

LCB File No. R104-06

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

(Note that this regulation was formerly Sections 13 to 15 of R136-05; these sections have been removed from that regulation for separate consideration for adoption by the Legislative Commission's Subcommittee to Review Regulations.)

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

Sec. 1. NAC 386.804 is hereby amended to read as follows:

386.804 1. If, pursuant to the provisions of NAC 386.803, a school district adopts the requirements for academic eligibility set forth in this section, each pupil who participates in a sanctioned sport at a school that is located in the school district must maintain a passing grade for each course he takes during the season. The school shall, in accordance with ~~subsection 3,~~ *this section*, review the pupil's progress in each course at least once every 3 weeks, including any vocational, magnet, college or night courses taken by the pupil at a school other than the school where the pupil participates in a sanctioned sport.

2. Except as otherwise provided in ~~subsection 3,~~ *subsections 3 and 4*, each school district shall establish the dates for conducting the reviews required pursuant to this section based on its academic calendar for each school year. The dates must be determined:

(a) By beginning at the end of the first semester of the school year and counting back to the beginning of the school year in increments of 3 weeks; and

(b) From the beginning of the second semester of the school year and counting forward to the end of the school year in increments of 3 weeks.

3. *If approved by the Executive Director, a school district may establish a date for conducting a review pursuant to this section that occurs not more than 1 week before or after any date that the school district must establish pursuant to subsection 2. The Executive Director may waive the establishment of a date for conducting a review pursuant to this section if, as determined by the Executive Director, the review scheduled for that date is unnecessary.*

4. A school shall not conduct the first review during a school year until after the first date on which a game, contest or meet may be scheduled for a season as determined by the schedule of activities established by the Association for that purpose.

~~4.~~ 5. Each review must indicate the pupil's academic status for the period beginning on the first day of the semester and ending on the date on which the review is conducted and must be determined in accordance with the regulations of the school district in which the school is located. Each review may include the pupil's cumulative semester grades or 9-week grades, or any combination thereof. Each school district shall declare the eligibility or ineligibility of a pupil to participate in a sanctioned sport based on the policy of the school district.

~~5.~~ 6. If a pupil receives a failing grade in an academic course after a review is conducted for the pupil pursuant to this section, the school that conducted the review shall place the pupil on probation for 1 week. A pupil who is placed on probation remains eligible to participate in the

sanctioned sport in which he participates during the probationary week and must be reviewed on the Friday of the probationary week.

~~6.7~~ 7. If a pupil who is placed on probation pursuant to subsection ~~5.6~~ 6 continues to maintain a failing grade at the review conducted on the Friday of the probationary week, the school that conducted the review shall declare the pupil to be ineligible to participate in a sanctioned sport for the period beginning on the Monday after he is declared ineligible and ending on the first Saturday after that Monday.

~~7.8~~ 8. If a pupil is declared ineligible after the probationary week, the school shall conduct a review of the pupil each week until he becomes eligible, regardless of whether that period extends beyond the next scheduled review. If the pupil becomes eligible, the pupil must be reviewed at the next regularly scheduled review and is entitled to another probationary week.

~~8.9~~ 9. If a review is scheduled pursuant to this section for the day before a holiday or vacation for the school, and if a pupil has received a failing grade at the time the review is conducted:

(a) The pupil remains eligible to participate in a sanctioned sport during the holiday or vacation; and

(b) The school that conducted the review shall place the pupil on probation beginning on the first school day after the holiday or vacation.

~~9.10~~ 10. A pupil who is placed on probation the week before a school holiday or vacation is eligible to participate in a sanctioned sport if the school determines that the pupil has maintained passing grades at the regularly scheduled review conducted immediately before the holiday or vacation. If the school determines that the pupil has not maintained passing grades after that review is conducted, the pupil remains ineligible during the holiday or vacation.

~~10.11~~ 11. A pupil who is declared ineligible not more than 2 weeks before a school holiday or vacation remains ineligible to participate in the sanctioned sport until he achieves a passing grade as determined by each weekly review conducted pursuant to this section.

~~11.12~~ 12. If a pupil withdraws or is excluded from a class because he received a failing grade during a semester, the school shall, immediately after the record of the withdrawal or exclusion becomes available, declare the pupil ineligible to participate in the sanctioned sport for the period beginning on the Monday after he withdraws or is excluded and ending on the first Saturday after that Monday. The provisions of this subsection do not exempt a pupil from complying with the requirement set forth in subsection 1 of NAC 386.802.

Sec. 2. NAC 386.851 is hereby amended to read as follows:

386.851 1. Except as otherwise provided in NAC 386.600 to 386.886, inclusive, a pupil may appeal a determination made pursuant to any of those sections if the determination imposes a hardship on the pupil. The pupil must prove by a preponderance of the evidence that:

(a) The hardship exists; and

(b) If the determination relates to a transfer by the pupil, the pupil was not recruited to make the transfer.

2. If a determination made pursuant to NAC 386.600 to 386.886, inclusive, relates to a transfer by a pupil from a private school to a public school, the pupil may appeal the determination if the pupil transferred to the public school because of a financial burden incurred by him. *A reverse financial burden may also be considered if the pupil demonstrates a lack of sufficient money at one time followed by a sufficient amount of money at a later date.*

3. *If a determination made pursuant to NAC 386.600 to 386.886, inclusive, relates to a transfer by a pupil from a public school to a private school, the pupil may appeal the determination if the pupil transferred to the private school because of any financial gain, relief or windfall incurred by him.*

4. As used in this section, “financial ~~burden~~ *gain, relief or windfall*” means a change in the financial status of a parent, legal guardian or other family member who provides money for a pupil to attend a private school if:

(a) The change is solely the result of ~~a decrease~~ *an increase* in:

(1) The salary of the parent, legal guardian or family member; or

(2) Any investment income that is owned and held in the name of the parent, legal guardian or family member; and

(b) The existence of the change is established to the satisfaction of the Executive Director by the submission of a copy of:

(1) The most recent paycheck of the parent, legal guardian or family member; and

(2) The federal income tax return and withholding statement of the parent, legal guardian or family member for the year immediately preceding the first year the pupil enrolled in the ~~private~~ *public* school and for each year the pupil attended the ~~private~~ *public* school.

↪ The term does not include a ~~hardship or a~~ change in any financial assistance obtained from a person who is not a member of the family of the pupil.

Sec. 3. NAC 386.871 is hereby amended to read as follows:

386.871 1. Each member of the Hall of Fame of the Association, and each member of the Board whose term of membership on the Board has expired, is entitled to receive a lifetime pass from the Association.

2. Any person who is not entitled to receive a lifetime pass pursuant to subsection 1 must be nominated to receive a lifetime pass. The Association will accept a nomination of a person for a lifetime pass that is submitted by:

(a) A member of the Legislative Commission;

(b) A member of the Board;

(c) A principal of a school; ~~or~~

(d) The Executive Director ~~};~~ *or*

(e) The Commissioner.

3. The Board may accept a nomination for a lifetime pass for the following persons:

(a) A retired superintendent of schools of a school district in this State;

(b) A retired administrator of a high school in this State; or

(c) A person who has served for at least 25 years in support of the athletic program of a school, including, without limitation, service as:

(1) A coach;

(2) An athletic administrator;

(3) A sports official;

(4) A member of a board of trustees of a school district in this State; and

(5) A physician for a team.

4. The nomination of a person for a lifetime pass must be submitted on a form provided by the Association at least 30 days before a scheduled meeting of the Board. A majority vote of the Board is required to issue a lifetime pass to a nominee.

5. Except as otherwise provided in this subsection, a lifetime pass is not transferable and admits the holder of the pass and one guest who accompanies the holder of the pass to any game, contest, meet or tournament that is sponsored by the Association or any school. If the spouse of a holder of a lifetime pass presents the pass for admission to the game, contest, meet or tournament, only the spouse may be admitted.