

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 made pursuant to a regulation adopted by the Nevada Interscholastic Activities Association to 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



aggravated by a final decision or order of an administrator, a panel of principals or the Executive Director to appeal the decision or order to a hearing officer appointed by the Executive Director. **Section 5** establishes certain procedural requirements regarding the 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 school to another school to participate in an interscholastic activity or event 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 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,



1 ↪ may file a written appeal with the Executive Director. The
2 Executive Director shall appoint a hearing officer to review the
3 decision or order that is the subject of the appeal.

4 2. A hearing officer appointed pursuant to subsection 1 shall
5 issue a decision or order in writing and shall cause a copy of the
6 decision or order to be served on each party to the appeal or
7 counsel for the party. The decision or order must include a
8 summary of the appeal that includes:

9 (a) A statement of the relevant facts;

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

12 (c) An analysis of the arguments; and

13 (d) The conclusion of the hearing officer.

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

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

26 **Sec. 6.** Any rules and regulations adopted by the Nevada
27 Interscholastic Activities Association governing the eligibility of a
28 pupil who transfers from one school to another school to
29 participate in an interscholastic activity or event must apply
30 equally to public schools and to private schools that are members
31 of the Association.

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

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

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

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

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



1 2. *As used in this section, “zone of attendance” means the*
2 *region established by the board of trustees of a school district or*
3 *governing board of a charter school for the attendance of a pupil*
4 *enrolled in the school.*

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

6 386.430 1. The Nevada Interscholastic Activities Association
7 shall adopt rules and regulations in the manner provided for state
8 agencies by chapter 233B of NRS as may be necessary to carry out
9 the provisions of NRS 386.420 to 386.470, inclusive ~~H~~, *and*
10 *sections 2 to 6.5, inclusive, of this act.* The regulations must include
11 provisions governing the eligibility and participation of
12 homeschooled children in interscholastic activities and events. In
13 addition to the regulations governing eligibility, a homeschooled
14 child who wishes to participate must have on file with the school
15 district in which the child resides a current notice of intent of a
16 homeschooled child to participate in programs and activities
17 pursuant to NRS 392.705.

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

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

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

28 3. If the Nevada Interscholastic Activities Association intends
29 to adopt, repeal or amend a policy, rule or regulation concerning or
30 affecting homeschooled children, the Association shall consult with
31 the Northern Nevada Homeschool Advisory Council and the
32 Southern Nevada Homeschool Advisory Council, or their successor
33 organizations, to provide those Councils with a reasonable
34 opportunity to submit data, opinions or arguments, orally or in
35 writing, concerning the proposal or change. The Association shall
36 consider all written and oral submissions respecting the proposal or
37 change before taking final action.

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

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

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



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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, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300,



1 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,
2 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020,
3 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140,
4 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350,
5 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025,
6 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135,
7 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070,
8 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205,
9 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,
10 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080,
11 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275,
12 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264,
13 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460,
14 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885,
15 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320,
16 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175,
17 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534,
18 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195,
19 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570,
20 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610,
21 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555,
22 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403,
23 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536,
24 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040,
25 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964,
26 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210,
27 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
28 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265,
29 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133,
30 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125,
31 632.405, 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,
33 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400,
34 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191,
35 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625,
36 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225,
37 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320,
38 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065,
39 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133,
40 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340,
41 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190,
42 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280,
43 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,
44 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117,
45 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196,



1 704B.320, 704B.325, 706.1725, 710.159, *and* 711.600, *and section*
2 *5 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of
3 Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013
4 and unless otherwise declared by law to be confidential, all public
5 books and public records of a governmental entity must be open at
6 all times during office hours to inspection by any person, and may
7 be fully copied or an abstract or memorandum may be prepared
8 from those public books and public records. Any such copies,
9 abstracts or memoranda may be used to supply the general public
10 with copies, abstracts or memoranda of the records or may be used
11 in any other way to the advantage of the governmental entity or of
12 the general public. This section does not supersede or in any manner
13 affect the federal laws governing copyrights or enlarge, diminish or
14 affect in any other manner the rights of a person in any written book
15 or record which is copyrighted pursuant to federal law.

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

18 3. A governmental entity that has legal custody or control of a
19 public book or record shall not deny a request made pursuant to
20 subsection 1 to inspect or copy or receive a copy of a public book or
21 record on the basis that the requested public book or record contains
22 information that is confidential if the governmental entity can
23 redact, delete, conceal or separate the confidential information from
24 the information included in the public book or record that is not
25 otherwise confidential.

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

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

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

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

40 2. Sections 1 to 5, inclusive, and sections 6.5 to 9.5, inclusive,
41 of this act become effective:

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



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

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