

**NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION  
BOARD OF CONTROL MEETING**

Thursday, November 29, 2007 – 8:30 a.m.  
Friday, November 30, 2007 – 8:30 a.m.  
Green Valley Ranch  
Las Vegas, Nevada

**AGENDA**

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**Item 1. Roll Call:**

**MEMBERS PRESENT:**

Rick Borba  
Lee Koelliker  
Nat Lommori  
Larry Mason (11/29/07)  
Ray Mathis  
Sheila Moulton  
Dan Phillips  
Keith Roman  
Bob Sullivan

**LIAISONS PRESENT:**

Bill Darrow  
Bill Garis  
Warren Hagman  
Steve Hansen  
Ron McNutt  
Charlie Walsh  
Bret Walter

**LEGAL COUNSEL:**

Paul Anderson

**GUESTS:**

Rod Adams, Moapa Valley High School  
Frank DeSantis, The Meadows School  
John Dibble, Rite of Passage  
Dr. Dick Edwards, Laughlin HS  
Jeff Freeman, WCSD  
Larry Goins, Sierra Vista High School  
Jared Harmon, Henderson Home News  
Lawrence Howell, Rite of Passage  
Doug McGeehan, Laughlin High School  
Sally Nieman, Bishop Gorman High School  
Jerry Ogolin, Yerington High School  
Dean White, Las Vegas Review Journal

**MEMBERS ABSENT:**

Larry Mason (11/30/07)

**Item 2. Approval of September 12 & 13, 2007 Minutes**

ACTION: Motion by Mr. Lommori to approve the minutes of September 27 & 28, 2007. Motion seconded by Mr. Borba. Motion passes.

**Item 3. Call for Additional Items**

- a. Item 26 – g: Pahrump Valley High School discussing addition of two high schools in Nye County.
- b. 1A / 2A / 3A State Football Sites
- c. State medals for schools and officials

ACTION: Motion by Mrs. Moulton to accept the additional items as presented. Motion seconded by Mr. Koelliker. Motion passes.

**Item 4. Approval of November 29 & 30, 2007 Agenda**

Mr. Bonine requested that the agenda be flexible to accommodate individuals who wish to speak to specific items.

ACTION: Motion by Mr. Koelliker to accept the agenda as presented. Motion seconded by Mr. Phillips. Motion passes.

## **ACTION ITEMS**

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### **Item 5. Lifetime Pass Requests**

The following individual was recommended for a lifetime pass: Roger Ewan, Coach and Athletic Director at Durango High School.

Mr. Ewan is still working for the Clark County School District and is ineligible for a pass at this time.

### **Item 6. Current Financial Reports**

Jay Beesemyer reviewed the financial reports provided for the Board's review.

- a. NIAA
- b. Special Projects
- c. NASC

ACTION: Motion made by Mr. Phillips to accept the financial reports as presented. Motion seconded by Mr. Koelliker. Motion passes.

### **Item 7. 2006-2007 Audit / Post-Season Event Reports – 2<sup>nd</sup> Reading**

Mr. Bonine explained that this is a second reading for these items.

ACTION: Motion made by Mr. Mason to accept the audit and post-season event reports as presented. Motion seconded by Mr. Roman. Motion passes.

### **Item 8. 2007-2008 Policy Manual – 2<sup>nd</sup> Reading**

Mr. Bonine explained that this is a second reading of the 2007-2008 NIAA Policy Manual.

ACTION: Motion by Mr. Koelliker to accept the Policy Manual as presented. Motion seconded by Mr. Borba. Motion passes.

### **Item 9. Notice of Revision of Regulations**

There were no regulations presented for a second reading.

### **Item 10. Final Approval from Legislative Counsel Bureau / Previously Approved by NIAA Board of Control**

- a. NAC 386.628 – Board: Composition; role; nonvoting membership (ATTACHMENT A)

ACTION: Motion by Mrs. Moulton to accept the regulations as presented with the exception of changing the word "elected" to "appointed" in paragraph 1. . Motion seconded by Mr. Mason. Motion passes.

- b. NAC 386.693 – Approval by Association of competition when each member of all-star team is eligible to participate in sanctioned sport. (ATTACHMENT B)

ACTION: Motion by Mrs. Moulton to accept the regulations as presented. Motion seconded by Mr. Mason. Motion passes.

- c. NAC 386.695 – Period of season and first day of practice for sanctioned sport; prohibited and authorized out-of-season activities relating to sanctioned sport. (ATTACHMENT C)

ACTION: Motion by Mrs. Moulton to accept the regulations as presented. Motion seconded by Mr. Mason. Motion passes.

- d. NAC 386.696 – Restrictions on participation in out-of-season activities relating to sanctioned sport. (ATTACHMENT D)

ACTION: Motion by Mrs. Moulton to accept the regulation as presented but not to go into effect until the 2008-2009 school year. Motion seconded by Mr. Mason. Motion passes.

- e. NAC 386.786 – Pupil who transfers from public school to private school from private school to public school or from one private school to another. (ATTACHMENT E)

ACTION: Motion by Mrs. Moulton to accept the regulations as presented. Motion seconded by Mr. Mason. Motion passes.

- f. NAC 386.790 – Pupil assigned to option-zoned school; effect of rezoning of boundaries of certain school districts during school year. (ATTACHMENT F)

ACTION: Motion by Mrs. Moulton to accept the regulations as presented. Motion seconded by Mr. Mason. Motion passes.

- g. NAC 386.851 – Appeal of certain determinations that impose hardship on pupil (ATTACHMENT G)

ACTION: Motion by Mrs. Moulton to accept the regulations as presented. Motion seconded by Mr. Mason. Motion passes.

### **Item 11. Final Approval of Membership Applications**

Mr. Bonine reviewed the membership application from Pyramid Lake High School and the letter from Legacy Christian requesting that their membership be put on hold.

ACTION: Motion made by Mrs. Moulton to accept the Pyramid Lake membership application. Motion seconded by Mr. Phillips. Motion passes.

### **Item 12. Hall of Fame Selection Procedure**

Mr. Bonine reviewed the process and the upcoming meeting for the selection of the 2008 Hall of Fame Members and requested that the policy be changed to allow for an at-large member to serve on the selection committee.

ACTION: Motion made by Mr. Koelliker to accept the process as presented. Motion seconded by Mr. Roman. Motion passes.

### **Item 13. NASC – Middle Schools**

Mr. Bonine reviewed the survey results from other Section 7-8 Associations regarding the participation of middle schools in NASC and stated that this should have been a discussion item first.

ACTION: Motion made by Mr. Phillips to table this item until Ms. Ginger has an opportunity to make a board presentation in March. Motion seconded by Mr. Koelliker. Motion passes

### **Item 14. Girls Golf – Scoring / Playing Format**

Mr. Nelson reviewed the proposed change which would not go into effect until the 2008-2009 season. Mr. Mathis requested that an official survey be sent to all principals and golf coaches, and that we request a signed vote be sent to the NIAA office. Mr. Bonine also requested that Mr. Anderson, NIAA Legal Counsel, review this change as it may pertain to Title IX.

ACTION: Motion by Mr. Mason that this item be tabled until the NIAA can survey school site Principals / Athletic Administrators / Directors and Coaches. Motion seconded by Mr. Koelliker. Motion passes.

District level personnel will be notified prior to the NIAA sending the surveys.

### **Item 15. 4A Region Baseball Play-offs – First Round Host Sites**

Mr. Nelson reviewed the proposed change.

ACTION: Motion by Mr. Lommori that the NIAA pilot the use of the host sites for first-round of the NIAA region baseball play-offs and that the higher seed be allowed to determine start times. Motion seconded by Mrs. Moulton. Motion passes.

Mr. Lommori suggested that for Title IX purposes, softball be allowed the same opportunity.

### **DISCUSSION ITEMS:**

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### **Item 16. Class 1A / 2A / 3A / 4A/ Private School / NADA Reports**

Steve Hansen, Class 1A - Congratulations to Tonopah High School (football) and Pahrnagat Valley (girls volleyball) for their state championships.

Bill Darrow, Class 2A – Congratulations to Whittell High School (girls volleyball) and Needles (football) teams for their state championships. The 2A met in Reno last month to work on leagues for new realignment. Sportsmanship was exceptional during the playoffs. The big issue for 2A was independent status in individual sports. The 2A is not in favor of schools having independent status in some sports and not others.

Charlie Walsh, Class 3A - Congratulations to Pahrump Valley High School (Girls golf team), Lowry High School (boys and girls Cross County teams), Yerington (Volleyball) and Moapa Valley (Football) state championships.

Thanks to the NIAA staff and Clark High School for coordinating a southern site for the 3A state football game. League was pleased with facilities for soccer. Next 3A meeting is scheduled for Sparks High School on December 10, 2007.

Ron McNutt, Northern 4A – The athletic administrators realigned the leagues based on geographical local. The next 4A Northern meeting is scheduled for January 22, 2007 at Boomtown.

Bill Garis, Southern 4A - Another new high school opening next year plus they will be including Pahrump Valley in their league schedules. In 2009-2010 CCSD will be adding another new school. Big issue right now is scheduling girls and boys soccer during the same season (FALL).

Bret Walter – Private Schools – Bret will schedule the next Private / Public school meeting.

Warren Hagman – NADA – The NADA made it official that Dr. Jerry Hughes is the new executive director. The NADA Committee will be meeting following the Board of Control meeting on Friday, November 30, 2007. LTC exams will be available at NADA conference which will be held in conjunction with the state basketball tournament.

### **Item 17. NIAA Litigation Updates**

Mr. Bonine and Mr. Anderson reviewed the current litigation involving the NIAA.

ACTION: Motion by Mr. Phillips that the Board of Control go into a closed session. Motion seconded by Mr. Koelliker. Motion passes.

CLOSED SESSION

### **Item 18. Executive Director's Evaluation Process**

Mr. Bonine presented and reviewed the past evaluation process for the Executive Director and stated that he will bring a staff evaluation form to the March meeting.

### **Item 19. Salary Adjustment Procedures**

Mr. Bonine explained that this issue will be discussed further at the March 2008 meeting and that the salary information enclosed is for the Board's review.

### **Item 20. Ticket Prices for Post-Season Events**

A change in ticket prices and ticket styles will be returned to the March meeting as an action item.

### **Item 21. Review Basic Standards for Membership**

Mr. Bonine made a recommendation that for future memberships a 2.0 multiplier be used for all private schools and that all new schools must offer one boy and one girl sport per season to apply for membership. This item will return as an action item at the March meeting.

### **Item 22. Proposed Regulation Changes:**

Mr. Bonine reviewed the following policies with the board and stated that they would return to the March meeting as action items:

- a. NAC 386.653 – Membership in Association: Private high school.
- b. NAC 386.654 – Membership in Association: Provisional membership.

- c. NAC 386.667 - Classification and alignment of schools: General requirements; request for pupil or team to participate in another league or region.
- d. NAC 386.782 – Residency of pupil: General Requirements.
- e. NAC 386.787 – Pupil who is approved to attend magnet school that offers sanctioned sport.
- f. NAC 386.788 – Pupil who attends magnet school that does not offer sanctioned sport.

### **Item 23. Volleyball Universal Tie-Breaker**

Mr. Rod Adams distributed information on the universal tie-breaker and requested that the Board consider making a change. It was also recommended that the word “Universal” be removed from the tie-breaking heading as tie-breakers have become more sport specific. Mr. Adams was asked to return to the March meeting with additional information.

### **Item 24. Moving of Swimming to Fall Season**

This item has been discussed several times in the last two years. The Clark County School District will have to change their swimming program to the fall season within the next 2-3 years. This item will return as a discussion item at the March meeting.

### **Item 25. Moving Tennis to Spring Season**

Mr. Mathis requested that the Board discuss moving tennis or another sport to the spring. Southern tennis coaches would like to move the season to the fall.

### **Item 26. Realignment Information**

- a. Laughlin High School - Dr. Edwards, Principal at Laughlin High School and Mr. Doug McGeehan, parent, made a presentation to the Board requesting that they reconsider Laughlin’s realignment, especially in the sport of football.
- b. Andre Agassi High School – has requested to be moved from Class 1A to Class 2A.
- c. Yerington High School - Mr. Jerry Ogolin, Principal at Yerington High School made a presentation to the Board requesting that Yerington be allowed to play 2A football.
- d. Northern 4A Realignment – the Northern 4A realignment was made available for the Board.
- e. Pahrump Valley Times – Articles printed in the Pahrump Valley Times were made available for the Board.
- f. Rite of Passage - Lawrence Howell and John Dibble reviewed their eligibility process and explained that they are a private licensed school in the state of Nevada.

### **Item 27. Athletic Trainers in Secondary Schools**

Mr. Bonine reviewed with the Board a letter from Mr. Brian Robinson, Chairman of the National Athletic Trainers Association.

### **Item 28. State Events on Veteran’s Day Week-End**

Mr. Nelson reviewed this item with the Board and stated that the cost to schools and school districts was an issue on the holiday week-end. It was recommended that the NIAA review the dates and possibly hold the events during the middle of the week. This option would mean students missing more class time.

**Item 29. NIKE Team – Out-of-Season Participation**

Mr. Bonine reviewed Galena's request to participate in the NIKE Team Nationals and stated that Galena participated as a club team and not as a school team.

**Item 30. NIAA Bulletin**

Mr. Nelson reviewed the costs of producing the NIAA Bulletin and asked the Board for direction. After discussion it was agreed that the NIAA should continue printing the bulletin and distribute as in the past.

**Item 31. State Basketball Tournament Review**

Donnie Nelson reviewed the schedule for state basketball and the Hall of Fame Banquet.

**Item 32. Review of NIAA Drug & Alcohol Video**

Mr. Bonine reviewed and showed the new NIAA Drug and Alcohol video.

**Item 33. NFHS Open Doors Video**

Mr. Bonine reviewed and showed the NFHS Open Doors video.

**Item 34. Nevada Coaching Education Update**

Mr. Beesemyer reviewed the current Coaching Education program.

**Item 35. Fall Sports Gate Receipts**

Mr. Beesemyer discussed gate receipts with the Board and will have a complete update at the March 2008 meeting.

**Item 36. Hall of Fame Game Review**

Mr. Beesemyer reviewed the Hall of Fame game procedures and was directed to revise application which requires payment before approval.

**INFORMATIONAL ITEMS**

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**Item 37. 2007-2008 Activities Planner**

Donnie Nelson reviewed the winter tournament sites with the Board.

**Item 38. Ideas from Section 7-8 Meeting**

Mr. Bonine reviewed the items of importance from the September Section 7-8 meeting which was held in Utah.

**Item 39. Radio / TV Update**

Donnie Nelson reviewed the current radio / tv policy.

**Item 40. Sponsorship Update**

Donnie Nelson reviewed the current sponsorship information and stated there are no new prospects for sponsorships.

**Item 41. Appeals Update**

A breakdown of all appeals as of the printing of the Board packet was presented for the Board's review.

**Item 42. Courtesy Card Sales**

A breakdown of all passes sold to date was presented for the Board's review.

**Item 43. Related Information**

Mr. Bonine reviewed information provided with the Board.

**Item 44. Board Comments / Suggestions for Future Meetings**

**Item 45. Public Comments / Suggestions for Future Meetings**

**Item 46. NIAA Future Meeting Dates**

The following are future meeting dates and locations:

Wednesday and Thursday  
March 5 & 6, 2007  
Reno, Nevada

Wednesday & Thursday  
June 18 & 19, 2007  
Reno, Nevada

## ATTACHMENT A:

NAC 386.628 - Board: Composition; role; nonvoting membership

1. The Board consists of nine *voting* members *appointed* ~~[elected]~~ from the administrative regions established pursuant to NAC 386.627. The Board is the governing body of the Association.

2. *In addition to the voting members specified in subsection 1, the Board includes the following nonvoting members:*

(a) The president of:

~~[(a)]~~ (1) Each class established pursuant to NAC 386.667;

~~[(b)]~~ (2) The private schools elected pursuant to NAC 386.665; and

~~[(c)]~~ (3) The Nevada Athletic Directors Association or its successor organization ~~[, serve as nonvoting members of the Board.];~~

*(b) A representative from Class 4A North who is not serving as a nonvoting member pursuant to subparagraph (1) of paragraph (a); and*

*(c) A representative from Class 4A South who is not serving as such a nonvoting member.*

3. Each ~~[of these members]~~ *nonvoting member specified in subsection 2* serves for a term of 2 years.

## ATTACHMENT B:

NAC 386.693 – Approval by Association of Competition when each member of all-star team is eligible to participate in sanctioned sport.. If each member of an all-star team is a pupil who is eligible to participate in a sanctioned sport, the Association may approve any game, contest or meet in which the all-star team participates if:

1. Before the game, contest or meet is conducted, the National Collegiate Athletics Association or its successor organization and the National Federation of State High School Associations or its successor organization approve the game, contest or meet;

2. Any money received from conducting the game, contest or meet is designated for a scholarship or other charitable purpose;

3. The game, contest or meet is not held during the season for ~~[the]~~ *any* sanctioned sport;

4. The school where the game, contest or meet is conducted prohibits the athletic director or principal of the school, or a coach or teacher of the school, from providing assistance for conducting the game, contest or meet unless the school authorizes the athletic director, principal, coach or teacher to use personal leave to provide that assistance;

5. Before the game, contest or meet is conducted, the school district in which the game, contest or meet is conducted and the National Federation of State High School Associations, or its successor organization, approve the use of any equipment or facility of the school district for the game, contest or meet; and

6. The Board approves each sponsor, if any, for the game, contest or meet.

## ATTACHMENT C:

NAC 386.695 - Period of season and first day of practice for sanctioned sport; prohibited and authorized out-of-season activities relating to sanctioned sport.

1. The season for each sanctioned sport begins on the first day of practice for the sanctioned sport established by the Board pursuant to this subsection and ends upon the completion of the state tournament for the sanctioned sport. Except as otherwise provided in NAC 386.600 to 386.886, inclusive, not later than September 1 of each year, the Board shall:

- (a) Establish the date for the first day of practice for each sanctioned sport for the school year; and
  - (b) Prepare a schedule of activities that includes each date established pursuant to paragraph (a).
2. Each school shall ensure that a practice for a sanctioned sport is conducted on the date established for that practice pursuant to subsection 1.
3. A school shall not sponsor a pupil or team or provide a uniform or transportation or otherwise accept responsibility for a pupil or team to participate in any out-of-season competition for a sanctioned sport, including, without limitation, a camp, summer league or travel to a foreign country or another state, territory, district or possession of the United States. A school may engage in an activity to obtain money for an out-of-season competition and deposit any money obtained as a result of that activity in an account maintained by a bank or other financial institution in this State. A school shall not use any money that is budgeted for a school district or any state money for an out-of-season competition for a sanctioned sport.
4. A coach of a school that complies with subsections 2 and 3 may assist a pupil in an activity that is related to a sanctioned sport and that is conducted during a period that is not the season for the sanctioned sport. The participation of the pupil in the activity must be voluntary and must not be a condition for qualifying for a team or for accepting the pupil as a member of a team during the season for the sanctioned sport.
5. Except as otherwise provided in this section, a coach or pupil specified in subsection 4 may, if approved by the school and the school district in which the school is located, use any facility or equipment of the school to engage in an activity specified in that subsection. A coach or pupil may use the following equipment for football during any period that is not the football season:
- (a) Footballs;
  - (b) Football shoes; ~~and~~
  - (c) Shorts and sweatshirts [-]; *and*
  - (d) A helmet and shoulder, hip and thigh pads, and any other protective equipment.**
6. A coach or pupil shall not use ~~the following equipment for football pursuant to subsection 5:~~
- ~~(a) A helmet or shoulder, hip or thigh pads, or any other protective equipment; or~~
  - ~~(b) A blocking dummy or sled, or any similar device [-] for football pursuant to subsection 5.~~
7. A school or school district in which a school is located may require each pupil of the school who engages in an activity relating to a sanctioned sport pursuant to subsection 5 to maintain a policy of health insurance in an amount determined by the school or school district.
8. A coach or pupil shall not engage in an out-of-season activity relating to a sanctioned sport pursuant to subsection 5 if the activity interferes with an in-season sport.

#### ATTACHMENT D:

NAC 386.696 - Restrictions on participation in out-of-season activities relating to sanctioned sport.

- 1. A person shall not require a pupil to participate in any athletic program for a sanctioned sport that is conducted before or after the season for that sanctioned sport.
- 2. Each team that participates in a sanctioned sport must be selected, and practices for that team conducted, during the season for that sanctioned sport.
- 3. A pupil may engage in any out-of-season activity relating to a sanctioned sport if:
  - (a) He engages in that activity voluntarily;
  - (b) The activity is conducted to improve his ability to participate in the sanctioned sport;~~and~~

(c) The activity is not conducted between two or more schools, including, without limitation, any competition, scrimmage or practice for the sanctioned sport [;] *and*

*(d) The activity is not conducted during the week before or the week of tryouts for another sanctioned sport.*

#### **ATTACHMENT E:**

NAC 386.786 – Pupil who transfers from public school to private school from private school to public school or from one private school to another.

1. Except as otherwise provided in subsection 2, an eligible pupil who attends a school for at least 180 school days and transfers from a ~~[public school to a private school, a private school to a public school, or a private]~~ school to another ~~[private]~~ school within the zone of attendance is ineligible to participate in any sanctioned sport in which his name appeared on a roster of the Association for 180 school days after the date of the transfer. If the pupil transfers within the first 180 school days, he is ineligible:

- (a) For the remainder of the school year in which he transfers; and
- (b) For 180 school days after the date of the transfer.

2. A pupil who resides with a parent or legal guardian, or who is emancipated, and resides in an area that is affected by a change in the zone of attendance of a ~~[public member school or affiliate]~~ school, may transfer from a ~~[public]~~ school to ~~[a private school or a private school to a public]~~ *another* school, regardless of whether the change in the zone of attendance was initiated to establish the zone of attendance for a new ~~[public]~~ school or to carry out the rezoning of an existing ~~[public]~~ school.

3. A pupil specified in subsection 2 may transfer from a ~~[public]~~ school to ~~[a private school or a private school to a public]~~ *another* school pursuant to that subsection:

- (a) Not more than once; and
- (b) Only if the transfer is completed on or before the beginning of the school year in which the change in the zone of attendance occurred.

#### **ATTACHMENT F:**

NAC 386.790 – Pupil assigned to option-zoned school; effect of rezoning of boundaries of certain school districts during school year.

1. A pupil who is assigned to an option-zoned school by a school district may establish his eligibility to participate in a sanctioned sport in accordance with this section.

2. A pupil specified in subsection 1 who attends his school of residence remains eligible at that school. The pupil may choose to attend an option-zoned school at any time, and is immediately eligible to participate in a sanctioned sport at that option-zoned school. If the pupil transfers between schools that are located within an option zone, he is ineligible to participate in a sanctioned sport for 180 school days after his initial transfer.

3. A pupil specified in subsection 1 who initially chooses to attend an option-zoned school is immediately eligible to participate in any sanctioned sport that is offered by the option-zoned school. A pupil who initially chooses to attend an option-zoned school and who, after attending the option-zoned school, transfers to his school of residence, becomes ineligible for the remainder of the school year in which the transfer occurs and for an additional 180 school days in any sport in which his name appeared on a roster of the Association during the period he attended the option-zoned school.

4. If a school district has more than one school located within the school district and the school district rezones its boundaries during a school year, the school district is not required, during that school year, to comply with the provisions of NAC 386.785. The provisions of subsection 2 of NAC 386.786 apply to any pupil of a ~~[public or private]~~

school who is affected by the rezoning. A pupil who is adversely affected by the rezoning may not appeal the decision of the school district to the Association.

5. As used in this section, "option-zoned school" means a school for which a school district authorizes a pupil who does not reside within the zone of attendance of the school to attend the school. The term includes a magnet school.

## ATTACHMENT G:

NAC 386.851 – Appeal of certain determinations that impose hardship on pupil.

[1.] Except as otherwise provided in NAC 386.600 to 386.886, inclusive, a pupil may appeal a determination made pursuant to any of those sections if the determination imposes a hardship on the pupil. The pupil must prove by a preponderance of the evidence that:

~~[(a)]~~ 1. The hardship exists; and

~~[(b)]~~ 2. If the determination relates to a transfer by the pupil, the pupil was not recruited to make the transfer.

~~[2—If a determination made pursuant to NAC 386.600 to 386.886, inclusive, relates to a transfer by a pupil from a private school to a public school, the pupil may appeal the determination if the pupil transferred to the public school because of a financial burden incurred by him. A reverse financial burden may also be considered if the pupil demonstrates a lack of sufficient money at one time followed by a sufficient amount of money at a later date.~~

~~3.—If a determination made pursuant to NAC 386.600 to 386.886, inclusive, relates to a transfer by a pupil from a public school to a private school, the pupil may appeal the determination if the pupil transferred to the private school because of any financial gain, relief or windfall incurred by him.~~

~~4.—As used in this section, "financial gain, relief or windfall" means a change in the financial status of a parent, legal guardian or other family member who provides money for a pupil to attend a private school if:—~~

~~(a) The change is solely the result of an increase in:~~

~~(1) The salary of the parent, legal guardian or family member; or~~

~~(2) Any investment income that is owned and held in the name of the parent, legal guardian or family member; and~~

~~(b) The existence of the change is established to the satisfaction of the Executive Director by the submission of a copy of:~~

~~(1) The most recent paycheck of the parent, legal guardian or family member; and~~

~~(2) The federal income tax return and withholding statement of the parent, legal guardian or family member for the year immediately preceding the first year the pupil enrolled in the public school and for each year the pupil attended the public school. The term does not include a change in any financial assistance obtained from a person who is not a member of the family of the pupil.]~~