

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:

1 Under existing law, the Nevada Interscholastic Activities Association controls,
2 supervises and regulates all interscholastic athletic events and other interscholastic
3 events in public schools and governs, among other matters, the eligibility and
4 participation of certain children in interscholastic activities and events. (NRS
5 385B.050, 385B.060, 385B.130) Under existing regulations, any pupil who
6 transfers to another school is presumed ineligible to participate in any sanctioned
7 sport at the school to which the pupil transfers for 180 school days. (NAC
8 385B.716) **Section 1.5** of this bill provides that a pupil who transfers to a charter
9 school or school that uses a lottery system to determine which pupils may enroll is
10 immediately eligible to participate and practice in any sanctioned sport or other
11 interscholastic activity or event at the school to which the pupil transfers. **Section**
12 **1.5** additionally authorizes a pupil who transfers from one school to another school
13 to elect, once in his or her lifetime, to be immediately eligible. **Section 2** of this bill
14 makes a conforming change to prohibit school districts, public schools and private



15 schools from making regulations, rules, policies, procedures or requirements
16 governing the eligibility and participation of such pupils in interscholastic activities
17 and events that are more restrictive than the provisions governing eligibility and
18 participation prescribed by the Nevada Interscholastic Activities Association.

19 Existing law authorizes a pupil or school that is aggrieved by a final decision or
20 order made pursuant to a regulation adopted by the Association by an administrator,
21 a panel of principals or the Executive Director of the Association to appeal the
22 decision or order to a hearing officer appointed by the Executive Director. (NRS
23 385B.100) **Section 1.3** of this bill authorizes a person or school who is aggrieved
24 by a decision or order of the hearing officer to appeal to the State Board of
25 Education. **Section 1.1** of this bill makes a conforming change to prohibit the stay
26 of a decision of the State Board in the same manner as a decision of the
27 Association.

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

32 **Section 3** of this bill requires the Nevada Interscholastic Activities Association
33 to amend its rules and regulations to conform to the provisions of **sections 1.3-2** on
34 or before June 30, 2024.

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

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

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

- 6 *1. Participating in the legislative process; or*
7 *2. Advocating for or against any policy before a public body.*

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

9 385B.090 1. The rules and regulations of the Nevada
10 Interscholastic Activities Association adopted pursuant to NRS
11 385B.060 must provide for adequate review procedures to determine
12 and review disputes arising in regard to the Association's decisions
13 and activities.

14 2. A decision of the Nevada Interscholastic Activities
15 Association, ~~for~~ a decision of a person designated by the
16 Association to review and make final decisions on disputes on
17 behalf of the Association pursuant to the rules and regulations
18 adopted pursuant to NRS 385B.060 *or a decision of the State Board*
19 *on a matter which is appealed to the State Board pursuant to NRS*
20 *385B.100* must not be stayed by a court pending the court's final
21 judgment on the matter.



1 **Sec. 1.3.** NRS 385B.100 is hereby amended to read as follows:
2 385B.100 1. Any pupil or school that is aggrieved by a final
3 decision or order made pursuant to a regulation adopted by the
4 Nevada Interscholastic Activities Association by:

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

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

10 (c) The Executive Director,

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

14 2. A hearing officer appointed pursuant to subsection 1 shall
15 issue a decision or order in writing and shall cause a copy of the
16 decision or order to be served on each party to the appeal or counsel
17 for the party. The decision or order must include a summary of the
18 appeal that includes:

19 (a) A statement of the relevant facts;

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

22 (c) An analysis of the arguments; and

23 (d) The conclusion of the hearing officer.

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

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

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

41 **Sec. 1.5.** NRS 385B.130 is hereby amended to read as follows:
42 385B.130 1. Any rules and regulations adopted by the
43 Nevada Interscholastic Activities Association governing the
44 eligibility of a pupil who transfers from one school to another school
45 to participate in an interscholastic activity or event must apply



1 equally to public schools and to private schools that are members of
2 the Association.

3 2. Notwithstanding any provision of law to the contrary, a
4 pupil who ~~is~~ :

5 (a) *Is* a child of a military family and transferred schools
6 pursuant to the provisions of chapter 388F of NRS ;

7 (b) *Transfers to a charter school; or*

8 (c) *Transfers to a school that uses a lottery system to determine*
9 *which pupils may enroll,*

10 *↪ is immediately eligible to participate and practice in any*
11 *sanctioned sport or other interscholastic activity or event at the*
12 *school to which the pupil transfers.*

13 3. *Notwithstanding any provision of law to the contrary, a*
14 *pupil who transfers from one school to another school who would*
15 *not otherwise be immediately eligible to participate and practice in*
16 *a sanctioned sport or other interscholastic activity or event at the*
17 *school to which the pupil transfers as a result of the transfer may,*
18 *not more than once in his or her lifetime, elect to be immediately*
19 *eligible to participate and practice in any sanctioned sport or other*
20 *interscholastic activity or event at a school to which the pupil*
21 *transfers.*

22 **Sec. 2.** NRS 385B.170 is hereby amended to read as follows:

23 385B.170 A school district, public school or private school
24 shall not prescribe any regulations, rules, policies, procedures or
25 requirements governing the:

26 1. Eligibility of homeschooled children , *children who transfer*
27 *to a charter school, children who transfer to a school that uses a*
28 *lottery system to determine which pupils may enroll* or children of
29 a military family who transferred schools pursuant to the provisions
30 of chapter 388F of NRS to participate in interscholastic activities
31 and events pursuant to this chapter; or

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

38 *↪ that are more restrictive than the provisions governing eligibility*
39 *and participation prescribed by the Nevada Interscholastic Activities*
40 *Association pursuant to NRS 385B.060 and 385B.130.*

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



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

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