

PROPOSED REGULATION OF THE NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION

LCB File No. R135-16

Deletions are ~~bracketed in red, strike-through font~~

Additions are *italics and blue font*

Proposed Revision of NAC 386.667

(To implement a two year alignment cycle rather than the current four year cycle)

Approved by the NIAA Board of Control June 22, 2016

NAC 386.667 Classification and alignment of schools: General requirements; effective period; considerations; request for pupil or team to participate in another classification, league or region. (NRS 386.430)

1. Except as otherwise provided in NAC 386.6549, the Board shall, not later than ~~September 1, 2006~~ *November 1 in even numbered calendar years*, ~~and every 4 years thereafter,~~ appoint a committee to place each school in a class and align that school in a ~~league or~~ region *and/or league*. 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~~ *in the next even numbered calendar year*. ~~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;
- (e) Any competitive factors relating to the school; 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.]~~

H15. 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.

H26. 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 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.

~~H317~~7. 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.

(Added to NAC by Nev. Interscholastic Activities Ass’n by R206-03, eff. 11-2-2004; A by R105-06, 9-18-2007; R207-08, 5-5-2011; R173-12, 2-26-2014)

Proposed Revision of NAC 386.669 and 386.699

Regarding the Addition of Flag Football as an NIAA Sanctioned Sport

Approved by NIAA Board of Control June 22, 2016

NAC 386.669 Sanctioned sports: Designation; amendment of list; insufficient participation; prohibition. (NRS 386.430)

1. Except as otherwise provided in subsection 2, the Association hereby designates each of the following sports as a sanctioned sport:

(a) For boys:

- (1) Baseball;
- (2) Basketball;
- (3) Bowling;
- (4) Cross-country;
- (5) Football;
- (6) Golf;
- (7) Skiing;
- (8) Soccer;
- (9) Swimming and diving;
- (10) Tennis;
- (11) Track and field;
- (12) Volleyball; and
- (13) Wrestling; and

(b) For girls:

- (1) Basketball;
- (2) Bowling;
- (3) Cross-country;
- (4) Flag Football;**
- ~~(4)~~ **(5)** Golf;
- ~~(5)~~ **(6)** Skiing;
- ~~(6)~~ **(7)** Soccer;
- ~~(7)~~ **(8)** Softball;

- ~~8~~ (9) Swimming and diving;
- ~~9~~ (10) Tennis;
- ~~10~~ (11) Track and field; and
- ~~11~~ (12) Volleyball.

2. Except as otherwise provided in subsection 3, the Board may amend the list set forth in subsection 1. If the Board determines that the number of schools participating in a sanctioned sport is insufficient, the Board may take such action as is required to provide for the sponsorship of the sanctioned sport by a school.

3. The Board shall not approve boxing as a sanctioned sport.

(Added to NAC by Nev. Interscholastic Activities Ass'n by R206-03, eff. 11-2-2004)

NAC 386.699 Maximum number of games, contests or meets during seasons for sanctioned sports. (NRS 386.430) A school or a pupil enrolled in a school who participates in a sanctioned sport shall not, during the season for the sanctioned sport, participate in more than:

1. For the fall season:

- (a) Fourteen cross-country meets;
- (b) Except as otherwise provided in subsection 5 of NAC 386.720, nine football games;
- (c) Sixteen matches for girls' golf;
- (d) Except as otherwise provided in subsection 5 of NAC 386.731, eighteen soccer games and two tournaments for soccer;
- (e) Eighteen tennis matches; or
- (f) Eighteen matches for girls' volleyball.

2. For the winter season:

- (a) Eighteen basketball games and two tournaments for basketball;
- (b) Eighteen bowling competitions and two tournaments for bowling;
- (c) Eighteen flag football games and two tournaments for flag football;**

~~(e)~~ (d) Fourteen ski races;

~~(d)~~ (e) Except as otherwise provided in subsection 5 of NAC 386.731, eighteen soccer games for girls' soccer and two tournaments for girls' soccer; or

~~(e)~~ (f) Fifteen wrestling contacts or meets.

3. For the spring season:

- (a) Twenty-one baseball games and two tournaments for baseball;
- (b) Sixteen matches for boys' golf;
- (c) Twenty-one softball games and two tournaments for softball;
- (d) Twelve swim meets;
- (e) Fourteen track and field meets; or
- (f) Eighteen matches for boys' volleyball.

(Added to NAC by Nev. Interscholastic Activities Ass'n by R206-03, eff. 11-2-2004; A by R147-10, 5-5-2011)

Proposed Revision of NAC 386.7542 and 386.7543
Approved by NIAA Board of Control June 22, 2016

NAC 386.7542 Number and membership of squads: Restrictions; authority of coach and school. (NRS 386.430)

1. Each school may establish not more than the following number of spirit squads to perform cheers or stunts:

- (a) One varsity spirit squad;
- (b) One junior varsity spirit squad; and
- (c) One freshman spirit squad.

2. ~~Each varsity spirit squad that performs cheers or stunts must not exceed 20 members, not including the mascot for the school, each junior varsity spirit squad that performs cheers or stunts must not exceed 14 members and each freshman spirit squad that performs cheers or stunts must not exceed 12 members. The coach of each such spirit squad may determine the placement of each member on the spirit squad.~~ *When performing cheers or stunts during an indoor athletic contest in an activity other than a spirit competition, the number of individuals participating at any one time in the cheering or stunting shall not exceed:*

(a) 20 excluding the school mascot for a varsity squad;

(b) 16 for a junior varsity squad; nor

(c) 14 for a freshman squad.

3. Except as otherwise provided in this section, a school may specify the number of members of a spirit squad that may perform during an event. If a spirit squad performs as a stunt, dance, drill or pom group and the spirit squad is combined with a spirit squad that performs cheers *during an indoor athletic contest in an activity other than a spirit competition*, the number of members of the combined spirit squad *participating in the cheering or stunting at any one time* must not exceed 20 members.

4. *The school or district administration of a facility which will not safely accommodate the maximum limits set forth in sub-sections 2 and 3 may impose limits which are more restrictive than those listed in this section. Any limit shall apply equally to all schools involved in the event.*

5~~14~~. The coach of a spirit squad of a school may, during any play-off game for football in which the school participates or for any performance conducted during the halftime of a football or basketball game in which the school participates, specify the number of members of the spirit squad who may perform during the play-off game or halftime. The coach shall not allow a pupil to engage in activities as a member of the varsity spirit squad, junior varsity spirit squad or freshman spirit squad pursuant to this subsection unless the pupil is a regular member of the spirit squad.

(Added to NAC by Nev. Interscholastic Activities Ass'n by R136-05, eff. 6-1-2006)

NAC 386.7543 Separate tryouts for fall and winter seasons; separate squad to perform stunts. (NRS 386.430)

1. A school may conduct separate tryouts for spirit squads for the fall season and the winter season of a school year. The number of members of a spirit squad formed pursuant to this subsection must not exceed the number of members of the appropriate spirit squad specified in NAC 386.7542.

2. A school may establish a separate spirit squad to perform stunts during a season specified in subsection 1. ~~{The number of members of such a spirit squad must be included in the maximum number of members allowed for the spirit squad pursuant to NAC 386.7542.}~~

3. The provisions of this section do not authorize a school to extend or limit the duration of seasons for spirit squads established pursuant to NAC 386.7541.

(Added to NAC by Nev. Interscholastic Activities Ass'n by R136-05, eff. 6-1-2006)

Proposed Revision of NAC 386.783

Approved by the NIAA Board of Control June 22, 2016

NAC 386.783 Residency of pupil: Burden of proof; establishment of new residence; reestablishment of former residence. (NRS 386.430)

1. The burden of proof rests with a parent or legal guardian of a pupil, or a pupil if he or she 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 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:

(a) The right of the pupil ~~{}~~ and parent(s) or legal guardian(s) *with whom the pupil resided at the former residence* to use the new residence; and

(b) *That the new residence is located within the zone of attendance of the school at which eligibility is being sought; and*

(c) Other evidence establishing abandonment of the former residence by the pupil ~~{}~~ and parent(s) or legal guardian(s) *with whom the pupil resided at the former residence.*

Abandonment of the former residence would minimally require that:

(1) *The former residence has been sold or transferred from the legal ownership or possession of the parent or legal guardian; and*

(2) *The transfer of personal property ordinarily associated with a legitimate change of residence has been completed; and*

(3) *The former residence is not currently being used as a residence by either parent or a legal guardian or by any relative under the circumstance in which it could reasonably be inferred that the change of residence is an attempt to circumvent eligibility requirements.*

~~{3}~~4. ~~{The}~~ ~~{e}~~ Evidence *required pursuant to subsection 3* 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 *entire* new residence *and the previous occupants have vacated the property;*

(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;

(f) An order or decree issued by a court of competent jurisdiction declaring that the parent or the guardian as described in NAC 386.785 subsection 3, with whom the pupil now resides has been awarded primary physical custody of the pupil; and

~~(g)~~ Any other evidence indicating that the pupil ~~for~~ and the parent or legal guardian resides at the new address.

~~445~~. If a pupil establishes eligibility to participate in a sanctioned sport pursuant to subsection 3 and, within 1 year after establishing that eligibility, reestablishes a residence in his or her 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.

Proposed Revision of NAC 386.795-2

NAC 386.795 Foreign exchange students and international students; penalty. (NRS 386.430)

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 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 or her athletic interests or abilities;

(b) Possesses a J-1 Visa issued by the United States Citizenship and Immigration Services of the Department of Homeland Security;

(c) Attends the school on the first day of the ~~school year~~ *semester during which the first day of practice for that sport is held* and enrolls in a foreign exchange program at the school that is conducted for at least 1 ~~year~~ *semester*;

(1) For the purposes of this regulation, sports conducted during the fall sports season are considered to start during the first semester of the school year even though their first day of practice is generally prior to the first day of classes for that school year.

(2) Eligibility of a foreign exchange student shall terminate at the conclusion of the exchange program in which they are enrolled.

(d) Is eligible ~~for~~ *in* not more than 1 *school* year at any school or combination of schools in this State or any other state ~~beginning on his or her 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 or she is a pupil enrolled in a school.

Proposed Revision of NAC 386.855 8 (b)

NAC 386.855 Appeals: Pupil adversely affected by determination made on appeal of determination of ineligibility. (NRS 386.430, 386.440)

8. A hearing officer who is appointed to conduct an appeal pursuant to this section shall:

(a) After the submission of the evidence and the presentation of any closing arguments, declare the hearing closed; and

(b) Within ~~14~~ **10** days after closing the hearing, prepare findings of fact and conclusions of law and submit his or her decision to:

(1) The Executive Director;

(2) The legal counsel representing the Association; and

(3) Each party to the appeal.