

BRIAN SANDOVAL
Governor

FRANK R. WOODBECK
Director

SHELLEY CHINCHILLA
Administrator



COMMISSIONERS
Patricia Cafferata, Chair
Swadeep Nigam
Lee Plotkin
Tiffany Young
James Campos

Summary of Minutes

Of the NEVADA EQUAL RIGHTS COMMISSIONERS'

MEETING on February 17, 2012

I. Call to Order.

Patricia Cafferata, Chair, called the meeting to order at 9:04 a.m.

II. Roll Call; Confirmation of Quorum; and Verification of Posting.

Norma Delaney, Administrative Assistant III, called role and confirmed that a quorum was present, and advised that certificates of posting are available.

Members present: Patricia Cafferata, Chair; Swadeep Nigam; Lee Plotkin; Tiffany Young.

III. Public Hearing regarding petition filed by the American Civil Liberties Union (ACLU) of Nevada requesting a Declaratory Order whether public schools in Nevada qualify as a place of public accommodation pursuant to NRS 651.050(3)(k) (formerly NRS 651.050 (2)(k)) and are therefore subject to Nevada laws prohibiting discrimination in public accommodations.

On February 17, 2012, the Nevada Equal Rights Commission ("Commission") held a hearing on a petition submitted by the American Civil Liberties Union ("ACLU") of Nevada, pursuant to NRS 233B.120 and NAC 233.260. The petition requested a declaratory order from the Commission that the definition of "place of public accommodation" in NRS 651.050(3)(k) include public schools. At the hearing, representatives on behalf of the ACLU, Washoe County School District and Nevada State Education Association testified, as well as members of the public. Written comments from the Clark County School District and Nye County School District were also received.

The petition cited the Nevada Supreme Court decision, *Clark County School District v. Buchanan*, 112 Nev. 1146, 924 P.2d 716 (1996), in which the Court found that a public elementary school was a place of public accommodation. Clark, Nye and Washoe County School Districts each agreed that the Buchanan case was dispositive of the issue raised by the ACLU's petition.

After receiving comments and questioning participants, the Commission noted that the Supreme Court of Nevada had already ruled on this issue stating that public schools are places of public accommodation. The Commission found it did not have any authority to confirm or deny what the Supreme Court had held. Therefore, the petition filed by the American Civil Liberties Union was voted on by the Commission and dismissed. (Ms. Cafferata made the motion to dismiss the petition; Ms. Young seconded – Ms. Cafferata, Ms. Young and Mr. Nigam voted to dismiss the complaint; Mr. Plotkin voted against dismissing the complaint). A copy of the declaratory order is attached to the minutes.

The Chair closed the hearing.

IV. Public Comment

See certified transcript of meeting at www.nvdetr.org . Go to Quick Links and click on "Public Meeting Minutes." Scroll down and click on "Nevada Equal Rights Commission Meeting Minutes" and click on minutes of "February 17, 2012."

VI. Adjournment

The meeting concluded at 10:28 a.m.

Respectfully submitted,

Lee Plotkin
Secretary/Commissioner

1 BEFORE THE NEVADA EQUAL RIGHTS COMMISSION

2 In Re:

3 -- Public Petition --
4 American Civil Liberties Union
5 Filed December 19, 2011.

DECISION

6 On February 17, 2012, the Nevada Equal Rights Commission ("Commission") held a
7 hearing on a petition submitted by the American Civil Liberties Union ("ACLU"), pursuant to
8 NRS 233B.120 and NAC 233.260. The petition requested a declaratory order from the
9 Commission that the definition of "place of public accommodation" in NRS 651.050(3)(k)
10 includes public schools. NRS 651.050(3)(k) defines "place of public accommodation" as "any
11 nursery, private school or university or other place of education."

12 At the hearing, representatives on behalf of the ACLU, Washoe County School District
13 and Nevada State Education Association testified, as well as members of the public. Written
14 comments from the Clark County School District and Nye County School District were also
15 received.

16 The petition cited the Nevada Supreme Court decision, *Clark County School District v.*
17 *Buchanan*, 112 Nev. 1146, 924 P.2d 716 (1996), in which the Court found that a public
18 elementary school was a place of public accommodation. Clark, Nye and Washoe County
19 School Districts each agreed that the *Buchanan* case was dispositive of the issue raised by
20 the ACLU's petition.

21 After receiving comments and questioning participants, the Commission noted that the
22 Supreme Court of Nevada had already ruled on this issue stating that public schools are
23 places of public accommodation. The Commission found it did not have any authority to
24 confirm or deny what the Supreme Court had held.

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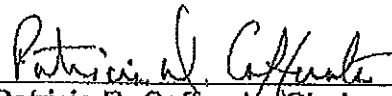
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Based on the foregoing, the Commission finds that it does not have authority to confirm or deny the Supreme Court decision on the inclusion of public schools in the definition of place of public accommodation in NRS 651.050(3)(k). Therefore, the petition filed by the American Civil Liberties Union is hereby DISMISSED.

Dated this 5th day of April, 2012.



Patricia D. Cafferata, Chair
Nevada Equal Rights Commission