

LCB File No. R105-06

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

**NOTICE OF HEARING FOR THE ADOPTION OF REGULATIONS
OF THE NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION**

The Nevada Interscholastic Activities Association (“NIAA”) will hold a public hearing at 9:30 a.m. on the 27th day of September, 2006 and at 8:30 a.m. on the 28th of September, 2006, at the Atlantis Casino Resort, Reno, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of Regulations that pertain to Chapter 386 of the Nevada Administrative Code.

The following is provided pursuant to the requirements of NRS 233B.0603:

1. The adoption of these Regulations are 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) Regulation 386.615 – Participate and Participant Defined
 - (b) Regulation 386.654 – Membership in Association
 - (c) Regulation 386.667 – Classification and Alignment of schools
 - (d) Regulation 386.696 – Out-of-Season Participation
 - (e) Regulation 386.698 – Participation in sanctioned sport by member of team as member of another team; establishment of requirements for eligibility of pupil to participate in post-season competition for sanctioned sport.
 - (f) Regulation 386.718 – 1A Participation Rule
 - (g) Regulation 386.746 – Swimming
 - (h) Regulation 386.777 – Registration of Pupils: Duties of School and pupil; scheduling of first game, contest or meet of season; penalty
 - (i) Regulation 386.778 – Registration of Pupils: Adoption by School District of Additional Requirements for Eligibility.
 - (j) Regulation 386.779 – General requirements for eligibility of pupil
 - (k) Regulation 386.782 – Residency of pupil: General Requirements
 - (l) Regulation 386.784 – Presumption of ineligibility of pupil who transfers to another school
 - (m) Regulation 386.785 - Rebuttal of presumption of ineligibility of a pupil who transfers to another school; period of ineligibility of pupil who returns to form residence; deviation from certain provision.
 - (n) Regulation 386.786 – Pupil who transfers from public school to private school, from private school to public school or from one private school to another.
 - (o) Regulation 386.787 – Pupil who is approved to attend magnet school that offers sanctioned sport.
 - (p) Regulation 386.790 – Pupil assigned to option-zoned school; effect or rezoning of boundaries of certain school districts during school year.

- (q) Regulation 386.791 – Pupil enrolled in high school located within community college; pupil who attends high school pursuant to certain alternative programs.
- (r) Regulation 386.795 – Foreign Exchange & International Students; penalty
- (s) Regulation 386.796 – Practice or participation by pupil in any sanctioned sport for more than one school during season prohibited; waiver of prohibition.
- (t) Regulation 386.798 – Waiver of requirements upon application of pupil transferring from public school to another school.
- (u) Regulation 386.807 – Academic eligibility: Passing grades during season or minimum grade point average.
- (v) Regulation 386.816 – Prohibition of activities on Sunday.
- (w) Regulation 386.823 – Restriction on solicitation or encouragement of prospective pupil to enroll in school; prohibited representation of athletic program; duty of coach upon receiving certain notification regarding prospective pupil
- (x) Regulation 386.830 – Participation of an Ineligible pupil: Imposition of penalties after participation of disqualified or ineligible team or pupil pursuant to court order.
- (y) Regulation 386.843 – Ejection of pupil or coach from game, contest or meet
- (z) Regulation 386.847 – Drug and Alcohol Policy for Coaches

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 Jerry A. Hughes, Executive Director, Nevada Interscholastic Activities Association, One East Liberty Street, Suite 505, Reno, Nevada 89501. Written submissions must be received by the NIAA on or before September 20, 2006. 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 One East Liberty Street, Suite 505, Reno, Nevada 89501, 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 August 25, 2006, 2006:

Office of the Nevada Interscholastic Activities Association
One East Liberty Street, Suite 505
Reno, Nevada 89501

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

Clark County School District
2832 E. Flamingo
Las Vegas, Nevada 89121

LCB File No. R105-06

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

NAC 386.667 Classification and alignment of schools: General requirements; Request for team to participate in another classification or league/region.

1. The Board shall, not later than September 1, 2006, and every four (4) years thereafter, appoint a committee to place each member school and its teams in a classification and align that school and its teams in a league or region. The committee shall consist of selected members of the Board and selected representatives of schools in each current classification. As soon as practicable after the formation of the committee, the committee shall consider the factors required for classification pursuant to subsection 3, enrollment, and submit to the Board at the appropriate and designated time and meeting within the alignment process a written recommendation for the classification and alignment of schools.

2. As soon as practicable after receiving the committee's written recommendation, the Board shall conduct a public hearing to consider the written recommendation. The Board shall provide notice to each school setting forth the date, time and place of the hearing. The classification and alignment of each school shall be determined by a majority vote of the Board. A determination of the Board relating to the written recommendation of the committee is final and binding on each school. The classification and alignment shall take effect in August of 2008 and every four (4) years thereafter.

3. The Board and appointed committee pursuant to subsection 1 shall, based upon the Count Day report of enrollment submitted by the board of trustees of each school district in the State and each private school president pursuant to paragraph (b) of subsection 1 of NRS 387.303 for the first school month of the year immediately preceding the school year in which the Board determines the classification and alignment of a school, place a school in the current classification of:

- 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.*

4. In determining the classification and alignment of a school pursuant to this section, the Board may consider as an avenue for adjustment in a classification or alignment, without preference to the order listed:

- a) Any geographical factors relating to the school;*
- b) The requirements of the school to travel for interscholastic athletics;*
- c) Any traditional rivalries of the school;*
- d) Any financial factors relating to the school with regards to interscholastic athletics;*
- and*
- e) Any competitive factors relating to the school.*

5. Except as otherwise outlined in subsections 6 and 7, the Board shall not revise the classification or alignment of a school more than once every four years pursuant to subsection 1.

6. *If, during the four years a school is classified and aligned pursuant to this section, the Count Day enrollment of pupils in a school falls below the base line number of pupils required for a particular classification pursuant to subsection 3 or exceeds the ceiling number of pupils capping a classification pursuant to subsection 3, 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 on Count Day enrollment has fallen below the baseline number of pupils required for a particular 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 pursuant to paragraph (b); and*
- b) *According to Count Day of the ensuing year, determine whether the number of pupils enrolled in the school still falls below the baseline number of pupils required for a particular classification. If the Board determines as such, the Board shall place the school into the next lowest classification one additional year following (review year), provided the Count Day enrollment falls below the baseline number of pupils for a second consecutive year.*
- c) *If, during the review year, it is found the school's Count Day enrollment has returned to again exceed the baseline, the school will remain in its current classification.*

8. *A school & district must notify the Association pursuant to subsection 6 that the number of pupils on Count Day enrollment has exceeded the ceiling number of pupils capping a classification pursuant to subsection 3. The Board shall then:*

- a) *As soon as practicable after receiving the notice, notify the school that the Board will make a determination pursuant to paragraph (b); and*
- b) *According to County Day of the ensuring year, determine whether the number of pupils enrolled in the school still exceeds the ceiling number of pupils capping a particular classification. If the Board determines as such, the Board shall place the school into the next highest classification one additional year following (review year), provided the Count Day enrollment exceeds the ceiling number of pupils for a second consecutive year.*
- c) *If, during the review year, it is found the school's Count Day enrollment has returned to again fall below the ceiling, the school will remain in its current classification.*

9. *Within each classification established pursuant to this section, the Board:*

- a) *Shall establish the alignment of at least two leagues consisting of at least two schools in each league; and*
- b) *May establish the alignment of two regions consisting of at least two leagues in each region.*

10. *If a member school evaluates that a team of the school is unable to successfully compete in a sanctioned sport or that it is in the best interest of the pupils of a team to participate in the sanctioned sport in a classification that is lower or higher than the current classification of the school or an alignment that is different than the current alignment of the school, the school may submit a written request to the Board pursuant to subsection 4 to allow the pupils or team to participate in a classification or alignment other than its current classification or alignment. The Board shall place 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's submission deadline. Each school that submits a written request pursuant to this subsection has the burden of establishing that,*

if the written request is to be approved, the participation of the team of the school in the other classification will improve the competitive balance among the member schools to which the written request applies. To become effective for the following school year, each written request must be submitted to the Association no later than the posted agenda deadline for the annual September Board meeting. Any written request that the Board approves pursuant to this subsection is:

- a) Subject to any term or condition specified by the Board for the written request including, but not limited to, the starting year or season the particular team will begin in its new classification or alignment, and;*
- b) A final decision and binding on each school to which the written request applies subject to the regulations of this section.*

NAC 386.668 Classification and Alignment of schools: Submission of recommendation by school. (NRS 386.430)

Each school that is placed in a classification or alignment pursuant to NAC 386.667 may, on or before September 1 of each year, submit an appeal to the Board relating to the classification or alignment of a school pursuant to that section.

NAC 386.698 Participation in a sanctioned sport or spirit squad by a member of a team as a member of another team; establishment of requirements for eligibility of pupil to participate in post-season competition for sanctioned sport or spirit squad. (NRS 386.430)

1. A pupil who, during the school year, participates in a sanctioned sport *or spirit squad* as a member of a team may participate as a member of any other team or event for the sanctioned sport *or spirit squad* if:

(a) The coach for the sanctioned sport *or spirit squad* approves the pupil's participation on the team or in the event;

(b) The pupil counts each game, contest, *competition* or meet in which the other team participates as one of the allowable games, contests, *competition* or meets specified in the athletic bylaws for the sanctioned sport *or spirit squad*; and

(c) The other team is not a team for a school.

(d) *Participation on a team in another sport or in another event while a member of a high school team or spirit gym requires the approval of the high school coach. No substitution of contests is necessary.*

2. Each league, region or class established pursuant to NAC 386.667 may establish the requirements for eligibility for a pupil who is in the league, region or class to participate in any competition for a sanctioned sport *or spirit squad* that is conducted after the *regular* season *has concluded* for the sanctioned sport *or spirit squad*.

NAC 386.785 – Rebuttal of presumption of ineligibility of pupil who transfers to another school; period of ineligibility of pupil who returns to former residence; deviation from certain provisions. (NRS 386.430)

1. A pupil who transfers from a school to another school within the same school district or to another school district may rebut the presumption of ineligibility set forth in NAC 386.784 if he provides proof satisfactory to the Association that the parents or legal guardian of the pupil or, if the parents are divorced or separated, the parent who has legal custody of the pupil resides

within the zone of attendance of the school or the boundaries of the school district to which the pupil transfers in accordance with the provisions of this section.

2. If the parents of a pupil specified in subsection 1 are not living together, the parent with whom the pupil resides must provide, in addition to the proof required by subsection 1, a certified copy of the order or decree issued by a court of competent jurisdiction establishing that the parent has been awarded physical custody of the pupil.

3. If a pupil specified in subsection 1 resides with a legal guardian, the legal guardian must provide, in addition to the proof required by subsection 1, a certified copy of the order or decree of a court of competent jurisdiction appointing that person as the legal guardian of the pupil and setting forth a specific finding by the court that the legal guardianship has not been established pursuant to NRS 159.205 or 159.215 and that:

- (a) The parents of the pupil are unfit or incapable of maintaining or caring for the pupil; or
- (b) The pupil is a delinquent who will benefit from the guardianship.

4. The exception set forth in subsection 3 applies only to a pupil for whom a legal guardian is appointed by a court of competent jurisdiction for the best interests of the pupil. If the Association determines that a legal guardianship has been established to circumvent the provisions of NAC 386.600 to 386.886, inclusive, the Association will refuse to recognize the legal guardianship and determine the eligibility of the pupil as if no legal guardianship existed.

5. If a guardianship is established for any reason other than the reasons set forth in paragraph (a) or (b) of subsection 3, the legal guardian must provide, in addition to the proof required by subsection 1, proof satisfactory to the Association that ~~the guardianship was not established for the purpose of recruiting the pupil to make a transfer specified in subsection 1.~~ *a hardship as defined by NAC 386.609 exists.*

~~6. If a pupil is less than 18 years of age and does not reside with a parent or legal guardian, the pupil must, in addition to the proof required by subsection 1, provide a certified copy of the decree of emancipation of the pupil entered by a court of competent jurisdiction.]~~

7. If a pupil ~~is 18 years of age or older~~ and does not reside with a parent or legal guardian, the pupil must, *establish by a* ~~in addition to the proof required by subsection 1, establish by a~~ preponderance of the evidence that he ~~is emancipated, and~~ *is* ~~voluntarily~~ *living separate and apart from the parent or legal guardian,* ~~and~~ without financial support from ~~the parent or legal guardian.] any person or any entity.~~

8. If a pupil or a parent or legal guardian of a pupil establishes by a preponderance of the evidence the matters set forth in subsection 1 at a hearing conducted pursuant to NAC 386.850 to 386.858, inclusive, the pupil is eligible to participate in a sanctioned sport.

9. A pupil who is eligible to participate in a sanctioned sport pursuant to this section and who, within 1 year after becoming eligible, returns to his former residence or a residence in the school district from which he transferred is ineligible to participate in the sanctioned sport for 180 school days after the date on which he returns to that residence.

10. A school district consisting of more than one school is not required to comply with the requirements of this section if the school district imposes requirements that are stricter than the requirements set forth in this section.

11. Except as otherwise provided in NRS 386.464, if a high school is opened in a school district specified in subsection 10, the school district may submit a request to the Association to deviate from the regulations adopted by the Association relating to the transfer of pupils. Each request submitted pursuant to this subsection must include the regulations from which the school district wishes to deviate and the reason for each requested deviation. Upon approval of the

request, the school district may, during the year in which the high school is opened, deviate from the regulations in the manner specified by the Association in its approval of the request.

NAC 386.795 Foreign exchange students and international students; penalty. (NRS 386.430)

1. The provisions of this section govern the eligibility of:
 - (a) A foreign exchange student; and
 - (b) An international student who enrolls in a school and is not a foreign exchange student.
2. The Association will allow a foreign exchange student to participate in a sanctioned sport if the foreign exchange student:
 - (a) Is sponsored by and placed with a host family in the United States by an international student exchange program that:
 - (1) Is approved for listing by the Council on Standards for International Educational Travel or its successor organization;
 - (2) *The Association will allow a foreign exchange student to participate in a sanctioned sport at the subvarsity level only, if the foreign exchange student's program is ~~its~~ recognized by the United States Department of State; and*
 - (3) Assigns students to host families in a manner which ensures that a student, school or other interested party is unable to influence the assignment of the student to a host family for athletic or other purposes or in any other manner which ensures that the student is not chosen or placed because of his athletic interests or abilities;
 - (b) Possesses a J-1 Visa issued by the United States Immigration and Naturalization Service;
 - (c) Attends the school on the first day of the school year and enrolls in a foreign exchange program at the school that is conducted for at least 1 year;
 - (d) Is eligible for not more than 1 year at any school or combination of schools in this State or any other state beginning on his initial date of enrollment in a school in the United States;
 - (e) Has not completed the 12th grade or its equivalent in the United States or any other country; and
 - (f) Complies with any other requirements for eligibility of the Association during the period in which he is a pupil enrolled in a school.
3. If a foreign exchange student transfers to another school during the school year because of a change in residence by the student and the host family with whom he was placed at the time of enrollment in the original school, the transfer does not affect his eligibility to participate in a sanctioned sport. If the transfer occurs because the student is placed with another host family, the student is ineligible to participate in a sanctioned sport at the school to which he transfers for the remainder of the school year.
4. If a school or coach of a school places or arranges for the placement of a student in violation of any provision of this section, the student is ineligible to participate in a sanctioned sport and the Association may impose a penalty against the school or coach pursuant to NAC 386.600 to 386.886, inclusive.
5. A student from a foreign country who is enrolled in a school because he has been issued an F-1 Visa by the United States Immigration and Naturalization Service shall be deemed to be a transfer student. To be eligible to participate in a sanctioned sport, the student must comply with the provisions for eligibility that are applicable to a transfer student. *To be eligible to participate in a sanctioned sport, the student must comply with the provisions that are applicable to a transfer student, and may participate at the sub-varsity level only.*

6. For the purposes of this section, a foreign exchange student shall be deemed to be placed with a host family if:

(a) The school that the student attends was not involved in the selection or assignment of the student; and

(b) The principal office for the sponsoring organization approves the placement of the student.

7. As used in this section, “foreign exchange student” has the meaning ascribed to it in NRS 483.075.

NAC 386.791 Pupil enrolled in high school located within community college; pupil who attends high school pursuant to certain alternative program. (NRS 386.430)

1. A pupil who is eligible to participate in a sanctioned sport at a school that is located in the school district in which he resides and who is enrolled in a high school that is located within a community college of the University and Community College System of Nevada pursuant to a program of a school district remains eligible to participate in the sanctioned sport at the school that is located in the school district in which he resides.

2. A pupil who attends Washoe High School, Sunset High School, Horizon High School or any other high school pursuant to an alternative program specified in NRS 388.537 ~~is ineligible to participate in any sanctioned sport.~~ *with written approval from both principals and the district level administrators, a student can seek eligibility through an appeal to the NIAA Office.*

NAC 386.816 Prohibition of activities on Sunday; exception. (NRS 386.430)

1. Except as otherwise provided in this section, a school shall not schedule or conduct on a Sunday any game, contest or meet or a practice for any game, contest or meet that is sponsored or sanctioned by the Association. The provisions of this subsection do not apply to skiing.

2. A school may authorize a pupil or team to participate in a game, contest or meet outside this State that is held on a Sunday if the school obtains approval from the Executive Director for the game, contest or meet.

3. No contact between coaches and team participants, including but not limited to informal team practice, meeting, film session or general workout will be permitted on Sunday pursuant to subsection 1 and 2.

NAC 386.830 - Participation of ineligible pupil: Imposition of Penalties after participation of disqualified or ineligible team or pupil pursuant to court order. (NRS 386.430). The association will impose the penalties set forth in NAC 386.829 against a team or pupil of a school that is disqualified or ineligible to participate in a sanctioned sport pursuant to NAC 386.600 to 386.886.

(1) In the event a restraining order, court order or an injunction is issued that permits a disqualified or ineligible pupil or team to participate in a NIAA sanctioned event, the event will be postponed until a final judgment or order has been entered and any appeal there from has been decided.

(2) If the final judgment, order or appellate relief is not made or entered within a time frame that allows the event to continue as written, the event will be postponed indefinitely or canceled at the discretion of the Executive Director.