

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.

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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 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 authorizes a pupil who transfers from one type of school to a school of a different type to elect, once in his or her lifetime, to 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.

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



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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** on or before June 30, 2024.

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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



1 (c) The Executive Director,  
2 ➔ may file a written appeal with the Executive Director. The  
3 Executive Director shall appoint a hearing officer to review the  
4 decision or order that is the subject of the appeal.

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

10 (a) A statement of the relevant facts;

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

13 (c) An analysis of the arguments; and

14 (d) The conclusion of the hearing officer.

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

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

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

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

33 385B.130 1. Any rules and regulations adopted by the  
34 Nevada Interscholastic Activities Association governing the  
35 eligibility of a pupil who transfers from one school to another school  
36 to participate in an interscholastic activity or event must apply  
37 equally to public schools and to private schools that are members of  
38 the Association.

39 2. Notwithstanding any provision of law to the contrary, a  
40 pupil who is a child of a military family and transferred schools  
41 pursuant to the provisions of chapter 388F of NRS is immediately  
42 eligible to participate and practice in any sanctioned sport or other  
43 interscholastic activity or event at the school to which the pupil  
44 transfers.



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

11       **Sec. 2.** (Deleted by amendment.)

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

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

