

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

LCB File No. R048-19

September 11, 2020

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

AUTHORITY: §1, NRS 385B.060 and 385B.090.

A REGULATION relating to interscholastic activities; prohibiting an ineligible pupil or a school that has forfeited a game, contest or meet or lost a position in a conference or tournament due to the participation of an ineligible pupil from appealing the forfeiture or loss of position on the grounds that the school would have won the game, contest or meet without the participation of the ineligible pupil; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the formation of the Nevada Interscholastic Activities Association, composed of all the school districts of the State, for the purposes of controlling, supervising and regulating all interscholastic athletic events and other interscholastic events in the public schools and requires the Association to adopt regulations governing those events. (NRS 385B.050, 385B.060) Existing law requires the rules and regulations of the Association to provide for adequate review procedures to determine and review disputes arising in regard to the Association’s decisions and activities. (NRS 385B.090) Existing law also authorizes a pupil or school that is aggrieved by a final decision or order made pursuant to a regulation adopted by the Association by an administrator of the school district who is responsible for interpreting and enforcing the regulations of the Association, a panel of principals chosen from the schools located in the school district or the Executive Director of the Association to appeal the decision or order to a hearing officer appointed by the Executive Director. (NRS 358B.100)

Under existing regulations, if a pupil participates in a game, contest or meet for which he or she is ineligible, the Association is required to impose certain penalties against the pupil’s school, including, among other penalties, the forfeiture of each game, contest or meet in which the ineligible student participated and the adjustment of the standing or place of the team in any conference or tournament to reflect such forfeitures. If a school appeals the forfeiture or loss of position, the school is required to establish that the school would have won the game, contest or meet without the participation of the ineligible pupil. (NAC 385B.784) This regulation eliminates this requirement and instead prohibits an ineligible student or school from appealing such a forfeiture or loss of position on the grounds that the school would have won the game, contest or meet without the participation of the ineligible pupil.

Section 1. NAC 385B.784 is hereby amended to read as follows:

385B.784 1. If an ineligible pupil participates in any game, contest or meet, the Association will impose the following penalties against the pupil's school:

(a) If the ineligible pupil participated in a sanctioned sport for a team, including, without limitation, baseball, basketball, football, soccer, softball and volleyball:

(1) The school forfeits each game, contest or meet in which the ineligible pupil participated;

(2) The team's place in any conference or tournament standings will be adjusted to reflect any game, contest or meet the team forfeits pursuant to subparagraph (1); and

(3) The team shall return to the Association each award given to the team or any member of the team during the period in which the ineligible pupil participated on the team.

(b) If the ineligible pupil participated in an individual sport, including, without limitation, cross-country, golf, swimming, diving, skiing, tennis, wrestling, and track and field:

(1) Each individual match, place, point and score of the ineligible pupil, including, without limitation, any contribution made by the ineligible pupil to the team, will be eliminated;

(2) Any conference or tournament standing or place of the team will be adjusted based on the reduction of points or score for the participation of the ineligible pupil;

(3) The ineligible pupil shall return to the Association each award given to the ineligible pupil during the period of ineligibility; and

(4) The team shall return to the Association each award given to the team if the elimination of any point or score pursuant to this subsection results in an adjustment to the team's place or standing in any game, contest or meet of the conference or tournament.

(c) In addition to the penalties set forth in paragraph (b), if a pupil participates in a game, contest or meet, and is ineligible to participate in the game, contest or meet because the pupil or a parent or legal guardian of the pupil falsified a record or any other information provided to the school, the Association will declare the pupil ineligible to participate in any sanctioned sport for 360 school days after the last game, contest or meet in which the ineligible pupil participated. As used in this paragraph, “school days” does not include a school day that occurs during the summer of a school year.

(d) If the use of an ineligible pupil is discovered during any tournament, the team or pupil who was last defeated by the ineligible team or pupil must be substituted for the ineligible team or pupil for the remainder of the tournament.

2. ~~{Except as otherwise provided in subsection 3,}~~ *An ineligible pupil who participates in a game, contest or meet for which he or she is ineligible to participate or* a school that forfeits a game, contest or meet or loses its position in a tournament pursuant to this section may *not* appeal the forfeiture or loss of position ~~{to the Association in accordance with the provisions of NAC 385B.900 to 385B.924, inclusive. For any such appeal:~~

~~—(a) The school that files the appeal must establish by a preponderance of the evidence}~~ *on the grounds* that the school would have won the game, contest or meet without the participation of the ineligible pupil . ~~}; and~~

~~—(b) The opposing school may appear at the hearing and present testimony.~~

~~—3.—An ineligible pupil who participates in more than one-half of a game, contest or meet for which he or she is ineligible to participate may not appeal a forfeiture specified in subsection 2.}~~