

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
NRS 233B.066
LCB FILE No. R029-16**

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

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 provides for a non-voting member of the Board representing Nevada charter schools (NAC 386.628). The regulation also extends the requirements for membership that previously only applied to private schools to include charter and traditional public schools as well as private schools all of which have an enrollment of less than 500 students (NAC 386.653). The regulation also authorizes the Board of Control to use a competitive balance rubric in addition to the other criteria that presently exists for the alignment of schools (NAC386.667). The regulation further provides for the removal of requirements that contests in which pupil participates outside of a NIAA sanctioned competition will count against the contest limit for that pupil (NAC 386.698). An exemption from contest limits allowing for one additional contest for schools that schedule games against schools that are presently on independent status has been added (NAC 386.699). The regulation places identical requirements on state charter schools and district charter schools with respect to charter school student eligibility requirements (NAC 386.789). The regulation adds an additional example of what constitutes undue influence with respect to the recruiting of pupils who have not completed the eighth grade (NAC 386.823). Finally, the regulation initially included revisions to NAC 386.7542 and NAC 386.7543 pertaining to spirit squads which the Board of Control rejected and requested be brought back in a different form at a later date.

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 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, 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
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 2015 and 2016, which included the opportunity for public comment concerning the proposed amendments. Thereafter, on or about March 30, 2016, 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 April 6, 2016, 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.

3. **The number of persons who:**
 - (a) **Attended each hearing:** 25
 - (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 April 6, 2016, and included all of the changes suggested at prior meetings where the regulations were discussed.

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:

See response to No. 5.a., above.

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 3rd day of June, 2016.

NEVADA INTERSCHOLASTIC
ACTIVITIES ASSOCIATION

By: /s/

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