

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY  
NRS 233B.066  
LCB FILE No. R130-17**

The following statement is submitted for adopted amendments to Nevada Administrative Code ("NAC") Chapter 385B.

**1. A clear and concise explanation of the need for the adopted regulation.**

This regulation is necessary to address the ever changing nature of high school athletics governed by the Nevada Interscholastic Activities Association ("NIAA"). This regulation revises provisions governing the membership of a spirit squad that performs cheers or stunts at a school; authorizes a school or school district to impose limits upon a spirit squad under certain circumstances; revises provisions governing the determination of eligibility of a pupil to participate in a sanctioned sport; revises provisions governing certain evidence used to establish the residency of a pupil with the zone of attendance of a school; revises provisions governing the eligibility of a foreign exchange student or international student to participate in a sanctioned sport; reduces the period for a hearing officer appointed to conduct an appeal to prepare findings of fact and conclusions of law and to submit those findings to certain persons; and provides a definition of the word "residence" as used to determine eligibility of a pupil and other matters.

**2. 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), as well as <http://notice.nv.gov>; and were mailed to all county libraries in Nevada and posted at the following locations:

Nevada Interscholastic  
Activities Association  
1188 Victorian Plaza Circle  
Sparks, NV 89431

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

Clark County School District  
5100 West Sahara Avenue  
Las Vegas, NV 89143

Carson City School District  
1140 West King Street  
Carson City, NV 89703

Elko County School District

850 Elm Street  
Elko, NV 89801

These regulations were reviewed by the NIAA Board of Control at regularly scheduled quarterly meetings in 2017, which included the opportunity for public comment concerning the proposed amendments. Thereafter, on or about December 3, 2018, 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 "I." On December 10, 2018, 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.

3. The number of persons who:
  - (a) Attended each hearing: 25
  - (b) Testified at each hearing: 0
  - (c) Submitted to the agency written comments: 0
  
4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information is provided to the agency conducting the hearing:
  - (a) Name;
  - (b) Telephone number;
  - (c) Business address;
  - (d) Business telephone number;
  - (e) Electronic mail address; and
  - (t) Name of entity or organization represented.

There was no testimony provided by any of the persons in attendance at this meeting and, therefore, no information to provide in response hereto.

5. 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.

6. 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 10, 2018, and included all of the changes suggested at prior meetings where the regulations were discussed.

7. 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.

8. 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.

9. 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.

10. 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*

11. 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*

12. 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 generally do no impact private business.

Dated this 27th day of December, 2018

Nevada Interscholastic  
Activities Association

By: \s\

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Legal Counsel

EXHIBIT 1

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**NOTICE OF HEARING FOR THE ADOPTION OF REGULATIONS  
NRS 233B.0603**

The Nevada Interscholastic Activities Association ("NIAA") will hold a public hearing starting at 1:00 p.m. on December 10, 2018, at the Nugget Casino Resort, 1100 Nugget Avenue, Sparks, Nevada 89431. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of Regulations that pertain to Chapter 3858 of the Nevada Administrative Code.

The following is provided pursuant to the requirements of NRS 2338.0603:

1. The adoption of these Regulations is needed for purposes of the governance of high school athletics and activities throughout the State of Nevada which are governed by the NIAA.

2. The Regulation changes will address the following:

- (a) A new regulation developed to define the term "residence" for determining athletic eligibility of a student athlete under the existing regulations and for any other purposes within the regulations.
- (b) NAC 3858.554 (formerly NAC 386.7542) -Number and membership of spirit squads; Restrictions; authority of coach and school.
- (c) NAC 385.556 (formerly NAC 386.7543)-Separate tryouts for fall and winter seasons; separate squads to perform stunts.
- (d) NAC 3858.712 (formerly NAC 386.782)-Residency of pupil; general requirements.
- (e) NAC 3858.714 (formerly NAC 386.783)-Residency of pupil: burden of proof; establishment of new residence; reestablishment of former residence.
- (f) NAC 3858.738 (formerly NAC 386.795)-Foreign exchange students and

international students; penalty.

- (g) NAC 385B.91 0 (formerly NAC 386.855)-Appeal by pupil adversely affected by determination made on appeal of determination of ineligibility.

3(a). The economic effect of the Regulation on high school athletics will be minimal.

(b). The immediate and long-term effects of this Regulation will be to provide a better source of information to the public regarding the governance of high school athletics and activities, including high school athletes, parents, coaches and officials all of whom are governed by the NIAA.

4. The estimated cost to the NIAA for purposes of enforcement of the proposed Regulation are minimal.

5. This Regulation does not overlap or duplicate any regulations of other state or local governmental agencies.

6. The adoption of this Regulation is not required pursuant to federal law.

7. The adoption of this Regulation does not include any provisions which are more stringent than any federal regulation. *See*, paragraph 6, above.

8. The adoption of this Regulation does not establish any new fee or increases to existing fees associated with the governance of the NIAA.

Persons wishing to comment upon the proposed action of the NIAA may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Bart Thompson, Executive Director, Nevada Interscholastic Activities Association, 1188 Victorian Plaza Circle, Sparks, Nevada 89431. Written submissions must be received by the NIAA on or before December 3, 2018. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the NIAA may proceed immediately to act upon any written submissions.

A copy of this Notice and the Regulations to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the Notice and the Regulations to be adopted will be available at 1188 Victorian Plaza Circle, Sparks, Nevada 89431, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This Notice and the text of the proposed Regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS

233B.0653, and on the internet at <http://www.leg.state.nv.us>. Copies of this Notice and the proposed Regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within thirty (30) days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This Notice of Hearing has been posted at the following locations on or before December 3, 2018:

Office of the Nevada Interscholastic Activities Association  
1188 Victorian Plaza Circle  
Sparks, Nevada 89431

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

Clark County School District  
5100 West Sahara Avenue  
Las Vegas, Nevada 89143

Carson City School District  
1140 West King Street  
Carson City, Nevada 89703

Elko County School District  
850 Elm Street  
Elko, Nevada 89801  
<http://notice.nv.gov>

[www.niaa.com](http://www.niaa.com)  
<https://notice.nv.gov>