

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

**LCB File No. R147-10**

October 6, 2010

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

AUTHORITY: §§1-11, NRS 386.430.

A REGULATION relating to interscholastic activities; providing that a pupil who enrolls in a school is ineligible to participate in a sanctioned sport at that school for a certain period under certain circumstances; increasing the number of voting 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; 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; revising certain provisions governing an appeal of a forfeiture of a game, contest or meet or a loss of position in a tournament; repealing certain provisions governing academic eligibility to participate in a sanctioned sport; and providing other matters properly relating thereto.

**Section 1.** Chapter 386 of NAC is hereby amended by adding thereto a new section to read as follows:

*A pupil who enrolls in a school is ineligible to participate in a sanctioned sport at that school for 180 school days after enrollment if the pupil transferred to that school, or was a homeschooled child and enrolled at that school, within 1 year after:*

*1. Participating in an athletic event as a member of a team that is affiliated with that school, 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*

*2. Receiving any athletic instruction from a person who is affiliated with that school.*

**Sec. 2.** NAC 386.628 is hereby amended to read as follows:

386.628 1. The Board consists of nine voting members elected from the administrative regions established pursuant to NAC 386.627 ~~{}~~ *and one voting member appointed by the Nevada Association of School Administrators, or its successor organization pursuant to that section.* 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.

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

**Sec. 3.** NAC 386.629 is hereby amended to read as follows:

386.629 1. The voting membership of the Board is as follows:

(a) Two representatives from Administrative Region I, which consists of Washoe County;

(b) One representative from Administrative Region II, which consists of Carson City and Churchill and Douglas counties;

(c) One representative from Administrative Region III, which consists of Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Lyon, Mineral, Nye, Pershing, Storey and White Pine counties; ~~{and}~~

(d) Five representatives from Administrative Region IV, which consists of Clark County ~~{}~~;

*and*

*(e) One representative who is a superintendent of schools of a school district appointed by the Nevada Association of School Administrators or its successor organization.*

2. The President of the Board may vote on any item set forth on the agenda of the Board for which a vote is required.

**Sec. 4.** 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}~~ *Twelve* cross-country meets ~~{}~~ *and two invitational cross-country meets;*

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

(c) ~~{Eighteen}~~ *Twelve* games for girls' golf ~~{}~~ *and two tournaments 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 ~~{}~~ *and two tournaments for tennis;* or

(f) ~~{Twenty}~~ *Eighteen* matches or meets for girls' volleyball ~~{}~~ *and two tournaments 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}~~ *Twelve* ski races ~~{}~~ *and two tournaments for skiing;*

(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 or meets.

3. For the spring season:

(a) ~~{Twenty-four}~~ *Nineteen* baseball games ~~{:}~~ *and two tournaments for baseball;*

(b) ~~{Eighteen games}~~ *Twelve matches* for boys' golf ~~{:}~~ *and two tournaments for boys' golf;*

(c) ~~{Twenty-four}~~ *Nineteen* softball games ~~{:}~~ *and two tournaments for softball;*

(d) Twelve swim meets;

(e) ~~{Fourteen}~~ *Twelve* track and field meets ~~{:}~~ *and two track and field invitationals;* or

(f) ~~{Twenty}~~ *Eighteen* matches or meets for boys' volleyball ~~{:}~~ *and two tournaments for boys' volleyball.*

**Sec. 5.** 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 ~~1~~, *and section 1 of this regulation.*

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, *and section 1 of this regulation*, 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. 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 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 ~~an~~ :

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

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

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

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

(5) *A physician assistant licensed pursuant to chapter 630 of NRS*; and

(b) After completing the physical examination, must be approved for participation in a sanctioned sport by a physician , ~~or~~ homeopathic 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 386.829 is hereby amended to read as follows:

386.829 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 he 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, a school that forfeits a game, contest or meet or loses its position in a tournament pursuant to this section may appeal the forfeiture or loss of position to the Association in accordance with the provisions of NAC 386.850 to 386.858, inclusive. For any such appeal ~~£~~

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

~~—(b) The]~~, *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 is ineligible to participate may not appeal a forfeiture specified in subsection 2.

**Sec. 11.** NAC 386.807 is hereby repealed.

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### TEXT OF REPEALED SECTION

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**NAC 386.807 (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.