

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
NRS 233B.066
LCB FILE No. R019-20**

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 eligibility of F-1 Visa foreign students attending Nevada high schools that are members of the NIAA and participate in interscholastic activities. The amendment eliminates the prior distinction pertaining to foreign students which did not require a foreign student to establish residency within the zone of attendance of the school he/she attends as is required of all other students. By eliminating such language F-1 Visa students will now be required to establish residency the same as all other students are required to do. NIAA was sued by a group of F-1 Visa Students who claimed their constitutional right to equal protection was being violated based on the distinction in this regulation, and settlement of that litigation resulted in this proposed regulation change.

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 regulation, and notice of intent to act upon the regulation and amended notice 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, 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

On or about February 21, 2020, the Executive Director issued a Notice of Intent to Act Upon a Regulation 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." An Amended Notice to Act Upon a Regulation was issued by the Executive Director on March 18, 2020 due to the changes in the format of the meeting caused by the COVID-19 emergency orders issued by Governor Sisolak. *See*, Exhibit "2," attached. This regulation was reviewed by the NIAA Board of Control at a workshop and special board meeting held on March 3, 2020 and March 25, 2020 respectively, which included the opportunity for public comment concerning the proposed amendment.

3. **The number of persons who:**
 - (a) **Attended each hearing: 0**
 - (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**
 - (f) **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 March 25, 2020 without changing any part of the proposed regulation because no request for any changes was made at the workshop or hearing.

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:

This regulation will have no economic effect, immediate or long-term, with respect to any business or the public.

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 _____ day of May, 2020.

NEVADA INTERSCHOLASTIC
ACTIVITIES ASSOCIATION

By: _____

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