

Amendment No. 601

Assembly Amendment to Senate Bill No. 114 First Reprint (BDR 34-854)

Proposed by: Assembly Committee on Education

Amends: Summary: No Title: No 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.



SENATE BILL NO. 114—SENATOR FLORES

FEBRUARY 8, 2023

Referred to Committee on Education

SUMMARY—Revises provisions governing the Nevada Interscholastic Activities Association. (BDR 34-854)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

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

AN ACT relating to the Nevada Interscholastic Activities Association; prohibiting the Association from taking adverse action against a person or school for certain activities; revising provisions governing the eligibility of pupils who transfer schools to participate and practice in a sanctioned sport or other interscholastic event; revising provisions governing the process of appealing certain decisions to the Executive Director of the Association; authorizing the appeal of certain decisions or orders made pursuant to regulations adopted by the Association to the State Board of Education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Nevada Interscholastic Activities Association controls, supervises and regulates all interscholastic athletic events and other interscholastic events in public schools and governs, among other matters, the eligibility and participation of certain children in interscholastic activities and events. (NRS 385B.050, 385B.060, 385B.130) Under existing regulations, any pupil who transfers to another school is presumed ineligible to participate in any sanctioned sport at the school to which the pupil transfers for 180 school days. (NAC 385B.716) **Section 1.5** of this bill ~~provides that a pupil who transfers to a charter school or school that uses a lottery system to determine which pupils may enroll is immediately eligible to participate and practice in any sanctioned sport or other interscholastic activity or event at the school to which the pupil transfers. Section 1.5 additionally~~ authorizes a pupil who transfers from one **type of** school to ~~another~~ **a school of a different type** to elect, once in his or her lifetime, to be immediately eligible ~~f. Section 2 of this bill makes a conforming change to prohibit school districts, public schools and private schools from making regulations, rules, policies, procedures or requirements governing the eligibility and participation of such pupils in interscholastic activities and events that are more restrictive than the provisions governing eligibility and participation prescribed by the Nevada Interscholastic Activities Association.~~ **to participate and practice in a sanctioned sport or other interscholastic activity or event at the school to which the pupil transfers.**

Existing law authorizes a pupil or school that is aggrieved by a final decision or order made pursuant to a regulation adopted by the Association by an administrator, a panel of principals or the Executive Director of the Association to appeal the decision or order to a hearing officer appointed by the Executive Director. (NRS 385B.100) **Section 1.3** of this bill authorizes a person or school who is aggrieved by a decision or order of the hearing officer to appeal to the State Board of Education. **Section 1.1** of this bill makes a conforming change to

prohibit the stay of a decision of the State Board in the same manner as a decision of the Association.

Section 1 of this bill prohibits the Association from penalizing, retaliating against or taking adverse action against a school or person for: (1) participating in the legislative process; or (2) advocating for or against any policy before a public body.

Section 3 of this bill requires the Nevada Interscholastic Activities Association to amend its rules and regulations to conform to the provisions of ~~sections 1.3 and 1.5~~ **1.3 and 1.5** on or before June 30, 2024.

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

Section 1. Chapter 385B of NRS is hereby amended by adding thereto a new section to read as follows:

The Nevada Interscholastic Activities Association shall not penalize, retaliate against or otherwise take any adverse action against a school or person for:

1. Participating in the legislative process; or

2. Advocating for or against any policy before a public body.

Sec. 1.1. NRS 385B.090 is hereby amended to read as follows:

385B.090 1. The rules and regulations of the Nevada Interscholastic Activities Association adopted pursuant to NRS 385B.060 must provide for adequate review procedures to determine and review disputes arising in regard to the Association's decisions and activities.

2. A decision of the Nevada Interscholastic Activities Association, ~~for~~ a decision of a person designated by the Association to review and make final decisions on disputes on behalf of the Association pursuant to the rules and regulations adopted pursuant to NRS 385B.060 *or a decision of the State Board on a matter which is appealed to the State Board pursuant to NRS 385B.100* must not be stayed by a court pending the court's final judgment on the matter.

Sec. 1.3. NRS 385B.100 is hereby amended to read as follows:

385B.100 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,

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

2. A hearing officer appointed pursuant to subsection 1 shall issue a decision or order 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, which information is confidential. The redacted summary is a public record and must be open to public inspection as provided in NRS 239.010.

4. *Any pupil or school that is aggrieved by a decision or order of the hearing officer may appeal to the State Board within 30 days after the decision or order of the hearing officer. The State Board may affirm, modify or reverse the decision or order of the hearing officer.*

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

Sec. 1.5. NRS 385B.130 is hereby amended to read as follows:

385B.130 1. 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 in an interscholastic activity or event must apply equally to public schools and to private schools that are members of the Association.

2. Notwithstanding any provision of law to the contrary, a pupil who ~~is~~ *is* ~~is~~ a child of a military family and transferred schools pursuant to the provisions of chapter 388F of NRS ~~is~~

~~(b) Transfers to a charter school; or~~

~~(c) Transfers to a school that uses a lottery system to determine which pupils may enroll;~~

~~is~~ is immediately eligible to participate and practice in any sanctioned sport or other interscholastic activity or event at the school to which the pupil transfers.

3. *Notwithstanding any provision of law to the contrary, a pupil who transfers from one type of school, including, without limitation, a public school, charter school or private school, to ~~another~~ a school of a different type who would not otherwise be immediately eligible to participate and practice in a sanctioned sport or other interscholastic activity or event at the school to which the pupil transfers as a result of the transfer may, not more than once in his or her lifetime, elect to be immediately eligible to participate and practice in any sanctioned sport or other interscholastic activity or event at a school to which the pupil transfers.*

Sec. 2. ~~[NRS 385B.170 is hereby amended to read as follows:~~

~~385B.170 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, children who transfer to a charter school, children who transfer to a school that uses a lottery system to determine which pupils may enroll or children of a military family who transferred schools pursuant to the provisions of chapter 388F of NRS to participate in interscholastic activities and events pursuant to this chapter; or~~

~~2. Participation of homeschooled children, children who transfer to a charter school, children who transfer to a school that uses a lottery system to determine which pupils may enroll or children of a military family who transferred schools pursuant to the provisions of chapter 388F of NRS in interscholastic activities and events pursuant to this chapter;~~

~~that are more restrictive than the provisions governing eligibility and participation prescribed by the Nevada Interscholastic Activities Association pursuant to NRS 385B.060 and 385B.130.] (Deleted by amendment.)~~

1 **Sec. 3.** The Nevada Interscholastic Activities Association shall, on or before
2 June 30, 2024, amend its rules and regulations as necessary to conform to the
3 provisions of sections 1.3 ~~and~~ and 1.5 ~~and 2~~ of this act.

4 **Sec. 4.** This act becomes effective on July 1, 2023.