

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

**LCB FILE NO. R129-17I**

**The following document is the initial draft regulation proposed  
by the agency submitted on 11/01/2017**

### **Proposed Revision of NAC 386.653 and 386.667**

Clarifies the regulations regarding the multiplier and grants authority to the Board of Control to determine the number of classifications and criteria for assigning schools to those classifications following a hearing.

*Approved by NIAA Board of Control January 19, 2017*

### **Changes resulting from R060-15, R029-16 and action of the Board on June 22, 2016:**

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

Additions are underlined, italics and blue font

### **Proposed Revisions:**

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

Additions are double underlined, italics and blue font

**NAC 386.653 Membership in Association: High schools with an enrollment of less than 500 pupils. (NRS 386.430, 386.450)**

1. Except as otherwise provided in NAC 386.6546 and 386.6549, any ~~private~~ high school in this State with an enrollment of less than 500 pupils may apply for membership in the Association by submitting a written request to the Executive Director.

2. 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 the written request is received. 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 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.}~~

(Added to NAC by Nev. Interscholastic Activities Ass'n by R206-03, eff. 11-2-2004; A by R207-08, 5-5-2011; R173-12, 2-26-2014; R128-13, 6-23-2014; R029-16, 6-28-2016)

**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 following the calendar year in which the committee is appointed pursuant to sub-section 1. ~~{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. ~~3. [Except when a different determination is justified based on a consideration set forth in subsection 4, the] The Board and the committee appointed pursuant to subsection 1 shall, based upon any points or other competitive factors set forth in a rubric approved by the Board and any consideration set forth in subsection 4 or based upon~~ based upon the [report] count 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.]~~

The Board shall:

- (a) Establish the classifications, regions and/or leagues to which member schools shall be assigned.
- (b) Set forth and publish to the membership the criteria for assigning schools to a classification. The criteria set forth shall be based on:
  - i. the count of enrollment for each school, and/or;
  - ii. any points or other competitive factors set forth in a rubric approved by the Board, and/or;
  - iii. any consideration set forth in subsection 5.
- (c) Conduct a hearing of member schools and districts prior to taking action to increase or decrease the number of classifications or alter the criteria for assigning schools to a classification. The Board shall provide notice to each school setting forth the date, time and place of the hearing. Such a hearing may be in conjunction with or a part of the hearing described in subsection 2.

4. In determining the classification of a private or charter school pursuant to subsection 3, twice the number of pupils reported in the count of enrollment shall be used.

~~[4]~~ 5. 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, w]~~ Uhether 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.]~~

~~[[1]] 6.~~ 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.

~~[[2]] 7.~~ 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]~~ considerations set forth in subsection ~~[4]~~ 5, 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]~~ the next 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~~ no later than January of the school year prior to the school year in which the accommodation is to take effect. 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.~~