

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

LCB File No. R147-10

Effective May 5, 2011

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

AUTHORITY: §§1-10, NRS 386.430.

A REGULATION relating to interscholastic activities; increasing the number of nonvoting members on the Board of Control of the Nevada Interscholastic Activities Association; providing that a pupil who enrolls in a school based upon an affidavit of residency is ineligible to participate in any sanctioned sport at that school; providing that a pupil who transfers to another school may not rebut the presumption of ineligibility to participate in a sanctioned sport at that school under certain circumstances; expanding the group of persons who may conduct a physical examination of a pupil who wishes to participate in a sanctioned sport for the first time; repealing certain provisions governing academic eligibility to participate in a sanctioned sport; and providing other matters properly relating thereto.

Section 1. NAC 386.628 is hereby amended to read as follows:

386.628 1. The Board consists of nine voting members ~~[elected]~~ *selected* from the administrative regions established pursuant to NAC 386.627. The Board is the governing body of the Association.

2. In addition to the voting members specified in subsection 1, the Board includes the following nonvoting members:

(a) The president of:

- (1) Each class established pursuant to NAC 386.667;
- (2) The private schools elected pursuant to NAC 386.665; and
- (3) The Nevada Athletic Directors Association or its successor organization;

(b) A representative from Class 4A North who is not serving as a nonvoting member pursuant to subparagraph (1) of paragraph (a); ~~and~~

(c) A representative from Class 4A South who is not serving as such a nonvoting member ~~;~~ *and*

(d) A representative appointed by the Nevada Association of School Administrators or its successor organization.

3. Each nonvoting member specified in subsection 2 serves for a term of 2 years.

Sec. 2. NAC 386.630 is hereby amended to read as follows:

386.630 1. Each school trustee and each person who is:

- (a) A superintendent of a school district;
- (b) An assistant or deputy superintendent of a school district;
- (c) A director of athletics of a school district; or
- (d) A principal of a high school,

↪ is eligible to be ~~elected~~ *selected* to serve as a member of the Board.

2. The school trustees of each administrative region established pursuant to NAC 386.627 shall ~~elect~~ *select* the members of the Board from that region. The term of ~~an elected~~ *a selected* member begins on July 1 after his ~~election.~~ *selection*. A member of the Board may be ~~reelected.~~ *reselected*.

3. If a vacancy occurs in the membership of the Board, the Executive Director shall notify the school trustees of the administrative region from which the vacant member was ~~elected.~~ *selected*. An unexpired term of a member of the Board must be filled by the school trustees of the administrative region in which the vacancy occurs. Each member ~~elected~~ *selected* to fill a vacancy serves for the remainder of the unexpired term.

4. Except as otherwise provided in subsection 3, each voting member of the Board serves for a term of 3 years.

Sec. 3. NAC 386.699 is hereby amended to read as follows:

386.699 A school or a pupil enrolled in a school who participates in a sanctioned sport shall not, during the season for the sanctioned sport, participate in more than:

1. For the fall season:

(a) Fourteen cross-country meets;

(b) Except as otherwise provided in subsection 5 of NAC 386.720, nine football games;

(c) ~~Eighteen games~~ *Sixteen matches* for girls' golf;

(d) Except as otherwise provided in subsection 5 of NAC 386.731, eighteen soccer games ~~;~~

and two tournaments for soccer;

(e) ~~Twenty~~ *Eighteen* tennis matches; or

(f) ~~Twenty~~ *Eighteen* matches ~~or meets~~ for girls' volleyball.

2. For the winter season:

(a) ~~Twenty~~ *Eighteen* basketball games ~~;~~ *and two tournaments for basketball;*

(b) ~~Twenty~~ *Eighteen* bowling competitions ~~;~~ *and two tournaments for bowling;*

(c) ~~Twenty~~ *Fourteen* ski races;

(d) Except as otherwise provided in subsection 5 of NAC 386.731, eighteen soccer games ~~;~~

for girls' soccer and two tournaments for girls' soccer; or

(e) Fifteen wrestling ~~contests~~ *contacts* or meets.

3. For the spring season:

(a) ~~Twenty-four~~ *Twenty-one* baseball games ~~;~~ *and two tournaments for baseball;*

(b) ~~Eighteen games~~ *Sixteen matches* for boys' golf;

- (c) ~~[Twenty-four]~~ *Twenty-one* softball games ~~[;]~~ *and two tournaments for softball;*
- (d) Twelve swim meets;
- (e) Fourteen track and field meets; or
- (f) ~~[Twenty]~~ *Eighteen* matches ~~[or meets]~~ for boys' volleyball.

Sec. 4. NAC 386.782 is hereby amended to read as follows:

386.782 1. To be eligible to participate in a sanctioned sport, a pupil must attend the school that is located in the zone of attendance of the residence of a parent or legal guardian of the pupil as determined by the school district in which the residence is located. *A pupil enrolled in a school based on an affidavit of residency is not eligible to participate in any sanctioned sport at the school.*

2. A pupil whose parents are divorced or separated is eligible to participate in a sanctioned sport at the school that is located within the zone of attendance of the residence of the parent having primary physical custody of the pupil as determined by an order or decree issued by a court of competent jurisdiction establishing that the parent has been awarded primary physical custody of the pupil.

3. If the primary physical custody of a pupil whose parents are divorced or separated is jointly shared at the separate residences of the parents and if the pupil:

(a) Was enrolled in a *member* school at the time of the divorce or separation, the pupil remains eligible to participate in a sanctioned sport at that *member* school.

(b) Was not enrolled in a *member* school at the time of the divorce or separation, the ~~[pupil must choose which residence will be his primary residence for establishing eligibility to participate in a sanctioned sport. If the pupil chooses a primary residence pursuant to this paragraph, the]~~ *member* school that is located within the zone of attendance of the residence *of*

the pupil at the time of the divorce or separation is the pupil's home school for the purposes of NAC 386.600 to 386.886, inclusive.

4. A pupil who begins ninth grade at a private school that serves all pupils who are located within the zone of attendance of the residence of a parent or legal guardian of the pupil is eligible to participate in a sanctioned sport at the private school.

5. For the purposes of NAC 386.600 to 386.886, inclusive, the Association will not recognize a temporary guardianship that is granted without the approval of a court pursuant to NRS 159.205 or 159.215.

6. A pupil is not eligible to participate in a sanctioned sport at a school that is located within the zone of attendance of the legal guardian of the pupil unless the legal guardian has complied with subsection 3 of NAC 386.785.

Sec. 5. NAC 386.784 is hereby amended to read as follows:

386.784 1. Any pupil who transfers to another school is presumed ineligible to participate in any sanctioned sport at the school to which he transfers for 180 school days.

2. The presumption set forth in subsection 1 applies to a pupil who transfers from:

(a) A school to another school within the same school district that has established zones of attendance for pupils who reside within that school district;

(b) A school district to another school district; or

(c) A public school to a private school, a private school to a public school or a private school to another private school within the zone of attendance.

3. ~~[A]~~ *Except as otherwise provided in subsection 4, a* pupil or a parent or legal guardian of the pupil may rebut the presumption set forth in subsection 1 if he complies with the provisions of NAC 386.785 and 386.786.

4. A pupil or a parent or legal guardian of a pupil may not rebut the presumption set forth in subsection 1 if the pupil transferred to another school within 1 year after the pupil:

(a) Participated in an athletic event as a member of a team that is affiliated with the school to which he or she transferred, including, without limitation, an athletic event sponsored or conducted by the Amateur Athletic Union, the American Legion or a similar organization specified by the Executive Director; or

(b) Received any athletic instruction from a person who is affiliated with that school.

Sec. 6. NAC 386.791 is hereby amended to read as follows:

386.791 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 Nevada System of Higher Education 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]~~ a high school pursuant to an alternative program specified in NRS 388.537 may submit a written appeal to the Association requesting a determination of eligibility to participate in a sanctioned sport if the pupil has obtained approval to participate in the sanctioned sport from:

(a) The principal of the high school at which the pupil is enrolled pursuant to the alternative program;

(b) The principal of the school at which the pupil may participate in the sanctioned sport; and

(c) The administrator of the school district in which the pupil resides.

Sec. 7. NAC 386.802 is hereby amended to read as follows:

386.802 1. For each semester a pupil participates in a sanctioned sport, the pupil must enroll in a course of at least two units of credit *consisting of at least four classes* and regularly attend a school. The pupil must successfully complete a course of at least two units of credit for the immediately preceding semester. If a pupil fails to complete successfully the course for that semester, he is ineligible to participate in a sanctioned sport for one semester unless, for the grading period for the first 9 weeks of the semester that is conducted immediately after that semester, he receives a passing grade for the two units of credit for the grading period, at which time he must be placed on weekly probation. If the pupil receives a failing grade during the probationary period, the pupil is ineligible to participate in a sanctioned sport for the remainder of the semester in which he is placed on weekly probation.

2. A pupil may enroll in a course for one unit of credit for each semester he enrolls in a correspondence course or attends any summer school, night school or any other school, including, without limitation, a postsecondary educational institution, and receive credit for the satisfactory completion of that course toward the satisfaction of the requirements for academic eligibility if the principal of the school in which the pupil is enrolled indicates in writing that the course qualifies for credit for the pupil's requirements for graduation.

3. Any course taken or unit of credit received by a pupil pursuant to subsection 2 becomes a part of his academic record and, after the grade for the course or unit of credit is recorded on his transcript, applies to the requirements for academic eligibility to participate in a sanctioned sport.

4. A school shall ensure that each course or unit of credit in which a pupil who participates in a sanctioned sport is enrolled is reviewed in accordance with the provisions of NAC 386.804, 386.805 [,] *or* 386.806 , [~~or 386.807,~~] as adopted by the school pursuant to the provisions of NAC 386.803, to determine his academic eligibility to participate in the sanctioned sport.

Sec. 8. NAC 386.803 is hereby amended to read as follows:

386.803 Each school district in which a school is located must, before the beginning of each school year, adopt the provisions of NAC 386.804, 386.805 ~~[,]~~ **or** 386.806 ~~[or 386.807]~~ for use by the school district in determining the academic eligibility of each pupil who participates in a sanctioned sport at the school. The school shall, for the period during which each of those pupils participates in a sanctioned sport, continually review the academic progress of those pupils in accordance with the provisions of NAC 386.804, 386.805 ~~[,]~~ **or** 386.806 ~~[or 386.807]~~ as adopted by the school district pursuant to this section.

Sec. 9. NAC 386.819 is hereby amended to read as follows:

386.819 1. Each pupil who wishes to participate in any sanctioned sport for the first time:

(a) Must submit to a physical examination that is conducted by ~~[a]~~ :

(1) A physician who is licensed pursuant to chapter 630 of NRS ~~[or a]~~ ;

(2) A homeopathic physician who is licensed pursuant to chapter 630A of NRS;

(3) An osteopathic physician licensed pursuant to chapter 633 of NRS;

(4) A chiropractor who is licensed pursuant to chapter 634 of NRS;

(5) An advanced practitioner of nursing licensed pursuant to chapter 632 of NRS; or

(6) A physician assistant licensed pursuant to chapter 630 or 633 of NRS or certified

pursuant to chapter 630A of NRS; and

(b) After completing the physical examination, must be approved for participation in a sanctioned sport by a physician , ~~[or]~~ homeopathic physician , *osteopathic physician, chiropractor, advanced practitioner of nursing or physician assistant* specified in paragraph (a) on a form approved by the Association.

2. Except as otherwise provided in this subsection, each pupil who wishes to participate in a sanctioned sport and has complied with the provisions of subsection 1 shall, for each year he participates in a sanctioned sport, complete the form which is approved by the Association for that purpose. If the pupil submits an affirmative response to any question on the form, he must submit to a complete physical examination in accordance with subsection 1 before he is eligible to participate in a sanctioned sport. If, on or after the beginning of the 2005-2006 school year, the pupil enrolls in a school as a freshman, he must submit to such an examination for the first and third years in which he participates in the sanctioned sport.

3. Each school shall:

(a) Maintain a record of each form submitted to the school pursuant to this section; and

(b) Ensure that the athletic director, athletic trainer or school nurse reviews each form specified in paragraph (a) before each season in which the pupil participates in a sanctioned sport.

4. If the religious beliefs of a pupil prohibit him from submitting to a physical examination to participate in a sanctioned sport, the pupil and a parent or legal guardian with whom he resides shall execute a release which indemnifies and holds harmless the school, school district and Association from all liability which may arise because of the pupil's participation in the sanctioned sport.

5. A pupil may obtain the form for the release specified in subsection 4 from the Association.

Sec. 10. NAC 386.807 is hereby repealed.

TEXT OF REPEALED SECTION

386.807 Academic eligibility: Passing grades during season or minimum grade point average. (NRS 386.430) 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:

1. Receive a passing grade in each class in which he enrolls during the season for the sanctioned sport; or
2. Maintain a grade point average of not less than 2.0 for the immediately preceding semester,

↪ in accordance with the provisions of NAC 386.804 and 386.805.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
NRS 233B.066
LCB FILE No. R147-10**

The following statement is submitted for adopted amendments to Nevada Administrative Code (“NAC”) Chapter 386.

1. 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, and were mailed to all county libraries in Nevada and posted at the following locations:

Nevada Interscholastic
Activities Association
549 Court Street
Reno, NV 89501

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

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

These regulations were reviewed by the NIAA Board of Control at regularly scheduled quarterly meetings in 2009 and 2010, which included the opportunity for public comment concerning the proposed amendments. Thereafter, on or about December 22, 2010, 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 “1.” On January 26, 2011 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. The Minutes from the January 26, 2011 meeting are not yet available but can be produced if necessary. A copy of the Agenda from the January 26, 2011 meeting is attached as Exhibit “2.”

- 2. The number of persons who:**
- (a) Attended each hearing: 32**
 - (b) Testified at each hearing: 0**
 - (c) Submitted to the agency written comments: 0**

3. **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.

4. **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 January 26, 2011, and included all of the changes suggested at prior meetings where the regulations were discussed.

5. **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.

6. **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.

7. **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.

8. **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

- 9. 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

- 10. 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 do not impact private business.