

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

LCB File No. R141-24

September 17, 2024

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

AUTHORITY: §§ 1-11, NRS 385B.060.

A REGULATION relating to interscholastic activities; revising provisions relating to the eligibility of pupils to participate in a sanctioned sport; 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) In general, existing regulations: (1) prescribe requirements governing the eligibility of pupils to participate in a sanctioned sport; and (2) authorize a pupil who is adversely affected by a determination of his or her eligibility to participate in a sanctioned sport to appeal the determination. (NAC 385B.712, 385B.716, 385B.908, 385B.910) Existing regulations generally provide that a pupil who transfers from one school to another school is presumed to be ineligible to participate in any sanctioned sport at the school to which the pupil transfers for 180 school days. (NAC 385B.716) **Section 5** of this regulation additionally provides that a pupil who enrolls in a school for the first time is presumed to be ineligible to participate in any sanctioned sport at the school in which the pupil enrolls for 180 school days.

With certain exceptions, existing regulations authorize a pupil who transfers from one school to another school or his or her parent or legal guardian to rebut the presumption of ineligibility by filing an appeal. (NAC 385B.716) **Sections 2 and 5** of this regulation authorize a pupil who is subject to the presumption of ineligibility set forth in **section 5** or his or her parent or legal guardian to apply to the Association for a one-time waiver of the presumption. **Section 2** also: (1) requires the Association to approve an application under certain circumstances; and (2) makes a pupil to whom the Association grants a waiver eligible to participate in any sanctioned sport. **Sections 8 and 9** of this regulation make conforming changes relating to the authorization of certain pupils, parents and legal guardians to obtain a one-time waiver of the presumption of ineligibility pursuant to **section 2**.

Existing regulations prohibit a pupil who transfers from one school to another school or his or her parent or legal guardian from rebutting the presumption of ineligibility if the pupil: (1) participated in an athletic event as a member of a team that is affiliated with the school to which the pupil transferred; or (2) received athletic instruction from a person who is affiliated with the school to which the pupil transferred. (NAC 385B.716) **Section 5** eliminates this prohibition.

Section 3 of this regulation instead provides that a pupil who enrolls in a school for the first time or who transfers from one school to another school is ineligible to participate in any sanctioned sport at the school in which the pupil enrolls or to which the pupil transfers for 180 school days if the pupil: (1) participated in an athletic event as a member of a team that is affiliated with the school to which the pupil transferred; or (2) received athletic instruction from a person who is affiliated with the school to which the pupil transferred.

Existing regulations make certain pupils who transfer from one school to another school ineligible to participate in any sanctioned sport in which the pupil's name appeared on a roster of the Association for 180 school days after the date of the transfer. (NAC 385B.720) **Sections 3 and 6** of this regulation revise and reorganize this prohibition. **Section 7** of this regulation makes a conforming change to refer to a provision that has been renumbered in **section 6**.

Existing regulations make a pupil who enrolls in a school based on an affidavit of residency ineligible to participate in any sanctioned sport at the school for 180 school days. (NAC 385B.712) **Section 4** of this regulation: (1) replaces the term "affidavit of residency" with the term "residential affidavit"; and (2) defines "residential affidavit" for purposes of the prohibition.

Existing regulations provide that a pupil who begins ninth grade at a private school is eligible to participate in a sanctioned sport at the school. (NAC 385B.712) **Section 4** additionally makes a pupil who begins ninth grade at a charter school, magnet school or vocational or technical school eligible to participate in a sanctioned sport at the applicable school.

Existing regulations generally provide that, 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 the pupil and his or her parent or legal guardian. (NAC 385B.712) **Section 10** of this regulation authorizes a pupil who attends a school that is not located in his or her zone of attendance to apply to the Association for a one-time waiver of the requirement. **Section 10** also: (1) requires the Association to approve an application under certain circumstances; and (2) makes a pupil to whom the Association grants a waiver eligible to participate in a sanctioned sport at any level other than varsity.

Existing regulations prescribe specific requirements concerning the eligibility of a pupil who is enrolled in a magnet school or vocational school to participate in a sanctioned sport at the school. (NAC 385B.722) **Section 11** of this regulation eliminates these requirements.

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. *A pupil who enrolls in a school for the first time or who transfers from one school to another school or a parent or legal guardian of the pupil may apply to the Association for a waiver of the presumption of ineligibility set forth in NAC 385B.716.*

2. An application submitted pursuant to subsection 1 must be submitted on a form approved by the Association. A pupil or a parent or legal guardian of the pupil may not apply more than once for a waiver pursuant to this section.

3. The Association will approve an application submitted pursuant to subsection 1 if the pupil:

(a) Complies with any applicable policies or regulations of the Association and the school district in which the school attended by the pupil is located; and

(b) Has not previously received a waiver pursuant to this section.

4. If the Association approves an application submitted pursuant to subsection 1, the pupil is eligible to participate in any sanctioned sport.

5. Any subsequent transfer of a pupil to whom the Association grants a waiver pursuant to this section is subject to the presumption of ineligibility set forth in NAC 385B.716.

Sec. 3. *1. A pupil who enrolls in a school for the first time or who transfers from one school to another school is ineligible to participate in any sanctioned sport at the school in which the pupil enrolls or to which the pupil transfers for 180 school days if, within the year immediately preceding the date of enrollment or date of transfer, the pupil:*

(a) Participated in an athletic event as a member of a team that is affiliated with the school in which the pupil enrolls or to which the pupil transfers, 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 the school in which the pupil enrolls or to which the pupil transfers.

2. A pupil who enrolls in a school for the first time or who transfers from one school to another school is presumed ineligible to participate in any sanctioned sport at the school for 180 school days after the date of enrollment or date of transfer, as applicable, if the pupil's

name appeared on a roster of the Association at any time during the 180 school days immediately preceding the date of enrollment or date of transfer.

3. A pupil or a parent or legal guardian of the pupil:

(a) May not rebut the presumption set forth in subsection 1.

(b) May rebut the presumption set forth in subsection 2 by filing an appeal pursuant to NAC 385B.900 to 385B.924, inclusive.

Sec. 4. NAC 385B.712 is hereby amended to read as follows:

385B.712 1. Except as otherwise provided in this section, 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 the pupil and his or her parent or legal guardian. When a pupil initially enrolls in a school, one residence of the pupil must be identified as the residence of the pupil within the zone of attendance of the school regardless of the number of homes in which the pupil may actually reside and that school is the pupil's school of residence for the purposes of determining eligibility to participate in a sanctioned sport.

2. A pupil enrolled in a school based on ~~an~~ *a residential* affidavit ~~of residency~~ is not eligible to participate in any sanctioned sport at the school for 180 school days beginning on the date on which the pupil first attends the school.

3. 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 pursuant to subsection 1.

4. 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 school in which the pupil initially enrolls in ninth grade in accordance with subsection 1 is the pupil's school of residence for the purposes of eligibility to participate in a sanctioned sport.

5. A pupil who begins ninth grade at a private school , *charter school, magnet school or vocational or technical 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~~ *applicable* school.

6. For the purposes of this chapter, the Association will not recognize a temporary guardianship that is granted without the approval of a court pursuant to NRS 159A.205 or 159A.215.

7. 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 385B.718.

8. As used in this section, "residential affidavit" means an affidavit submitted to a school by the parent or legal guardian of a pupil which indicates that the pupil resides with a person who is not the parent or legal guardian of the pupil in a residence that is within the zone of attendance of the school at which the pupil is enrolled.

Sec. 5. NAC 385B.716 is hereby amended to read as follows:

385B.716 1. ~~Any~~ *Except as otherwise provided in NAC 385B.720, a pupil who enrolls in a school for the first time or transfers from one school* to another school is presumed

ineligible to participate in any sanctioned sport at the school *in which the pupil enrolls or* to which the pupil 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.— Except as otherwise provided in subsection 4, a} A pupil or a parent or legal guardian of the pupil may ~~rebut~~ :~~

(a) Apply for a waiver of the presumption set forth in subsection 1 by submitting an application pursuant to section 2 of this regulation, if the pupil has not previously received a waiver pursuant to section 2 of this regulation; or

(b) Rebut the presumption set forth in subsection 1 by filing an appeal pursuant to NAC 385B.900 to 385B.924, inclusive ~~†~~.

~~—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.† , if the pupil has previously received a waiver pursuant to section 2 of this regulation.~~

Sec. 6. NAC 385B.720 is hereby amended to read as follows:

385B.720 1. ~~Except as otherwise provided in subsection 2, an eligible pupil who attends a school for at least 180 school days and transfers from a school to another school within the zone of attendance is ineligible to participate in any sanctioned sport in which the pupil's name appeared on a roster of the Association for 180 school days after the date of the transfer. If the pupil transfers within the first 180 school days, he or she is ineligible:~~

~~—(a) For the remainder of the school year in which he or she transfers; and~~

~~—(b) For 180 school days after the date of the transfer.~~

~~2.1~~ A pupil who resides with a parent or legal guardian, or who is emancipated, and resides in an area that is affected by a change in the zone of attendance of a school, may transfer from a school to another school, regardless of whether the change in the zone of attendance was initiated to establish the zone of attendance for a new school or to carry out the rezoning of an existing school.

~~3.1~~ 2. A pupil specified in subsection ~~2.1~~ 1 may transfer from a school to another school pursuant to that subsection:

(a) Not more than once; and

(b) Only if the transfer is completed on or before the beginning of the school year in which the change in the zone of attendance occurred.

3. Any subsequent transfer of a pupil specified in subsection 1 is subject to the presumption of ineligibility set forth in NAC 385B.716.

Sec. 7. NAC 385B.728 is hereby amended to read as follows:

385B.728 1. A pupil who is assigned to an option-zoned school by a school district may establish eligibility to participate in a sanctioned sport in accordance with this section.

2. A pupil specified in subsection 1 who attends his or her school of residence remains eligible at that school. The pupil may choose to attend an option-zoned school at any time, and is immediately eligible to participate in a sanctioned sport at that option-zoned school. If the pupil transfers between schools that are located within an option zone, the pupil is ineligible to participate in a sanctioned sport for 180 school days after the initial transfer.

3. A pupil specified in subsection 1 who initially chooses to attend an option-zoned school is immediately eligible to participate in any sanctioned sport that is offered by the option-zoned school. A pupil who initially chooses to attend an option-zoned school and who, after attending the option-zoned school, transfers to his or her school of residence, becomes ineligible for the remainder of the school year in which the transfer occurs and for an additional 180 school days in any sport in which the pupil's name appeared on a roster of the Association during the period he or she attended the option-zoned school.

4. If a school district has more than one school located within the school district and the school district rezones its boundaries during a school year, the school district is not required, during that school year, to comply with the provisions of NAC 385B.718. The provisions of subsection ~~1~~ 1 of NAC 385B.720 apply to any pupil of a school who is affected by the rezoning. A pupil who is adversely affected by the rezoning may not appeal the decision of the school district to the Association.

5. As used in this section, "option-zoned school" means a school for which a school district authorizes a pupil who does not reside within the zone of attendance of the school to attend the school. The term includes a magnet school.

Sec. 8. NAC 385B.734 is hereby amended to read as follows:

385B.734 1. To be eligible to participate in a sanctioned sport, a parent or legal guardian of a homeschooled child must submit to the school district in which the homeschooled child resides a written notice of intent to provide instruction for the homeschooled child at home. A parent or legal guardian of a homeschooled child who submits such a notice shall be deemed to be the teacher of the homeschooled child for all matters relating to participation by the homeschooled child in a sanctioned sport.

2. To be eligible to participate in a sanctioned sport, a parent or legal guardian of a homeschooled child must submit evidence satisfactory to the Executive Director that the homeschooled child has complied with the requirements for academic eligibility set forth in NAC 385B.750 to 385B.770, inclusive, and sections 3 to 8, inclusive, of LCB File No. R047-21. The evidence must be submitted to the person designated by the school pursuant to paragraph (c) of subsection ~~4.~~ 3.

3. ~~A homeschooled child who withdraws from a school where he or she is enrolled:~~
~~—(a) Remains eligible to participate in a sanctioned sport at that school if eligible to participate in that sanctioned sport at the time of withdrawal from the school; or~~
~~—(b) If not eligible to participate in a sanctioned sport at the time of withdrawal from the school, must establish eligibility to participate in that sanctioned sport by complying with the requirements for academic eligibility specified in subsection 2.~~

~~4.~~ If a homeschooled child resides within the zone of attendance of a school and notifies the school that he or she wishes to participate in a sanctioned sport at that school, the school shall provide to the parent or legal guardian of the homeschooled child:

(a) A statement setting forth the requirements for academic eligibility to participate in a sanctioned sport specified in subsection 2;

(b) All schedules and requirements of the school relating to eligibility for participation in a sanctioned sport at the school; and

(c) The name and telephone number of a person in the athletic department of the school with whom the homeschooled child or a parent or legal guardian of the homeschooled child may communicate relating to the academic eligibility of the homeschooled child to participate in the sanctioned sport.

~~15.1~~ 4. A homeschooled child may participate in a sanctioned sport at a private school upon approval by the private school. The private school may charge and collect a fee for authorizing the participation of the pupil in the sanctioned sport. The fee must be uniform with respect to homeschooled children. The private school shall report any such fee to the Association. A homeschooled child who participates in a sanctioned sport pursuant to this section is subject to the provisions of this chapter governing transfers.

Sec. 9. NAC 385B.736 is hereby amended to read as follows:

385B.736 1. The provisions of this section apply to a family that has more than one child who:

(a) Is enrolled in a *public* high school in this State; and

(b) In accordance with the regulations of a school district relating to zoning, is assigned by the school district to a *public* school.

2. The oldest child of a family specified in subsection 1 is eligible to participate in a sanctioned sport only at the school to which that child is assigned by the school district.

3. Each younger child who is enrolled in a high school in this State at the time the regulations specified in paragraph (b) of subsection 1 are adopted by the school district and who qualifies for a variance in his or her zone of attendance pursuant to those regulations is eligible to

participate in a sanctioned sport at the school within his or her zone of attendance or the school attended by the oldest child. ~~If the younger child transfers to another school after making the initial choice of a school, he or she is ineligible to participate in a sanctioned sport for 180 school days.~~

4. The provisions of subsection 3 apply to any member of a family who is approved for a variance specified in that subsection during any period in which another child of the family attends the school that is located within the zone of attendance of the family. If a member of the family chooses to attend his or her school of residence or if a member of the family does not attend the school of residence, the family must comply with the requirements for eligibility that are applicable to any other pupil enrolled in the school.

Sec. 10. NAC 385B.744 is hereby amended to read as follows:

385B.744 1. A pupil who attends a school ~~and wishes to transfer to another school~~ *that is not located in the zone of attendance of the residence of the pupil or a parent or legal guardian of the pupil* may apply to the Association for a waiver ~~from~~ *of* the requirements ~~for eligibility at least 90 days before the date established by the Association for the season for which the pupil wishes to participate. The pupil must submit the~~ *of subsection 1 of NAC 385B.712.*

2. *An* application *submitted pursuant to subsection 1 must be submitted* on a form approved by the Association. *A pupil may not apply more than once for a waiver pursuant to this section.*

3. The Association ~~may~~ *will* approve ~~the~~ *an* application *submitted pursuant to subsection 1* if the pupil complies with the regulations of his or her school district relating to the issuance of a variance in the zone of attendance of the pupil.

4. If the Association approves ~~the~~ *an* application ~~is~~ *submitted pursuant to subsection 1,* the pupil is eligible to participate in a sanctioned sport at any level other than varsity. ~~A pupil may not apply more than once for a waiver pursuant to this section.~~

~~2.~~ 5. A pupil whose application for a waiver pursuant to subsection 1 is denied may appeal that decision in accordance with the provisions of NAC 385B.900 to 385B.924, inclusive.

~~3.~~ If a pupil is granted a waiver pursuant to subsection 1 and, after the waiver is granted, transfers to another school, including a school within his or her zone of attendance, the pupil is ineligible to participate in a sanctioned sport for 180 school days. A pupil whose request for a subsequent transfer is denied may not appeal that decision.

~~4.~~ A waiver that is granted pursuant to subsection 1 becomes effective at the beginning of the next semester.

~~5.~~ If any pupil or a parent or legal guardian of a pupil submits an application for a waiver pursuant to subsection 1 that includes any false information, the pupil becomes ineligible to participate in a sanctioned sport for 2 school years after the Association determines that the application includes false information.

Sec. 11. NAC 385B.722 is hereby repealed.

TEXT OF REPEALED SECTION

385B.722 Pupil who is approved to attend magnet school or vocational or technical school that offers sanctioned sport. (NRS 385B.060)

1. A pupil who does not reside within the zone of attendance of a magnet school or a vocational or technical school that is located within a school, and who obtains a waiver to attend the program of the magnet school or vocational or technical school, is eligible to participate in any sanctioned sport at the school.

2. To establish eligibility pursuant to subsection 1, the pupil must:

(a) Comply with the requirements of the magnet school or vocational or technical school for filing an application;

(b) Comply with the requirements to participate in the program of the magnet school or vocational or technical school;

(c) Enroll in the courses required for pupils participating in the program of the magnet school or vocational or technical school; and

(d) Maintain eligibility to complete the program of the magnet school or vocational or technical school.

3. During the period in which the pupil is enrolled in the magnet school or vocational or technical school, the pupil may participate only in a sanctioned sport that is offered by the school in which the magnet school or vocational or technical school is located.

4. A pupil who is approved to enroll in a magnet school or a vocational or technical school and fails to comply with the requirements of subsection 2, or who does not complete the program of the magnet school or vocational or technical school, becomes immediately ineligible to participate in a sanctioned sport at the school in which the magnet school or vocational or technical school is located for 180 school days.

5. A pupil who is accepted into the program of a magnet school or a vocational or technical school and who, after acceptance into the program, chooses to return to his or her school of

residence, becomes ineligible for the remainder of the school year in which the transfer occurs and for an additional 180 school days in any sanctioned sport in which the pupil's name appeared on a roster of the Association during the period he or she attended the magnet school or vocational or technical school.