

ASSEMBLY BILL NO. 400—ASSEMBLYMAN MUNFORD

MARCH 17, 2015

Referred to Committee on Education

SUMMARY—Revises certain provisions governing athletics at the high-school level. (BDR 34-819)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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 interscholastic athletics; requiring the Nevada Interscholastic Activities Association to conduct a study on the effect of disparities in the recruitment and retention of football players between public and private schools and adopt regulations to correct for such disparities; prohibiting a private high school from competing in any play-off or state championship game in the sport of football until after such regulations are adopted; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, the Nevada Interscholastic Activities Association exists to
2 control, supervise and regulate all interscholastic athletic and other events in the
3 public schools. (NRS 386.420) Existing law allows charter schools, private schools
4 and parochial schools to join the Association, and subjects those that join to the
5 same regulations and requirements applicable to public schools. (NRS 386.450,
6 386.460) **Section 1** of this bill prohibits a private high school from competing in a
7 play-off or state championship football game in this State and requires the Nevada
8 Interscholastic Activities Association to conduct a study on the effect of disparities
9 in the recruitment and retention of football players between public and private high
10 schools that includes specific recommendations for rules and regulations to negate
11 or diminish any competitive advantage of a private high school resulting from such
12 disparities. In addition, **section 1** requires the Nevada Interscholastic Activities
13 Association to submit the recommendations of the study to the State Board of
14 Education for approval before adopting any regulations. **Section 9** of this bill
15 removes the prohibition on competing in a play-off or state championship football
16 game for any private high school that complies with the regulations governing the
17 recruitment and retention of football players adopted by the Nevada Interscholastic
18 Activities Association after the completion of the study.



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1 WHEREAS, High school football represents an important
2 tradition that builds community cohesiveness and pride and instills
3 the values of sportsmanship, fair competition, teamwork, discipline
4 and physical fitness within the youth in this State; and

5 WHEREAS, Numerous studies have demonstrated that,
6 throughout the United States, private high schools have a distinct
7 competitive advantage in the recruitment and retention of football
8 players that results in such schools winning a disproportionate
9 number of state championship games; and

10 WHEREAS, The competitive advantage in the recruitment and
11 retention of football players enjoyed by private high schools has had
12 a particularly disproportionate effect in this State where seven of the
13 past eight state football championship games within the highest-
14 rated division of the Nevada Interscholastic Activities Association
15 have been won by private high schools despite the fact that only 3 of
16 the 107 schools who are members of the Nevada Interscholastic
17 Activities Association are private high schools; and

18 WHEREAS, The dominance of private schools in high school
19 football in this State which results from the competitive advantages
20 enjoyed by such schools diminishes the values of sportsmanship and
21 fair competition that make the sport of football prized by the youth,
22 citizens and communities in this State; and

23 WHEREAS, The dominance of private schools in high school
24 football in this State fails to serve the interests of this State, the local
25 communities and youth in this State, and the public and private high
26 schools in this State; and

27 WHEREAS, Reasonable rules and regulations governing the
28 recruitment and retention of football players by private high schools
29 in this State will serve to restore a fair competitive environment and
30 enhance the values of sportsmanship and fair competition among the
31 youth in this State; now, therefore,

32
33 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
34 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:
35

36 **Section 1.** Chapter 386 of NRS is hereby amended by adding
37 thereto a new section to read as follows:

38 *1. The Nevada Interscholastic Activities Association shall not*
39 *allow any private high school to compete in any play-off or state*
40 *championship game in the sport of football that is sponsored,*
41 *approved or recognized by the Association.*

42 *2. The Nevada Interscholastic Activities Association shall*
43 *conduct a study of the effect of disparities in the recruitment and*



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1 *retention of football players between public and private high*
2 *schools in this State. The study must include, without limitation:*

3 *(a) A review of whether disparities in the recruitment and*
4 *retention of football players between public and private high*
5 *schools result in a competitive advantage for private high schools;*

6 *(b) A review of the methods used in other states to eliminate or*
7 *diminish any competitive advantage arising from disparities in the*
8 *recruitment and retention of football players between public and*
9 *private high schools; and*

10 *(c) Recommendations for the adoption of specific rules and*
11 *regulations to negate or diminish any competitive advantage*
12 *arising from disparities in the recruitment and retention of*
13 *football players between public and private high schools in this*
14 *State.*

15 *3. Upon completion of the study required by subsection 2, the*
16 *Nevada Interscholastic Activities Association shall present the*
17 *recommendations of the study to the State Board. The State Board*
18 *shall approve the recommendations of the Association if the State*
19 *Board finds that the specific rules or regulations proposed:*

20 *(a) Will serve to enhance competition by eliminating or*
21 *reducing competitive advantages arising from disparities in the*
22 *recruitment and retention of football players between public and*
23 *private high schools in this State;*

24 *(b) Are in the best interests of this State; and*

25 *(c) Will serve the interests of both the public and private high*
26 *schools in this State.*

27 *4. If the State Board approves the recommendations of the*
28 *Nevada Interscholastic Activities Association pursuant to*
29 *subsection 3, the Association shall adopt regulations to carry out*
30 *the recommendations.*

31 *5. If the State Board fails to approve the recommendations of*
32 *the Nevada Interscholastic Activities Association pursuant to*
33 *subsection 3, the State Board shall recommend to the Association*
34 *such changes to the recommendations as the State Board*
35 *determines are necessary to satisfy the interests enumerated in*
36 *subsection 3. After considering such changes, the Association*
37 *shall submit new recommendations to the State Board for*
38 *approval in accordance with subsection 3.*

39 *6. Upon approval of the recommendations of the Nevada*
40 *Interscholastic Activities Association by the State Board pursuant*
41 *to subsection 3, the Association shall deliver a copy of the*
42 *recommendations to the Legislative Commission.*

43 *7. As used in this section, "private high school" includes a*
44 *parochial high school.*



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

386.430 1. The 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 ~~H~~, and *section 1 of this act*. The regulations must include provisions governing the eligibility and participation of homeschooled children in interscholastic activities and events. In addition to the regulations governing eligibility, a homeschooled child who wishes to participate must have on file with the school district in which the child resides a current notice of intent of a homeschooled child to participate in programs and activities pursuant to NRS 392.705.

2. The Nevada Interscholastic Activities Association shall adopt regulations setting forth:

(a) The standards of safety for each event, competition or other activity engaged in by a spirit squad of a school that is a member of the Nevada Interscholastic Activities Association, which must substantially comply with the spirit rules of the National Federation of State High School Associations, or its successor organization; and

(b) The qualifications required for a person to become a coach of a spirit squad.

3. If the Nevada Interscholastic Activities Association intends to adopt, repeal or amend a policy, rule or regulation concerning or affecting homeschooled children, the 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 shall consider all written and oral submissions respecting the proposal or change before taking final action.

4. As used in this section, "spirit squad" means any team or other group of persons that is formed for the purpose of:

(a) Leading cheers or rallies to encourage support for a team that participates in a sport that is sanctioned by the Nevada Interscholastic Activities Association; or

(b) Participating in a competition against another team or other group of persons to determine the ability of each team or group of persons to engage in an activity specified in paragraph (a).

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

386.440 1. The rules and regulations of the Nevada Interscholastic Activities Association adopted pursuant to NRS 386.430 *and section 1 of this act* must provide for adequate review



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1 procedures to determine and review disputes arising in regard to the
2 Association's decisions and activities.

3 2. A decision of the Nevada Interscholastic Activities
4 Association or a decision of a person designated by the Association
5 to review and make final decisions on disputes on behalf of the
6 Association pursuant to the rules and regulations adopted pursuant
7 to NRS 386.430 *and section 1 of this act* must not be stayed by a
8 court pending the court's final judgment on the matter.

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

10 386.450 ~~[The]~~ *Except as otherwise provided in section 1 of*
11 *this act, the* rules and regulations adopted by the Nevada
12 Interscholastic Activities Association must provide for the
13 membership of charter schools, private schools and parochial
14 schools which may elect to join the Association.

15 **Sec. 5.** NRS 386.460 is hereby amended to read as follows:

16 386.460 ~~[[~~ *Except as otherwise provided in section 1 of this*
17 *act, if* a charter school, private school or parochial school elects to
18 become a member of the Nevada Interscholastic Activities
19 Association, the school is subject to the same regulations and
20 requirements and is liable for the same fees and charges as other
21 schools within the Association.

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

23 386.462 1. A homeschooled child must be allowed to
24 participate in interscholastic activities and events in accordance with
25 the regulations adopted by the Nevada Interscholastic Activities
26 Association pursuant to NRS 386.430 *and section 1 of this act* if a
27 notice of intent of a homeschooled child to participate in programs
28 and activities is filed for the child with the school district in which
29 the child resides for the current school year pursuant to
30 NRS 392.705.

31 2. The provisions of NRS 386.420 to 386.470, inclusive, *and*
32 *section 1 of this act* and the regulations adopted pursuant thereto
33 that apply to pupils enrolled in public schools who participate in
34 interscholastic activities and events apply in the same manner to
35 homeschooled children who participate in interscholastic activities
36 and events, including, without limitation, provisions governing:

- 37 (a) Eligibility and qualifications for participation;
38 (b) Fees for participation;
39 (c) Insurance;
40 (d) Transportation;
41 (e) Requirements of physical examination;
42 (f) Responsibilities of participants;
43 (g) Schedules of events;
44 (h) Safety and welfare of participants;
45 (i) Eligibility for awards, trophies and medals;



- (j) Conduct of behavior and performance of participants; ~~and~~
(k) Disciplinary procedures ~~and~~ ; and
(l) The recruitment and retention of football players.

Sec. 7. NRS 386.464 is hereby amended to read as follows:

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

1. Eligibility of homeschooled children to participate in interscholastic activities and events pursuant to NRS 386.420 to 386.470, inclusive ~~and~~ , *and section 1 of this act*; or

2. Participation of homeschooled children in interscholastic activities and events pursuant to NRS 386.420 to 386.470, inclusive, *and section 1 of this act*,

↳ that are more restrictive than the provisions governing eligibility and participation prescribed by the Nevada Interscholastic Activities Association pursuant to NRS 386.430 ~~and~~ *and section 1 of this act.*

Sec. 8. Section 1 of this act is hereby amended to read as follows:

Section 1. Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~The~~ *Except as otherwise provided in subsection 2, the* Nevada Interscholastic Activities Association shall not allow any private high school to compete in any play-off or state championship game in the sport of football that is sponsored, approved or recognized by the Association.

2. The Nevada Interscholastic Activities Association shall ~~conduct a study of the effect of disparities in the recruitment and retention of football players between public and private high schools in this State. The study must include, without limitation:~~

~~—(a) A review of whether disparities in the recruitment and retention of football players between public and private high schools result in a competitive advantage for private high schools;~~

~~—(b) A review of the methods used in other states to eliminate or diminish any competitive advantage arising from disparities in the recruitment and retention of football players between public and private high schools; and~~

~~—(c) Recommendations for the adoption of specific rules and regulations to negate or diminish any competitive advantage arising from disparities in the recruitment and retention of football players between public and private high schools in this State.~~ *allow a private high school to compete in a play-off or state championship game in the sport of football that is sponsored, approved or recognized by the*



Association only if the school complies with the rules and regulations adopted by the Association governing the recruitment and retention of football players pursuant to subsection 3.

~~3. Upon completion of the study required by subsection 2, the Nevada Interscholastic Activities Association shall present the recommendations of the study to the State Board. The State Board shall approve the recommendations of the Association if the State Board finds that the specific rules or regulations proposed:~~

~~—(a) Will serve to enhance competition by eliminating or reducing competitive advantages arising from disparities in the recruitment and retention of football players between public and private high schools in this State;~~

~~—(b) Are in the best interests of this State; and~~

~~—(c) Will serve the interests of both the public and private high schools in this State.~~

~~4. If the State Board approves the recommendations of the Nevada Interscholastic Activities Association pursuant to subsection 3, the~~ *The Nevada Interscholastic Activities Association shall adopt regulations* ~~to carry out the recommendations.~~

~~5. If the State Board fails to approve the recommendations of the Nevada Interscholastic Activities Association pursuant to subsection 3, the State Board shall recommend to the Association such changes to the recommendations as the State Board determines are necessary to satisfy the interests enumerated in subsection 3. After considering such changes, the Association shall submit new recommendations to the State Board for approval in accordance with subsection 3.~~

~~6. Upon approval of the recommendations of the Nevada Interscholastic Activities Association by the State Board pursuant to subsection 3, the Association shall deliver a copy of the recommendations to the Legislative Commission.~~

~~7.] governing the recruitment and retention of football players by private high schools in this State to eliminate or reduce any competitive advantages arising from disparities in the recruitment and retention of football players between public and private high schools in this State.~~

4. As used in this section, "private high school" includes a parochial high school.

Sec. 9. 1. This section and sections 1 to 7, inclusive, of this act become effective:



- 1 (a) Upon passage and approval for the purpose of adopting any
- 2 regulations and performing any other preparatory administrative
- 3 tasks necessary to carry out the provisions of this act; and
- 4 (b) On July 1, 2015, for all other purposes.
- 5 2. Section 8 of this act becomes effective upon the final
- 6 adoption of regulations by the Nevada Interscholastic Activities
- 7 Association in accordance with subsection 4 of section 1 of this act.

