

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

LCB File No. R019-23

September 12, 2023

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

AUTHORITY: §§ 1-6, NRS 385B.060.

A REGULATION relating to the realignment of schools; requiring the appointment of a realignment committee at certain intervals; requiring such a committee to make certain recommendations to the Board of Control of the Nevada Interscholastic Activities Association; requiring the placement of schools in certain classes, leagues and regions based on certain recommendations and criteria; requiring written requests from a school desiring to appeal its alignment to be submitted to the realignment committee; providing certain restrictions for a school that cannot field or maintain a varsity team for certain sports; providing certain restrictions for a school that adds a varsity team at certain times during the classification and alignment process; repealing provisions governing the classification and alignment of schools; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Nevada Interscholastic Activities Association to adopt rules and regulations concerning interscholastic athletic events. (NRS 385B.060) Existing regulations require the Board of Control of the Association to conduct the alignment process for schools. (NAC 385B.114) Existing regulations: (1) require the Board to, every 4 years, appoint a committee to place each school in a class and align the school in a league or region; and (2) require the Board and the committee to place each school in Class 1A, Class 2A, Class 3A or Class 4A based upon certain considerations. (NAC 385B.250) **Section 4** of this regulation requires the Board to appoint a realignment committee every 2 years and requires the committee to submit to the Board recommendations for the timeline, policies and procedures governing the classification and alignment process during each classification and alignment cycle. **Section 4** also authorizes the placement of a school in Class 5A if it is deemed necessary to ensure competitive balance in a sanctioned sport. **Section 5** of this regulation makes a conforming change relating to the creation of a realignment committee. **Section 6** of this regulation repeals an existing regulation which authorizes a school to submit to the Board a recommendation relating to alignment.

Existing regulations: (1) prohibit the Board from revising the classification or alignment of a school more than once every 4 years; and (2) require the Board to make determinations regarding the classification and alignment of schools within the prescribed 4-year period if

notified by the school of an increase or decrease in enrollment. (NAC 385B.250) **Section 4** removes both this prohibition and requirement. **Section 4** additionally: (1) authorizes the Board to, based on recommendations of the realignment committee, combine two or more classes into a single class for a sanctioned sport; and (2) requires the Board to, when aligning leagues and regions, give consideration to certain factors including ensuring that the greatest number of pupils can compete in the sport at the most efficient cost.

Existing regulations authorize a school to, in certain circumstances, submit a written request to the Board to allow a pupil or team to participate in a classification, league or region other than that in which it was placed or aligned. (NAC 385B.250) **Section 4** instead requires such a written request to be submitted to the realignment committee, which must make recommendations for action to the Board.

Existing law requires that the rules and regulations of the Association provide for adequate review procedures to determine and review disputes arising in regard to the Association's decisions and activities. (NRS 385B.090) Existing regulations set forth requirements governing appeals made by certain aggrieved schools and pupils. (NAC 385B.900-385B.910) Existing regulations additionally provide a specific appeals process for a school wishing to appeal its classification or alignment. (NAC 385B.254) **Section 6** repeals this specific appeals process.

Section 2 of this regulation requires that, during a classification and realignment cycle, a school must field and maintain at least one varsity team for boys in each season and at least one varsity team for girls in each season and satisfy its established schedule. **Section 2** also: (1) prohibits a school from undertaking certain actions regarding varsity teams if it cannot field or maintain a varsity team for certain sports; and (2) requires the placement of a school on independent status if it cannot satisfy certain requirements.

Section 3 of this regulation prohibits a school that adds a varsity sport during an ongoing classification and alignment cycle from being eligible for postseason contests in that sport during the remainder of the cycle.

Section 1. Chapter 385B of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. 1. *During each 2-year period for which schools are classified and aligned*

pursuant to NAC 385B.250, a school must:

- (a) Field and maintain at least one varsity team for boys in each season of the period;***
- (b) Field and maintain at least one varsity team for girls in each season of the period; and***
- (c) Satisfy the schedule of the appropriate class, region or league for each varsity team of the school during the period.***

2. If, during a 2-year period for which schools are classified and aligned pursuant to NAC 385B.250, a school does not field or maintain a varsity team for a sanctioned sport that was classified and aligned, the school is prohibited from:

(a) Adding an additional varsity team for a sanctioned sport not currently classified and aligned for the fall, winter or spring season;

(b) Reinstating the varsity team for a season of the sanctioned sport during the current period; or

(c) Competing in any postseason contest for the sanctioned sport in the fall, winter or spring season.

3. A school that does not satisfy the requirements set forth in subsection 1 for a sanctioned sport during a 2-year period for which schools are classified and aligned pursuant to NAC 385B.250 is deemed to have independent status for that sanctioned sport for the next 2-year period.

Sec. 3. *1. A varsity team in a sanctioned sport which is created by a school during a 2-year period for which schools are classified and aligned pursuant to NAC 385B.250 is not eligible to compete in any postseason contest in the sanctioned sport for the remainder of the period.*

2. A varsity team in a sanctioned sport which is created before a 2-year period for which schools are classified and aligned pursuant to NAC 385B.250 is, upon approval by the Board, eligible to compete in postseason contests in the period.

Sec. 4. NAC 385B.250 is hereby amended to read as follows:

385B.250 1. Except as otherwise provided in NAC 385B.210, the Board shall, not later than ~~September~~ *November* 1, ~~2006~~ *2024*, and every ~~4~~ *2* years thereafter, appoint a

realignment committee to place each school in a class *for each sanctioned sport in which the school participates* and align that school in a league or region ~~{}~~ *for the sanctioned sport*. The committee must consist of the members of the Board who are selected by the Board for that purpose and one or more representatives from each ~~{classification of schools}~~ *administrative organization established pursuant to NAC 385B.230* who are selected by the Board for that purpose. As soon as practicable after the creation of the *realignment* committee ~~{}~~ *and on or before the date specified by the Board for that purpose*, the committee shall consider the requirements for the classification *and alignment* of each school *for each sanctioned sport* pursuant to ~~{subsection 3 along with any relevant considerations set forth in subsection 4}~~ *this section* and submit to the Board ~~{a}~~ written ~~{recommendation}~~ *recommendations* for ~~{the}~~ :

(a) *A timeline, policies and procedures for the next classification and alignment cycle; and*

(b) *The classification and alignment of each school* ~~{. The written recommendation must be submitted on or before the date specified by the Board for that purpose.}~~ *for each sanctioned sport.*

2. As soon as practicable after receiving the written ~~{recommendation,}~~ *recommendations submitted pursuant to subsection 1*, the Board shall conduct a public hearing to consider the written ~~{recommendation,}~~ *recommendations*. The Board shall provide a notice to each school setting forth the date, time and place of the hearing. The ~~{classification and alignment of each school}~~ *approval of the written recommendations* must be determined by a majority vote of the Board. A determination of the Board relating to a written recommendation of the *realignment* committee is final and binding on each school. The ~~{initial}~~ classification and alignment of a school *for a sanctioned sport* approved by the Board pursuant to this section becomes effective on August 1 ~~{, 2008. A classification and alignment of a school approved after that date and~~

~~before August 1, 2012, becomes effective on August 1, 2012. Each 4 years thereafter, any classification and alignment made during the 4 year period becomes effective on August 1 at the end of the 4 year period.~~ *of the even-numbered year immediately following the determination.*

3. The Board ~~and the committee appointed pursuant to subsection 1~~ shall ~~be based upon any points or other competitive factors set forth in a rubric approved by the Board and any consideration set forth in subsection 4 or based upon the count of enrollment for the school year in which the Board and the committee consider the classification and alignment of a school pursuant to subsection 1,~~ place ~~the~~ *each* school in ~~the~~ *Class 1A, Class 2A, Class 3A, Class 4A or Class 5A for each sanctioned sport in which the school participates. A school must be placed in an appropriate class for each sanctioned sport. For the purposes of this subsection, there is a presumption that the appropriate class for a school for a sanctioned sport is:*

- (a) Class 1A, if not more than ~~169~~ *170* pupils are enrolled in the school;
- (b) Class 2A, if not less than ~~170~~ *171* but not more than ~~460~~ *450* pupils are enrolled in the school;
- (c) Class 3A, if not less than ~~461~~ *451* but not more than ~~1,200~~ *1,300* pupils are enrolled in the school; or
- (d) Class 4A, if ~~1,201~~ *1,301* or more pupils are enrolled in the school.

4. *For the purposes of subsection 3, if a school is a charter school or a private school, the count of enrollment shall be deemed to be twice the number of pupils reported in the count of enrollment for the charter school or private school.*

5. *The presumption established pursuant to subsection 3 may be overcome if the Board determines that a school is more appropriately placed in another class for the sanctioned*

sport. In ~~[determining the classification and alignment of a school pursuant to this section,]~~
making such a determination, the Board ~~[and the committee]~~ may consider:

- (a) Any geographic factors relating to the school;
- (b) The requirements of the school to travel to an interscholastic activity;
- (c) Any traditional rivalries of the school;
- (d) Any financial factors relating to any interscholastic activities conducted at or by the school;
- (e) Any competitive factors relating to the school ~~[;]~~, *including, without limitation, any competitive factors set forth in a rubric approved by the Board;* and
- (f) ~~[On and after August 1, 2012, whether]~~ *Whether* the school has at least one athletic program for boys and at least one athletic program for girls during the fall season, winter season and spring season of a school year.

~~[5.— Except as otherwise provided in this section, the Board shall not revise the classification or alignment of a school more than once every 4 years.]~~

6. ~~[If, during the 4 years after a school is classified and aligned pursuant to this section, the enrollment of pupils in the school, based on the count of enrollment for any school year during that period exceeds the maximum number required for its classification pursuant to subsection 3 or falls below the minimum number of pupils required for that classification based on that count of enrollment, 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 in the school exceeds the maximum number of pupils required for its 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 of the classification of the school for the next school year pursuant to paragraph (b):~~

~~—(b) Based upon the count of enrollment for the next school year, determine whether the number of pupils enrolled in the school exceeds the maximum number of pupils required for its classification. If the Board determines that the number of pupils enrolled in the school exceeds the maximum number required for its classification based on the count of enrollment, the Board shall designate the school for placement into the next highest classification for the next school year and the school year immediately following that school year. If the Board determines that the number of pupils enrolled in the school does not exceed the maximum number required for its classification based on the count of enrollment, the Board shall allow the school to remain in the classification into which it was placed at the time the school submitted the notice to the Association pursuant to subsection 6:~~

~~—8.— If, during the second school year in which a school is designated for placement into a higher classification pursuant to paragraph (b) of subsection 7, the Board determines that, based on the count of enrollment for the second school year, the number of pupils enrolled in the school:~~

~~—(a) Continues to exceed the maximum number of pupils required for the classification into which it was placed at the time the school submitted the notice to the Association pursuant to subsection 6, the Board shall place the school into the higher classification in which the school was designated for placement pursuant to paragraph (b) of subsection 7.~~

~~—(b) Does not continue to exceed the maximum number required for the classification into which it was placed at the time the school submitted the notice to the Association pursuant to subsection 6, the Board shall allow the school to remain in that classification.~~

~~—9. If a school notifies the Association pursuant to subsection 6 that the number of pupils enrolled in the school is less than the minimum number of pupils required for its 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 of the classification of the school for the next school year pursuant to paragraph (b).~~

~~—(b) Based upon the count of enrollment for the school for the next school year, determine whether the number of pupils enrolled in the school is less than the minimum number of pupils required for its classification. If the Board determines that the number of pupils enrolled in the school is less than the minimum number of pupils required for its classification based on the count of enrollment, the Board shall designate the school for placement into the next lowest classification for the next school year and the school year immediately following that school year. If the Board determines that the number of pupils enrolled in the school is not less than the minimum number of pupils required for its classification based on the count of enrollment, the Board shall allow the school to remain in the classification in which it was placed at the time the school submitted the notice to the Association pursuant to subsection 6.~~

~~—10. If, during the second school year that a school is designated for placement into a lower classification pursuant to paragraph (b) of subsection 9, the Board determines that, based on the count of enrollment for the second school year, the number of pupils enrolled in the school:~~

~~—(a) Continues to be less than the minimum number of pupils required for the classification into which it was placed at the time the school submitted the notice to the Association pursuant to subsection 6, the Board shall place the school into the lower classification for which the school was designated for placement pursuant to paragraph (b) of subsection 9.~~

~~—(b) Does not continue to be less than the minimum number required for the classification into which it was placed at the time the school submitted the notice to the Association pursuant to subsection 6, the Board shall allow the school to remain in that classification.~~

~~—11.]~~ *The Board may, after consideration of the written recommendations of the realignment committee:*

(a) Combine two or more classes into a single class for a sanctioned sport; or

(b) Place a school that would otherwise be placed in Class 4A in Class 5A,

↪ if the Board determines it necessary to ensure competitive balance in a sanctioned sport.

7. Within each ~~{classification}~~ *class* established pursuant to this section, the Board:

(a) Shall align at least two leagues within the ~~{classification}~~ *class* consisting of at least two schools in each of those leagues; and

(b) May align not less than two regions within the ~~{classification}~~ *class* consisting of at least two leagues in each of those regions.

~~{12.}~~ *8. When aligning leagues or regions pursuant to subsection 7, the Board shall, after consideration of the written recommendations of the realignment committee:*

(a) Take into account the considerations set forth in subsection 5; and

(b) To the greatest extent practicable, align the leagues or regions in such a manner as to ensure that the greatest number of pupils are able to compete in the sanctioned sport at the most efficient cost.

9. If a school believes that a ~~{pupil-or}~~ team of the school is unable to participate successfully in a sanctioned sport or that it is in the best interests of the ~~{pupil-or}~~ team to participate in the sanctioned sport in a ~~{classification}~~ class that is higher or lower than the ~~{classification}~~ class of the school *for the sanctioned sport* or in a league or region that is aligned in a ~~{classification}~~ class other than the ~~{classification}~~ class of the school ~~{,}~~ *for the sanctioned sport*, the school may submit a written request to the ~~{Board}~~ *realignment committee* to allow the ~~{pupil-or}~~ team, based upon the considerations set forth in subsection ~~{4,}~~ 5, to participate in a ~~{classification,}~~ class, league or region other than the ~~{classification,}~~ class, league or region in which the school is placed or aligned *for the sanctioned sport* pursuant to this section. *The realignment committee shall consider the written request using the considerations set forth in subsection 5 and submit a recommendation to the Board.* The Board shall include each ~~{written-request}~~ *recommendation* received pursuant to this subsection on the agenda for the next regularly scheduled meeting of the Board, if the Board receives the ~~{written request}~~ *recommendation* before that meeting or before any other date specified by the Board for the submission of items for that meeting. Each school that submits a written request pursuant to this subsection has the burden of establishing that, if the written request is approved, the participation of the school in another ~~{classification}~~ class, league or region *for the sanctioned sport* will improve the competitive balance among the schools to which the written request applies. To become effective for ~~{a}~~ *the next* school year, each appeal submitted pursuant to NAC ~~{385B.254}~~ *385B.900 to 385B.924, inclusive*, concerning the written request must be heard and a final decision rendered on the appeal at a regularly scheduled meeting of the Board held ~~{during September or November of that}~~ *not later than January 31 of the* school year ~~{}~~

immediately preceding the school year for which the Board approves the written request. Any ~~written request~~ *recommendation* that the Board approves pursuant to this subsection:

(a) Is subject to any term or condition specified by the Board for the ~~written request,~~ *recommendation*, including, but not limited to, the year or season in which the placement of a school into another ~~classification~~ *class, league or region* pursuant to this section will begin; and

(b) Is a final decision and binding on each school to which the ~~written request~~ *recommendation* applies.

Sec. 5. NAC 385B.616 is hereby amended to read as follows:

385B.616 The Association will set forth in a manual prepared by the Association for that purpose the format for each tournament for a sanctioned sport for each class established pursuant to NAC 385B.250. Each format included in the manual must be:

1. Established by:

(a) The *realignment* committee appointed pursuant to NAC 385B.250; and

(b) Each league for the sanctioned sport established pursuant to NAC 385B.250; and

2. Approved by the Board.

Sec. 6. NAC 385B.252 and 385B.254 are hereby repealed.

TEXT OF REPEALED SECTIONS

385B.252 Submission by school of recommendation for alignment. (NRS 385B.060)

Each school that is placed in a class pursuant to NAC 385B.250 may, on or before September 1 of each year, submit a recommendation to the Board relating to the alignment of a school in a league pursuant to that section.

385B.254 Appeal of classification and alignment by school. (NRS 385B.060, 385B.090)

On or before September 1 of each year, each school that is placed in a class and aligned in a league or region pursuant to NAC 385B.250 may, for any reason specified by the Board, appeal the placement or alignment to the Board pursuant to NAC 385B.900 to 385B.924, inclusive.