

SENATE BILL NO. 221—SENATOR CEGAVSKE

MARCH 21, 2005

Referred to Committee on Human Resources and Education

SUMMARY—Revises provisions governing interscholastic activities. (BDR 34-1158)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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

AN ACT relating to education; designating the name of the association for interscholastic activities; providing for the participation of homeschooled children in certain interscholastic activities and events; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law does not give a formal name to the association for interscholastic activities. (NRS 386.420-386.470)

This bill designates the association for interscholastic activities as the “Nevada Interscholastic Activities Association.”

Existing law allows homeschooled children to participate in interscholastic athletics governed by an interscholastic association in the same manner as pupils of a public school. (NRS 386.420-386.470) The current association formed pursuant to existing law governs only interscholastic athletics for pupils who are of high school age. Existing law also provides for the participation of homeschooled children in certain classes and extracurricular activities, excluding sports, within the school district of the child's residence. (NRS 392.070)

This bill allows homeschooled children to participate in interscholastic activities and events in addition to those that are governed by the association that is currently formed for high school athletics. A homeschooled child must be allowed to participate through the public school that the child is otherwise zoned to attend, and the same rules governing eligibility and participation for public school pupils apply to homeschooled children.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 386.420 is hereby amended to read as follows:
386.420 The county school district trustees may form a nonprofit association, *to be known as the Nevada Interscholastic Activities Association*, composed of all of the school districts of the State for the purposes of controlling, supervising and regulating all interscholastic athletic events and other interscholastic events in the public schools. This section does not prohibit a public school, which is authorized by the ~~{association}~~ *Association* to do so, from joining an association formed for similar purposes in another state.

Sec. 2. NRS 386.430 is hereby amended to read as follows:

386.430 1. The ~~{association}~~ *Nevada Interscholastic Activities Association* shall adopt rules and regulations in the manner provided for state agencies by chapter 233B of NRS, as may be necessary to carry out the provisions of NRS 386.420 to 386.470, inclusive. The regulations must include provisions governing the eligibility and participation of homeschooled children in interscholastic activities and events.

2. If the ~~{association}~~ *Nevada Interscholastic Activities Association* intends to adopt, repeal or amend a policy, rule or regulation concerning or affecting homeschooled children, the ~~{association}~~ *Association* shall consult with the Northern Nevada Homeschool Advisory Council and the Southern Nevada Homeschool Advisory Council, or their successor organizations, to provide those Councils with a reasonable opportunity to submit data, opinions or arguments, orally or in writing, concerning the proposal or change. The ~~{association}~~ *Association* shall consider all written and oral submissions respecting the proposal or change before taking final action.

Sec. 3. NRS 386.440 is hereby amended to read as follows:

386.440 The rules and regulations of the ~~{association}~~ *Nevada Interscholastic Activities Association* adopted pursuant to NRS 386.430 ~~{shall}~~ *must* provide for adequate review procedures to determine and review disputes arising in regard to the ~~{association's}~~ *Association's* decisions and activities.

Sec. 4. NRS 386.450 is hereby amended to read as follows:

386.450 The rules and regulations adopted by the ~~{association}~~ *Nevada Interscholastic Activities Association* must provide for the membership of charter schools, private schools and parochial schools which may elect to join the ~~{association-}~~ *Association*.



1 **Sec. 5.** NRS 386.460 is hereby amended to read as follows:
2 386.460 If a charter school, private school or parochial school
3 elects to become a member of the ~~{association,}~~ *Nevada*
4 *Interscholastic Activities Association*, the school is subject to the
5 same regulations and requirements and is liable for the same fees
6 and charges as other schools within the ~~{association,}~~ *Association*.

7 **Sec. 6.** NRS 386.462 is hereby amended to read as follows:

8 386.462 1. A homeschooled child must be allowed to
9 participate in interscholastic activities and events in accordance with
10 the regulations adopted by the ~~{association,}~~ *Nevada Interscholastic*
11 *Activities Association* pursuant to NRS 386.430.

12 2. The provisions of NRS 386.420 to 386.470, inclusive, and
13 the regulations adopted pursuant thereto that apply to pupils enrolled
14 in public schools who participate in interscholastic activities and
15 events apply in the same manner to homeschooled children who
16 participate in interscholastic activities and events, including, without
17 limitation, provisions governing:

- 18 (a) Eligibility and qualifications for participation;
- 19 (b) Fees for participation;
- 20 (c) Insurance;
- 21 (d) Transportation;
- 22 (e) Requirements of physical examination;
- 23 (f) Responsibilities of participants;
- 24 (g) Schedules of events;
- 25 (h) Safety and welfare of participants;
- 26 (i) Eligibility for awards, trophies and medals;
- 27 (j) Conduct of behavior and performance of participants; and
- 28 (k) Disciplinary procedures.

29 **Sec. 7.** NRS 386.463 is hereby amended to read as follows:

30 386.463 No challenge may be brought by the ~~{association,}~~
31 *Nevada Interscholastic Activities Association*, a school district, a
32 public school or a private school, a parent or guardian of a pupil
33 enrolled in a public school or a private school, a pupil enrolled in a
34 public school or private school, or any other entity or person
35 claiming that an interscholastic activity or event is invalid because
36 homeschooled children are allowed to participate in the
37 interscholastic activity or event.

38 **Sec. 8.** NRS 386.464 is hereby amended to read as follows:

39 386.464 A school district, public school or private school shall
40 not prescribe any regulations, rules, policies, procedures or
41 requirements governing the:

42 1. Eligibility of homeschooled children to participate in
43 interscholastic activities and events pursuant to NRS 386.420 to
44 386.470, inclusive; or



2. Participation of homeschooled children in interscholastic activities and events pursuant to NRS 386.420 to 386.470, inclusive, that are more restrictive than the provisions governing eligibility and participation prescribed by the ~~association~~ *Nevada Interscholastic Activities Association* pursuant to NRS 386.430.

Sec. 9. NRS 386.465 is hereby amended to read as follows:

386.465 The rules and regulations of the ~~association~~ *Nevada Interscholastic Activities Association* must provide criteria for the approval of requests made by public schools for authorization to join an interscholastic activity association formed in another state.

Sec. 10. NRS 386.470 is hereby amended to read as follows:

386.470 1. Any liability or action against the ~~association~~ *Nevada Interscholastic Activities Association* must be determined in the same manner and with the same limitations and conditions as provided in NRS 41.0305 to 41.039, inclusive. To this extent, the ~~association~~ *Association* shall be deemed a political subdivision of the State.

2. Any liability or action against a public school which is a member of an association for interscholastic activities formed in another state must be determined in the same manner and with the same limitations and conditions as provided in NRS 41.0305 to 41.039, inclusive. To this extent, the public school shall be deemed a political subdivision of the State.

Sec. 11. NRS 392.070 is hereby amended to read as follows:

392.070 1. Attendance required by the provisions of NRS 392.040 must be excused when satisfactory written evidence is presented to the board of trustees of the school district in which the child resides that the child is receiving at home or in some other school equivalent instruction of the kind and amount approved by the State Board.

2. The board of trustees of each school district shall provide programs of special education and related services for homeschooled children. The programs of special education and related services required by this section must be made available:

(a) Only if a child would otherwise be eligible for participation in programs of special education and related services pursuant to NRS 388.440 to 388.520, inclusive;

(b) In the same manner that the board of trustees provides, as required by 20 U.S.C. § 1412, for the participation of pupils with disabilities who are enrolled in private schools within the school district voluntarily by their parents or legal guardians; and

(c) In accordance with the same requirements set forth in 20 U.S.C. § 1412 which relate to the participation of pupils with disabilities who are enrolled in private schools within the school district voluntarily by their parents or legal guardians.



3. Except as otherwise provided in subsection 2 for programs of special education and related services, upon the request of a parent or legal guardian of a child who is enrolled in a private school or a parent or legal guardian of a homeschooled child, the board of trustees of the school district in which the child resides shall authorize the child to participate in a class that is not available to the child at the private school or home school or **to** participate in an extracurricular activity, excluding sports, at a public school within the school district if:

(a) Space for the child in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the child is qualified to participate in the class or extracurricular activity.

➔ If the board of trustees of a school district authorizes a child to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the child to attend the class or activity. A homeschooled child must be allowed to participate in interscholastic activities and events **governed by an association** pursuant to NRS 386.420 to 386.470, inclusive **H**, **and interscholastic activities and events, including sports, pursuant to subsection 5.**

4. The board of trustees of a school district may revoke its approval for a pupil to participate in a class or extracurricular activity at a public school pursuant to subsection 3 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees. If the board of trustees revokes its approval, neither the board of trustees nor the public school are liable for any damages relating to the denial of services to the pupil.

5. ***In addition to those interscholastic activities and events governed by an association pursuant to NRS 386.420 to 386.470, inclusive, homeschooled children must be allowed to participate in interscholastic activities and events, including sports. A homeschooled child who participates in interscholastic activities and events at a public school pursuant to this subsection must participate within the school district of the child's residence through the public school which the child is otherwise zoned to attend. Any rules or regulations that apply to pupils enrolled in public schools who participate in interscholastic activities and events, including sports, apply in the same manner to homeschooled children who participate in interscholastic activities and events, including, without limitation, provisions governing:***

(a) Eligibility and qualifications for participation;

(b) Fees for participation;



- (c) Insurance;
- (d) Transportation;
- (e) Requirements of physical examination;
- (f) Responsibilities of participants;
- (g) Schedules of events;
- (h) Safety and welfare of participants;
- (i) Eligibility for awards, trophies and medals;
- (j) Conduct of behavior and performance of participants; and
- (k) Disciplinary procedures.

6. *If a homeschooled child participates in interscholastic activities and events pursuant to subsection 5:*

(a) *No challenge may be brought by an association, a school district, a public school or a private school, a parent or guardian of a pupil enrolled in a public school or a private school, a pupil enrolled in a public school or a private school, or any other entity or person claiming that an interscholastic activity or event is invalid because the homeschooled child is allowed to participate.*

(b) *Neither the school district or a public school may prescribe any regulations, rules, policies, procedures or requirements governing the eligibility or participation of the homeschooled child that are more restrictive than the provisions governing the eligibility and participation of pupils enrolled in public schools.*

7. The programs of special education and related services required by subsection 2 may be offered at a public school or another location that is appropriate.

~~16-1~~ 8. The Department may adopt such regulations as are necessary for the boards of trustees of school districts to provide the programs of special education and related services required by subsection 2.

~~17-1~~ 9. As used in this section, "related services" has the meaning ascribed to it in 20 U.S.C. § 1401(22).

Sec. 12. This act becomes effective upon passage and approval.



