

ASSEMBLY BILL NO. 400—ASSEMBLYMAN MUNFORD

MARCH 17, 2015

Referred to Committee on Education

SUMMARY—Revises certain provisions governing athletics at the high-school level. (BDR 34-819)

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 interscholastic athletics; requiring the Nevada Interscholastic Activities Association to conduct a study on the effect of disparities in the recruitment and retention of football players between public and private schools and adopt regulations to correct for such disparities; prohibiting a private high school from competing in any play-off or state championship game in the sport of football until after such regulations are adopted; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Under existing law, the Nevada Interscholastic Activities Association exists to  
2 control, supervise and regulate all interscholastic athletic and other events in the  
3 public schools. (NRS 386.420) Existing law allows charter schools, private schools  
4 and parochial schools to join the Association, and subjects those that join to the  
5 same regulations and requirements applicable to public schools. (NRS 386.450,  
6 386.460) **Section 1** of this bill prohibits a private high school from competing in a  
7 play-off or state championship football game in this State and requires the Nevada  
8 Interscholastic Activities Association to conduct a study on the effect of disparities  
9 in the recruitment and retention of football players between public and private high  
10 schools that includes specific recommendations for rules and regulations to negate  
11 or diminish any competitive advantage of a private high school resulting from such  
12 disparities. In addition, **section 1** requires the Nevada Interscholastic Activities  
13 Association to submit the recommendations of the study to the State Board of  
14 Education for approval before adopting any regulations. **Section 9** of this bill  
15 removes the prohibition on competing in a play-off or state championship football  
16 game for any private high school that complies with the regulations governing the  
17 recruitment and retention of football players adopted by the Nevada Interscholastic  
18 Activities Association after the completion of the study.



1 WHEREAS, High school football represents an important  
2 tradition that builds community cohesiveness and pride and instills  
3 the values of sportsmanship, fair competition, teamwork, discipline  
4 and physical fitness within the youth in this State; and

5 WHEREAS, Numerous studies have demonstrated that,  
6 throughout the United States, private high schools have a distinct  
7 competitive advantage in the recruitment and retention of football  
8 players that results in such schools winning a disproportionate  
9 number of state championship games; and

10 WHEREAS, The competitive advantage in the recruitment and  
11 retention of football players enjoyed by private high schools has had  
12 a particularly disproportionate effect in this State where seven of the  
13 past eight state football championship games within the highest-  
14 rated division of the Nevada Interscholastic Activities Association  
15 have been won by private high schools despite the fact that only 3 of  
16 the 107 schools who are members of the Nevada Interscholastic  
17 Activities Association are private high schools; and

18 WHEREAS, The dominance of private schools in high school  
19 football in this State which results from the competitive advantages  
20 enjoyed by such schools diminishes the values of sportsmanship and  
21 fair competition that make the sport of football prized by the youth,  
22 citizens and communities in this State; and

23 WHEREAS, The dominance of private schools in high school  
24 football in this State fails to serve the interests of this State, the local  
25 communities and youth in this State, and the public and private high  
26 schools in this State; and

27 WHEREAS, Reasonable rules and regulations governing the  
28 recruitment and retention of football players by private high schools  
29 in this State will serve to restore a fair competitive environment and  
30 enhance the values of sportsmanship and fair competition among the  
31 youth in this State; now, therefore,

32  
33 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
34 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:  
35

36 **Section 1.** Chapter 386 of NRS is hereby amended by adding  
37 thereto a new section to read as follows:

38 *1. The Nevada Interscholastic Activities Association shall not*  
39 *allow any private high school to compete in any play-off or state*  
40 *championship game in the sport of football that is sponsored,*  
41 *approved or recognized by the Association.*

42 *2. The Nevada Interscholastic Activities Association shall*  
43 *conduct a study of the effect of disparities in the recruitment and*



1 retention of football players between public and private high  
2 schools in this State. The study must include, without limitation:

3 (a) A review of whether disparities in the recruitment and  
4 retention of football players between public and private high  
5 schools result in a competitive advantage for private high schools;

6 (b) A review of the methods used in other states to eliminate or  
7 diminish any competitive advantage arising from disparities in the  
8 recruitment and retention of football players between public and  
9 private high schools; and

10 (c) Recommendations for the adoption of specific rules and  
11 regulations to negate or diminish any competitive advantage  
12 arising from disparities in the recruitment and retention of  
13 football players between public and private high schools in this  
14 State.

15 3. Upon completion of the study required by subsection 2, the  
16 Nevada Interscholastic Activities Association shall present the  
17 recommendations of the study to the State Board. The State Board  
18 shall approve the recommendations of the Association if the State  
19 Board finds that the specific rules or regulations proposed:

20 (a) Will serve to enhance competition by eliminating or  
21 reducing competitive advantages arising from disparities in the  
22 recruitment and retention of football players between public and  
23 private high schools in this State;

24 (b) Are in the best interests of this State; and

25 (c) Will serve the interests of both the public and private high  
26 schools in this State.

27 4. If the State Board approves the recommendations of the  
28 Nevada Interscholastic Activities Association pursuant to  
29 subsection 3, the Association shall adopt regulations to carry out  
30 the recommendations.

31 5. If the State Board fails to approve the recommendations of  
32 the Nevada Interscholastic Activities Association pursuant to  
33 subsection 3, the State Board shall recommend to the Association  
34 such changes to the recommendations as the State Board  
35 determines are necessary to satisfy the interests enumerated in  
36 subsection 3. After considering such changes, the Association  
37 shall submit new recommendations to the State Board for  
38 approval in accordance with subsection 3.

39 6. Upon approval of the recommendations of the Nevada  
40 Interscholastic Activities Association by the State Board pursuant  
41 to subsection 3, the Association shall deliver a copy of the  
42 recommendations to the Legislative Commission.

43 7. As used in this section, "private high school" includes a  
44 parochial high school.



1       **Sec. 2.** NRS 386.430 is hereby amended to read as follows:

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

13       2. The Nevada Interscholastic Activities Association shall  
14 adopt regulations setting forth:

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

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

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

33       4. As used in this section, "spirit squad" means any team or  
34 other group of persons that is formed for the purpose of:

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

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

41       **Sec. 3.** NRS 386.440 is hereby amended to read as follows:

42       386.440 1. The rules and regulations of the Nevada  
43 Interscholastic Activities Association adopted pursuant to NRS  
44 386.430 *and section 1 of this act* must provide for adequate review



1 procedures to determine and review disputes arising in regard to the  
2 Association's decisions and activities.

3 2. A decision of the Nevada Interscholastic Activities  
4 Association or a decision of a person designated by the Association  
5 to review and make final decisions on disputes on behalf of the  
6 Association pursuant to the rules and regulations adopted pursuant  
7 to NRS 386.430 *and section 1 of this act* must not be stayed by a  
8 court pending the court's final judgment on the matter.

9 **Sec. 4.** NRS 386.450 is hereby amended to read as follows:

10 386.450 ~~The~~ *Except as otherwise provided in section 1 of*  
11 *this act, the* rules and regulations adopted by the Nevada  
12 Interscholastic Activities Association must provide for the  
13 membership of charter schools, private schools and parochial  
14 schools which may elect to join the Association.

15 **Sec. 5.** NRS 386.460 is hereby amended to read as follows:

16 386.460 ~~##~~ *Except as otherwise provided in section 1 of this*  
17 *act, if* a charter school, private school or parochial school elects to  
18 become a member of the Nevada Interscholastic Activities  
19 Association, the school is subject to the same regulations and  
20 requirements and is liable for the same fees and charges as other  
21 schools within the Association.

22 **Sec. 6.** NRS 386.462 is hereby amended to read as follows:

23 386.462 1. A homeschooled child must be allowed to  
24 participate in interscholastic activities and events in accordance with  
25 the regulations adopted by the Nevada Interscholastic Activities  
26 Association pursuant to NRS 386.430 *and section 1 of this act* if a  
27 notice of intent of a homeschooled child to participate in programs  
28 and activities is filed for the child with the school district in which  
29 the child resides for the current school year pursuant to  
30 NRS 392.705.

31 2. The provisions of NRS 386.420 to 386.470, inclusive, *and*  
32 *section 1 of this act* and the regulations adopted pursuant thereto  
33 that apply to pupils enrolled in public schools who participate in  
34 interscholastic activities and events apply in the same manner to  
35 homeschooled children who participate in interscholastic activities  
36 and events, including, without limitation, provisions governing:

- 37 (a) Eligibility and qualifications for participation;  
38 (b) Fees for participation;  
39 (c) Insurance;  
40 (d) Transportation;  
41 (e) Requirements of physical examination;  
42 (f) Responsibilities of participants;  
43 (g) Schedules of events;  
44 (h) Safety and welfare of participants;  
45 (i) Eligibility for awards, trophies and medals;



- 1 (j) Conduct of behavior and performance of participants; ~~and~~
- 2 (k) Disciplinary procedures ~~and~~; and
- 3 ***(l) The recruitment and retention of football players.***

4 **Sec. 7.** NRS 386.464 is hereby amended to read as follows:

5 386.464 A school district, public school or private school shall  
6 not prescribe any regulations, rules, policies, procedures or  
7 requirements governing the:

8 1. Eligibility of homeschooled children to participate in  
9 interscholastic activities and events pursuant to NRS 386.420 to  
10 386.470, inclusive ~~and~~, and ***section 1 of this act***; or

11 2. Participation of homeschooled children in interscholastic  
12 activities and events pursuant to NRS 386.420 to 386.470, inclusive,  
13 ***and section 1 of this act***,

14 ***that are more restrictive than the provisions governing eligibility***  
15 ***and participation prescribed by the Nevada Interscholastic Activities***  
16 ***Association pursuant to NRS 386.430 ~~and~~ and section 1 of this act.***

17 **Sec. 8.** Section 1 of this act is hereby amended to read as  
18 follows:

19 Section 1. Chapter 386 of NRS is hereby amended by  
20 adding thereto a new section to read as follows:

21 1. ~~The~~ ***Except as otherwise provided in subsection 2,***  
22 ***the*** Nevada Interscholastic Activities Association shall not  
23 allow any private high school to compete in any play-off or  
24 state championship game in the sport of football that is  
25 sponsored, approved or recognized by the Association.

26 2. The Nevada Interscholastic Activities Association  
27 shall ~~conduct a study of the effect of disparities in the~~  
28 ~~recruitment and retention of football players between public~~  
29 ~~and private high schools in this State. The study must include,~~  
30 ~~without limitation:~~

31 ~~—(a) A review of whether disparities in the recruitment and~~  
32 ~~retention of football players between public and private high~~  
33 ~~schools result in a competitive advantage for private high~~  
34 ~~schools;~~

35 ~~—(b) A review of the methods used in other states to~~  
36 ~~eliminate or diminish any competitive advantage arising from~~  
37 ~~disparities in the recruitment and retention of football players~~  
38 ~~between public and private high schools; and~~

39 ~~—(c) Recommendations for the adoption of specific rules~~  
40 ~~and regulations to negate or diminish any competitive~~  
41 ~~advantage arising from disparities in the recruitment and~~  
42 ~~retention of football players between public and private high~~  
43 ~~schools in this State.]~~ ***allow a private high school to compete***  
44 ***in a play-off or state championship game in the sport of***  
45 ***football that is sponsored, approved or recognized by the***



1 *Association only if the school complies with the rules and*  
2 *regulations adopted by the Association governing the*  
3 *recruitment and retention of football players pursuant to*  
4 *subsection 3.*

5 3. ~~Upon completion of the study required by subsection~~  
6 ~~2, the Nevada Interscholastic Activities Association shall~~  
7 ~~present the recommendations of the study to the State Board.~~  
8 ~~The State Board shall approve the recommendations of the~~  
9 ~~Association if the State Board finds that the specific rules or~~  
10 ~~regulations proposed:~~

11 ~~—(a) Will serve to enhance competition by eliminating or~~  
12 ~~reducing competitive advantages arising from disparities in~~  
13 ~~the recruitment and retention of football players between~~  
14 ~~public and private high schools in this State;~~

15 ~~—(b) Are in the best interests of this State; and~~

16 ~~—(c) Will serve the interests of both the public and private~~  
17 ~~high schools in this State.~~

18 ~~4. If the State Board approves the recommendations of~~  
19 ~~the Nevada Interscholastic Activities Association pursuant to~~  
20 ~~subsection 3, the~~ *The Nevada Interscholastic Activities*  
21 *Association shall adopt regulations* ~~to carry out the~~  
22 ~~recommendations.~~

23 ~~5. If the State Board fails to approve the~~  
24 ~~recommendations of the Nevada Interscholastic Activities~~  
25 ~~Association pursuant to subsection 3, the State Board shall~~  
26 ~~recommend to the Association such changes to the~~  
27 ~~recommendations as the State Board determines are necessary~~  
28 ~~to satisfy the interests enumerated in subsection 3. After~~  
29 ~~considering such changes, the Association shall submit new~~  
30 ~~recommendations to the State Board for approval in~~  
31 ~~accordance with subsection 3.~~

32 ~~6. Upon approval of the recommendations of the Nevada~~  
33 ~~Interscholastic Activities Association by the State Board~~  
34 ~~pursuant to subsection 3, the Association shall deliver a copy~~  
35 ~~of the recommendations to the Legislative Commission.~~

36 ~~7. governing the recruitment and retention of football~~  
37 ~~players by private high schools in this State to eliminate or~~  
38 ~~reduce any competitive advantages arising from disparities~~  
39 ~~in the recruitment and retention of football players between~~  
40 ~~public and private high schools in this State.~~

41 4. As used in this section, "private high school" includes  
42 a parochial high school.

43 **Sec. 9.** 1. This section and sections 1 to 7, inclusive, of this  
44 act become effective:



- 1 (a) Upon passage and approval for the purpose of adopting any  
2 regulations and performing any other preparatory administrative  
3 tasks necessary to carry out the provisions of this act; and  
4 (b) On July 1, 2015, for all other purposes.  
5 2. Section 8 of this act becomes effective upon the final  
6 adoption of regulations by the Nevada Interscholastic Activities  
7 Association in accordance with subsection 4 of section 1 of this act.

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