

This regulation will have no economic effect, beneficial or adverse, with respect to any business or the public.

(b) Both immediate and long-term effects:

See response to No.5 .a., above.

**6. The estimated cost to the agency for enforcement of the adopted regulation.**

There is no additional cost to the agency for enforcement of this regulation.

**7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There are no other state or government agency regulations that the proposed amendments duplicate.

**8. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**



N/A

**9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

N/A

**10. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use to determine the impact of the regulation on a small business?**

As stated above, there are no economic effects with respect to the amendments on any business in the State of Nevada. These amendments apply to the governance of high school athletics and activities in the State of Nevada and do no impact private business.