

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 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 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) **Section 5** of this bill authorizes a pupil or school that is aggrieved by a decision or order of 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. **Section 5** establishes certain procedural requirements regarding the appointment of the hearing officer and the hearing on the appeal.



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



1 *hearing officer shall issue a decision or order not later than 10*
2 *days after the completion of the hearing. A decision or order*
3 *issued by a hearing officer pursuant to this subsection must be in*
4 *writing and is final for the purposes of judicial review.*

5 3. *As used in this section, "Executive Director" means the*
6 *Executive Director of the Nevada Interscholastic Activities*
7 *Association.*

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

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

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

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

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

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

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

32 **Sec. 7.** NRS 386.430 is hereby amended to read as follows:

33 386.430 1. The Nevada Interscholastic Activities Association
34 shall adopt rules and regulations in the manner provided for state
35 agencies by chapter 233B of NRS as may be necessary to carry out
36 the provisions of NRS 386.420 to 386.470, inclusive [], and
37 sections 2 to 6.5, inclusive, of this act. The regulations must include
38 provisions governing the eligibility and participation of
39 homeschooled children in interscholastic activities and events. In
40 addition to the regulations governing eligibility, a homeschooled
41 child who wishes to participate must have on file with the school
42 district in which the child resides a current notice of intent of a
43 homeschooled child to participate in programs and activities
44 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. 10. 1. This section and section 6 of this act become effective upon passage and approval.

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

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

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

