

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

LCB FILE NO. R201-24I

**The following document is the initial draft regulation proposed
by the agency submitted on 11/14/2024**

NAC 385B.714 Residency of pupil: Burden of proof; establishment of new residence; reestablishment of former residence. ([NRS 385B.060](#))

1. The burden of proof rests with a parent or legal guardian of a pupil, or a pupil if he or she is 18 years of age or older and does not live with a parent or legal guardian, to prove to the satisfaction of the school district or the Executive Director, as appropriate, that the pupil has established a residence within the zone of attendance of a school.

2. A pupil who is 18 years of age or older and does not live with a parent or legal guardian must comply with subsection 6 of [NAC 385B.718](#) to establish residency.

3. If a pupil has a new residence, to establish residency pursuant to this section, the pupil or his or her parent or legal guardian must submit to the school district or Executive Director, as appropriate, evidence establishing to the satisfaction of the school district or Executive Director:

(a) The right of the pupil and each parent or legal guardian with whom the pupil resided at the former residence to use the new residence for the purpose of establishing eligibility to participate in a sanctioned sport;

(b) That the new residence is located within the zone of attendance of the school at which eligibility is sought; and

(c) That the pupil and his or her parent or legal guardian no longer reside at the former residence.

4. Evidence submitted pursuant to ~~this~~ paragraph (c) of subsection 3 must include, without limitation, information and documentation establishing that:

~~(1a)~~ The former residence has been sold or transferred from the legal ownership or possession of the parent or legal guardian;

~~(2b)~~ The transfer of personal property ordinarily associated with a legitimate change of residence has been completed; and

~~(3c)~~ The former residence is not currently being used by the parent or legal guardian or by any other relative of the pupil or parent or legal guardian under circumstances in which the school district or Executive Director may reasonably infer that the pupil has not changed residences and the request is an attempt to circumvent the requirements for eligibility to participate in a sanctioned sport prohibited pursuant to [NAC 385B.776](#).

~~4.5.~~ The evidence required pursuant to *paragraph (a) and (b) of* subsection 3 may include, without limitation:

(a) A document indicating ~~the sale of the former residence and~~ the issuance of the deed for the new residence to the pupil, parent or legal guardian;

(b) A document indicating the pupil, parent or legal guardian leases the entire new residence and the previous occupants of the new residence have vacated the new residence;

(c) A bill for the payment of utility services, including a bill for ~~telephone~~, power, *gas, water*, sewer or garbage service at the new residence;

(d) A driver's license or certificate of registration of a vehicle that includes the address of the new residence;

~~—(e) A change of address included on a form for the registration of voters;~~

(fe) An order or decree issued by a court of competent jurisdiction declaring that the parent or the legal guardian described in subsection 3 of [NAC 385B.718](#) with whom the pupil resides at the new residence has been awarded primary physical custody of the pupil; and

(gf) Any other evidence indicating that the pupil and the parent or legal guardian reside at the new address: *as requested by the school district or Executive Director.*

~~—5.6. If a pupil establishes eligibility to participate in a sanctioned sport pursuant to [subsection 3 this section](#) and, within 1 year after establishing that eligibility, reestablishes a residence in his or her former school district or zone of attendance, the pupil is ineligible to participate in *interscholastic activities all sanctioned sports* at the former school for 180 school days ~~unless the pupil has complied with the provisions of [NAC 385B.720](#).~~~~

(Added to NAC by Nev. Interscholastic Activities Ass'n by R206-03, eff. 11-2-2004; A by R105-06, 9-18-2007; R130-17, 1-30-2019) — (Substituted in revision for NAC 386.783)

NAC 385B.718 Rebuttal of presumption of ineligibility of pupil who transfers to another school; period of ineligibility of pupil who returns to former residence; deviation from certain provisions. ([NRS 385B.060](#))

1. ~~A~~*Except as otherwise provided in [NAC 385B.XXX](#), a* pupil who transfers from a school to another school within the same school district or to another school district may, after filing an appeal pursuant to [NAC 385B.900](#) to [385B.924](#), inclusive, rebut the presumption of ineligibility set forth in [NAC 385B.716](#) if the pupil provides proof satisfactory to the Association that the parents or legal guardian of the pupil or, if the parents are divorced or separated, the parent who has ~~legal~~ *physical* custody of the pupil resides within the zone of attendance of the school or the boundaries of the school district to which the pupil transfers in accordance with the provisions of this section.

2. If the parents of a pupil specified in subsection 1 are not living together, the parent with whom the pupil resides must provide, in addition to the proof required by subsection 1, a certified copy of the order or decree issued by a court of competent jurisdiction establishing that the parent has been awarded physical custody of the pupil.

3. If a pupil specified in subsection 1 resides with a legal guardian, the legal guardian must provide, in addition to the proof required by subsection 1, a certified copy of the order or decree of a court of competent jurisdiction appointing that person as the legal guardian of the pupil and setting forth a specific finding by the court that

the legal guardianship has not been established pursuant to [NRS 159A.205](#) or [159A.215](#) and that:

(a) The parents of the pupil are unfit or incapable of maintaining or caring for the pupil; or

(b) The pupil is a delinquent who will benefit from the guardianship.

4. The exception set forth in subsection 3 applies only to a pupil for whom a legal guardian is appointed by a court of competent jurisdiction for the best interests of the pupil. If the Association determines that a legal guardianship has been established to circumvent the provisions of this chapter, the Association will refuse to recognize the legal guardianship and determine the eligibility of the pupil as if no legal guardianship existed.

5. If a guardianship is established for any reason other than the reasons set forth in paragraph (a) or (b) of subsection 3, the legal guardian must provide, in addition to the proof required by subsection 1, proof satisfactory to the Association that a hardship exists.

6. If a pupil does not reside with a parent or legal guardian, the pupil must establish by a preponderance of the evidence that he or she is living apart from the parent or legal guardian without financial support from any person or entity.

7. If a pupil or a parent or legal guardian of a pupil establishes by a preponderance of the evidence the matters set forth in subsection 1 at a hearing conducted pursuant to [NAC 385B.900](#) to [385B.924](#), inclusive, the pupil is eligible to participate in a sanctioned sport.

8. A pupil who is eligible to participate in a sanctioned sport pursuant to this section and who, within 1 year after becoming eligible, returns to the pupil's former residence or a residence in the school district from which he or she transferred is ineligible to participate in ~~the~~ **all** sanctioned sports for 180 school days after the date on which the pupil returns to that residence.

~~—9.— A school district consisting of more than one school is not required to comply with the requirements of this section if the school district imposes requirements that are stricter than the requirements set forth in this section.~~

~~—10.— Except as otherwise provided in [NRS 385B.170](#), if a high school is opened in a school district specified in subsection 9, the school district may submit a request to the Association to deviate from the regulations adopted by the Association relating to the transfer of pupils. Each request submitted pursuant to this subsection must include the regulations from which the school district wishes to deviate and the reason for each requested deviation. Upon approval of the request, the school district may, during the year in which the high school is opened, deviate from the regulations in the manner specified by the Association in its approval of the request.~~

(Added to NAC by Nev. Interscholastic Activities Ass'n by R206-03, eff. 11-2-2004; A by R105-06, 9-18-2007; R040-11, 12-30-2011) — (Substituted in revision for NAC 386.785)