

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
NRS 233B.066
LCB FILE No. R128-13

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 new form of membership in the Association referred to as an Associate Membership which allows schools choosing this form of membership an opportunity to grow and improve struggling athletic programs. The regulation also clarifies certain academic requirements regarding annual initial eligibility of student athletes; clarifies coaches education requirements that must be satisfied before a person can coach a sport at a member school; addresses consequences of coaches and students for ejections from any game, contest or meet; and addresses consequences of use of any form of social media to make defamatory comments regarding any person or official involved in any game, contest or meet. Finally, the regulation repeals a soccer competition regulation concerning receipt of a “red card” by participant as this regulation is covered under the official soccer rules and enforced by those rules.

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, 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 2012 and 2013, which included the opportunity for public comment

concerning the proposed amendments. Thereafter, on or about February 25, 2014, 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 March 31, 2014 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 March 31, 2014, 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 29th day of April 2014.

NEVADA INTERSCHOLASTIC
ACTIVITIES ASSOCIATION

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EXHIBIT 1

NOTICE OF HEARING FOR THE ADOPTION OF REGULATIONS
NRS 233B.0603

The Nevada Interscholastic Activities Association (“NIAA”) will hold a public hearing starting at 10:00 a.m. on March 31 and April 1, 2014, at the Aliante Spa and Resort, 7300 N. Aliante Parkway, North Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of Regulations that pertain to Chapter 386 of the Nevada Administrative Code.

The following is provided pursuant to the requirements of NRS 233B.0603:

1. The adoption of these Regulations are needed for purposes of the governance of high school athletics and activities throughout the State of Nevada which are governed by the NIAA.

2. The Regulation changes will address the following:

(a) NAC 386.652 – Membership in Association: Nevada High School or affiliate school;

(b) NAC 386.653 – Membership in Association: Private High School;

(c) NAC 386.802 – Academic Eligibility: Courses and Units of Credit;

(d) NAC 386.805 – Academic Eligibility: Minimum Grade Point Average;

(e) NAC 386.832 – Coaches: Required certification and courses;

(f) NAC 386.843 – Ejection of pupil or coach from game, contest or meet;

(g) NAC 386.845 – Defamatory statement to media prohibited; investigation and imposition of penalty; and

(h) NAC 386.734 – Soccer: Receipt by participant of red card – repealed.

3(a). The economic effect of the Regulation on high school athletics will be minimal.

(b). The immediate and long term effects of this Regulation will be to provide a better source of information to the public regarding the governance of high school athletics and activities, including high school athletes, parents, coaches and officials all of whom are governed by the NIAA.

4. The estimated cost to the NIAA for purposes of enforcement of the proposed Regulation are minimal.

5. This Regulation does not overlap or duplicate any regulations of other state or local governmental agencies.

6. The adoption of this Regulation is not required pursuant to federal law.

7. The adoption of this Regulation does not include any provisions which are more stringent than any federal regulation. *See*, paragraph 6, above.

8. The adoption of this Regulation does not establish any new fee or increases to existing fees associated with the governance of the NIAA.

Persons wishing to comment upon the proposed action of the NIAA may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Eddie Bonine, Executive Director, Nevada Interscholastic Activities Association, 549 Court Street, Reno, Nevada 89501. Written submissions must be received by the NIAA on or before March 24, 2014. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the NIAA may proceed immediately to act upon any written submissions.

A copy of this Notice and the Regulations to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the Notice and the Regulations to be adopted will be available at 549 Court Street, Reno, Nevada 89501, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This Notice and the text of the proposed Regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the internet at <http://www.leg.state.nv.us>. Copies of this Notice and the proposed Regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within thirty (30) days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This Notice of Hearing has been posted at the following locations on or before February 25, 2014:

Office of the Nevada Interscholastic Activities Association
549 Court Street
Reno, Nevada 89501

Washoe County School District
425 East Ninth Street
Reno, Nevada 89520

Clark County School District
2832 E. Flamingo
Las Vegas, Nevada 89121