

Amendment No. 635

Senate Amendment to Senate Bill No. 330 First Reprint (BDR 34-724)

Proposed by: Senator Lipparelli**Amendment Box:** Replaces Amendment No. 622.**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

JWP/BJE



Date: 4/20/2015

S.B. No. 330—Revises provisions relating to education. (BDR 34-724)



SENATE BILL NO. 330—SENATORS LIPPARELLI, HAMMOND,
HARDY, HARRIS; AND GUSTAVSON

MARCH 16, 2015

Referred to Committee on Education

SUMMARY—Revises provisions relating to education. (BDR 34-724)

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 education; authorizing a pupil or school to appeal a final decision or order ~~of the Executive Director of~~ ***made pursuant to a regulation adopted by*** the Nevada Interscholastic Activities Association to ~~the Director of the Department of Administration; requiring the Director, upon receiving an appeal, to appoint an independent hearing officer to review and conduct a hearing on~~ ***a hearing officer appointed by the Executive Director of the Association; establishing certain procedural requirements for the disposition of*** the appeal; requiring that certain rules and regulations adopted by the Association must apply equally to public schools and private schools that are members of the Association; authorizing a pupil who enrolls in a private school or public school to be immediately eligible to participate and practice in a sanctioned sport under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada Interscholastic Activities Association for the purpose of controlling, supervising and regulating interscholastic athletic events in public schools and further authorizes the Association to adopt rules and regulations for that purpose. (NRS 386.420-386.470) ***Generally, under the existing regulations of the Association, an aggrieved pupil or school may appeal any determination made pursuant to a regulation adopted by the Association. (NAC 386.850) Such an appeal is considered initially by an administrator of the school district who is responsible for interpreting and enforcing the regulations of the Association, a panel of principals chosen from the schools located in the school district or the Executive Director of the Association. (NAC 386.852, 386.853) A further appeal may be taken to a hearing officer appointed by the Executive Director. (NAC 386.855) Section 5 of this bill authorizes a pupil or school that is aggrieved by a final decision or order of an administrator, a panel of principals or the Executive Director of the Association to appeal the decision or order to the Director of the Department of Administration. Section 5 requires the Director, upon receiving an appeal, to appoint an independent hearing officer to review and conduct a hearing on the appeal. A hearing officer appointed by the Executive Director. Section 5 establishes certain procedural requirements***

regarding the ~~appointment of the hearing officer and the hearing on~~ disposition of the appeal ~~including requirements for making the decision of the hearing officer public and accessible in a format that protects the identity of any minor involved in the appeal.~~

Section 6 of this bill provides that any rules and regulations adopted by the Association governing the eligibility of a pupil who transfers from one high school to another high school to participate or practice in a sanctioned sport must apply equally to public schools and private schools that are members of the Association. **Section 6.5** of this bill provides that a pupil who enrolls in the 9th grade at: (1) a public school is immediately eligible to participate and practice in a sanctioned sport at the school if the pupil resides within the zone of attendance of the school at the time of enrollment, regardless of whether the pupil resided in a different zone of attendance or attended a school other than a public school before enrollment in the 9th grade; and (2) a private school is immediately eligible to participate and practice in a sanctioned sport at the school, regardless of whether the pupil attended a school other than a private school before enrollment in the 9th grade.

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

Section 1. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6.5, inclusive, of this act.

Sec. 2. *As used in NRS 386.420 to 386.470, inclusive, and sections 2 to 6.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 3.5 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Pupil” means a student of a school or a child that receives instruction at home and is excused from compulsory attendance pursuant to NRS 392.070.*

Sec. 3.5. *“Sanctioned sport” means any athletic competition that is approved by the Nevada Interscholastic Activities Association.*

Sec. 4. *“School” means any school that is affiliated with or is a member of the Nevada Interscholastic Activities Association.*

Sec. 5. 1. *Any pupil or school that is aggrieved by a final decision or order ~~for the~~ made pursuant to a regulation adopted by the Nevada Interscholastic Activities Association by:*

(a) An administrator of a school district who is responsible for interpreting and enforcing the regulations adopted by the Nevada Interscholastic Activities Association;

(b) A panel of principals chosen from schools located in a school district; or

(c) The Executive Director.

may ~~not later than 10 days after the issuance of the decision or order~~ file a written appeal with the Executive Director ~~for the Department of Administration~~. The Executive Director shall ~~not later than 10 days after receiving a written appeal~~ appoint ~~an independent~~ a hearing officer to review the decision or order ~~for the Executive Director~~ that is the subject of the appeal.

2. A hearing officer appointed pursuant to subsection 1 shall ~~conduct a hearing not later than 30 days after his or her appointment. The hearing officer shall, not less than 10 days before the date of the hearing, provide written notice to each interested party of the date and location of the hearing. A hearing held pursuant to this section must be held in the school district in which the party that filed the appeal resides or is located. The hearing officer shall issue a decision or order not later than 10 days after the completion of the hearing. A decision or order issued by a hearing officer pursuant to this subsection must be in writing and is final for the purposes of judicial review.~~ in writing and shall cause a copy

of the decision or order to be served on each party to the appeal or counsel for the party. The decision or order must include a summary of the appeal that includes:

(a) A statement of the relevant facts;

(b) A statement of the issues presented and the opposing arguments of the parties;

(c) An analysis of the arguments; and

(d) The conclusion of the hearing officer.

3. Not later than 10 days after the issuance of the decision or order of the hearing officer, the Executive Director shall cause a copy of the summary required by subsection 2 to be posted on the Internet website of the Nevada Interscholastic Activities Association. The summary must be redacted as necessary to prevent the identification of any person involved in the appeal who is less than 18 years of age. The redacted summary is a public record and must be open to public inspection as provided in NRS 239.010.

4. As used in this section, "Executive Director" means the Executive Director of the Nevada Interscholastic Activities Association.

Sec. 6. Any rules and regulations adopted by the Nevada Interscholastic Activities Association governing the eligibility of a pupil who transfers from one school to another school to participate or practice in a sanctioned sport during the period in which the pupil is enrolled in grade 9, 10, 11 or 12 must apply equally to public schools and to private schools that are members of the Association.

Sec. 6.5. 1. A pupil who enrolls in grade 9 at:

(a) A public school and who resides within the zone of attendance of the public school at the time of enrollment is immediately eligible to participate and practice in a sanctioned sport at the public school, regardless of whether the pupil:

(1) Resided in a different zone of attendance before the pupil's enrollment in grade 9; or

(2) Attended a school other than a public school before the pupil's enrollment in grade 9.

(b) A private school is immediately eligible to participate and practice in a sanctioned sport at the private school, regardless of whether the pupil attended a school other than a private school before the pupil's enrollment in grade 9.

2. As used in this section, "zone of attendance" means the region established by the board of trustees of a school district or governing board of a charter school for the attendance of a pupil enrolled in the school.

Sec. 7. 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 sections 2 to 6.5, inclusive, 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. 8. NRS 386.462 is hereby amended to read as follows:

386.462 1. A homeschooled child must be allowed to participate in interscholastic activities and events in accordance with the regulations adopted by the Nevada Interscholastic Activities Association pursuant to NRS 386.430 if a notice of intent of a homeschooled child to participate in programs and activities is filed for the child with the school district in which the child resides for the current school year pursuant to NRS 392.705.

2. The provisions of NRS 386.420 to 386.470, inclusive, *and sections 2 to 6.5, inclusive, of this act* and the regulations adopted pursuant thereto that apply to pupils enrolled in public schools who participate in interscholastic activities and events 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.

Sec. 9. (Deleted by amendment.)

Sec. 9.5. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044,

1 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801,
2 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160,
3 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925,
4 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105,
5 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350,
6 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105,
7 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230,
8 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335,
9 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105,
10 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025,
11 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110,
12 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727,
13 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240,
14 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180,
15 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275,
16 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271,
17 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295,
18 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070,
19 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205,
20 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534,
21 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230,
22 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545,
23 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555,
24 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790,
25 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800,
26 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583,
27 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210,
28 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425,
29 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185,
30 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121,
31 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185,
32 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485,
33 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760,
34 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189,
35 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,
36 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320,
37 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228,
38 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310,
39 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152,
40 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260,
41 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,
42 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,
43 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325,
44 706.1725, 710.159, and 711.600, and section 5 of this act, sections 35, 38 and 41
45 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of
46 Nevada 2013 and unless otherwise declared by law to be confidential, all public
47 books and public records of a governmental entity must be open at all times during
48 office hours to inspection by any person, and may be fully copied or an abstract or
49 memorandum may be prepared from those public books and public records. Any
50 such copies, abstracts or memoranda may be used to supply the general public with
51 copies, abstracts or memoranda of the records or may be used in any other way to
52 the advantage of the governmental entity or of the general public. This section does
53 not supersede or in any manner affect the federal laws governing copyrights or

1 enlarge, diminish or affect in any other manner the rights of a person in any written
2 book or record which is copyrighted pursuant to federal law.

3 2. A governmental entity may not reject a book or record which is
4 copyrighted solely because it is copyrighted.

5 3. A governmental entity that has legal custody or control of a public book or
6 record shall not deny a request made pursuant to subsection 1 to inspect or copy or
7 receive a copy of a public book or record on the basis that the requested public
8 book or record contains information that is confidential if the governmental entity
9 can redact, delete, conceal or separate the confidential information from the
10 information included in the public book or record that is not otherwise confidential.

11 4. A person may request a copy of a public record in any medium in which
12 the public record is readily available. An officer, employee or agent of a
13 governmental entity who has legal custody or control of a public record:

14 (a) Shall not refuse to provide a copy of that public record in a readily
15 available medium because the officer, employee or agent has already prepared or
16 would prefer to provide the copy in a different medium.

17 (b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare
18 the copy of the public record and shall not require the person who has requested the
19 copy to prepare the copy himself or herself.

20 **Sec. 10.** 1. This section and section 6 of this act become effective upon
21 passage and approval.

22 2. Sections 1 to 5, inclusive, and sections 6.5, ~~7 and 8~~ to 9.5, inclusive, of
23 this act become effective:

24 (a) Upon passage and approval for the purpose of adopting regulations and
25 performing any other preparatory administrative tasks that are necessary to carry
26 out the provisions of this act; and

27 (b) On January 1, 2016, for all other purposes.