



CASE NO: A-25-919151-C
Department 16

COMP

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**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY NEVADA**

**THE AMERICAN CIVIL LIBERTIES UNION
OF NEVADA**, a domestic nonprofit organization;
CORIE HUMPHREY, an individual,

Plaintiffs,

vs.

CLARK COUNTY SCHOOL DISTRICT, a
political subdivision of the State of Nevada,

Defendant.

Case No.:

Department:

COMPLAINT

**ARBITRATION EXEMPTION
CLAIMED: EQUITABLE AND
DECLARATORY RELIEF
REQUESTED**

COMPLAINT

Plaintiffs, the American Civil Liberties Union of Nevada and Corie Humphrey, by and
through counsel Christopher M. Peterson, Esq., for their Complaint allege as follows:

1 **I. Introduction**

2 On March 27, 2025, Clark County School District (“CCSD”) adopted policy R-5129
3 Section II (hereafter “Regalia Policy”) regulating what attire, adornments, and decorations students
4 may wear to their graduations.¹ This is not the first time CCSD has restricted graduation regalia.
5 Over the past few years, students have repeatedly protested about the District’s failures to
6 accommodate reasonable requests to include religious, cultural, and personal adornments and
7 decorations on graduation caps and gowns. Unfortunately, CCSD’s latest Regalia Policy yet again
8 fails to address these concerns and violates students’ rights under the United States Constitution
9 and Nevada law.

10 To provide some protection for students expressing themselves during graduation
11 ceremonies, Nevada lawmakers enacted NRS 388.915, granting students the right to wear
12 traditional tribal regalia and recognized objects of cultural or religious significance during their
13 graduations. NRS 388.915(2) recognizes that school boards and other specified school officials
14 may ban specific items of religious or cultural significance, but only if that specific item “is likely
15 to cause a substantial disruption of, or material interference with, [a graduation] ceremony.”
16 However, CCSD’s Regalia Policy goes well beyond this limited exception as it promulgates an
17 unacceptable process requiring students to obtain prior approval from school officials not
18 identified in NRS 388.915(2) in order to exercise their right to wear traditional, cultural, or
19 religious adornments to their graduation ceremonies, and does not impose limitations on an
20 official’s power to deny approval. CCSD’s Regalia Policy also regulates beyond what is
21 permissible under NRS 388.915(2) by imposing limitations that would bar decorations and
22 adornments that do not cause a substantial disruption or material interference with a ceremony but
23 rather based entirely on item’s quantity, size, or “proselytizing” nature.

24

¹ Clark County School District Regulation R-5129, attached as Exhibit 1.

1 Beyond NRS 388.915, CCSD’s Regalia Policy violates the First Amendment of the United
2 States Constitution and Article I, Section 9 of the Nevada Constitution. The United States Court
3 of Appeals for the Ninth Circuit has determined that when schools allow students to decorate and
4 adorn their graduation regalia, these decorations and adornments are subject to First Amendment
5 protections.² The Constitution requires that policies “subjecting the exercise of First Amendment
6 freedoms” to prior restraint “must contain narrow, objective and definite standards to guide”
7 government officials.³ CCSD’s Regalia Policy is a facially unconstitutional prior restraint in that
8 it vests local Clark County schools and their officials with unbridled discretion to permit or deny
9 expressive activity. CCSD’s failure to provide guidance allows individual schools and school
10 officials free reign to determine how students may express themselves and what they may express
11 at a graduation.

12 In fact, CCSD’s prior restraint has already resulted in unequal and discriminatory
13 enforcement as is evidenced by individual schools implementing substantively differing guidelines
14 for graduation regalia at their respective institutions. These differences include whether formal
15 approval processes are available, deadlines for approval, whether regalia besides that expressly
16 protected under NRS 388.915 will be permitted, and whether adornments and decorations for caps
17 will be banned entirely. These diverging policies show that CCSD has clearly failed to provide the
18 necessary guidance to its schools for its prior restraint scheme to satisfy constitutional scrutiny.

19 Aside from the unlawful prior approval process and unguided discretion CCSD grants its
20 employees to deny students the right to express themselves, CCSD’s Regalia Policy is also content-
21 based discrimination. In an apparent effort to comply with NRS 388.915, CCSD provides for some
22 accommodation for students that intend to express religious and culturally significant messages

23 ² *Waln v. Dysart Sch. Dist.*, 54 F.4th 1152, 1163 (9th Cir. 2022).

24 ³ *Forsyth Cnty. v. Nationalist Movement*, 505 U.S. 123, 131, 112 S. Ct. 2395, 2401 (1992).

1 but does not provide the same opportunity for all messages entitled to First Amendment protection.
2 Whatever the motivation, this is classic content-based discrimination that violates the First
3 Amendment.

4 Plaintiff American Civil Liberties Union (“ACLU”) of Nevada and Plaintiff Corie
5 Humphrey now seek to remedy the harm inflicted on them and to ensure that neither themselves
6 nor future graduating students are subject to these rights abuses during their graduation
7 ceremonies.

8 **II. Parties**

9 1. Plaintiff ACLU of Nevada is a domestic nonprofit corporation. Its mission is to
10 defend and advance the civil liberties and civil rights of all Nevadans.

11 2. Plaintiff Corie Humphrey is, and was at all times relevant herein, a student in Clark
12 County School District scheduled to graduate from East Career and Technical Academy on March
13 27, 2025.

14 3. Defendant CCSD is a political subdivision of the State of Nevada in charge of
15 administering the state system of public education in Clark County.

16 4. At all relevant times herein, Defendant CCSD and its officers acted under color of
17 state law.

18 **III. Jurisdiction and Venue**

19 5. The transactions and occurrences that give rise to Plaintiffs’ claims against
20 Defendant CCSD occurred in Clark County, Nevada.

21 6. Defendant CCSD operates in Clark County, Nevada, and is a political subdivision
22 of the State of Nevada.
23
24

1 7. This Court has original subject matter jurisdiction over this matter pursuant to
2 Article 6, Section 6, of the Constitution of the State of Nevada and NRS 30.030 (Uniform
3 Declaratory Judgments Act).

4 8. Venue is proper in this Court pursuant to NRS 13.020 and NRS 13.040 because the
5 cause, or some part thereof, arose in Clark County, Nevada.

6 **IV. Standing**

7 **A. Individual Plaintiff**

8 9. Plaintiff, Corie Humphrey, is, and was at all times relevant herein, a resident of
9 Clark County and a student attending East Career and Technical Academy who will graduate on
10 May 27, 2025.

11 10. She is directly harmed by the CCSD Regalia Policy as she is barred from wearing
12 the graduation regalia she would otherwise wear for her graduation on May 27, 2025.

13 **B. ACLU of Nevada's Representational Standing**

14 11. The ACLU of Nevada has representational standing in this matter because (1) its
15 members would otherwise have standing to sue in their own right; (2) the interests it seeks to
16 protect are germane to the organization's purpose; and (3) neither the claims asserted nor the relief
17 requested requires the participation of individual members in the lawsuit.⁴

18 12. As the guardian of civil liberties of all Nevadans for over 55 years, and with more
19 than 5,000 members in the State of Nevada, preventing constitutional and statutory violations is
20 of substantial interest to the ACLU of Nevada.

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23 ⁴ *Nat'l Ass'n of Mut. Ins. Co. v. State Dep't of Bus.*, 524 P.3d 470, 476 (Nev. 2023) (adopting
24 *Hunt v. Wash. State Apple Advert. Comm'n*, 432 U.S. 333, 343, 97 S. Ct. 2434, 2442 (1977)).
See also Fellowship of Christian Athletes v. San Jose Unified Sch. Dist. Bd. of Educ., 46 F.4th
1075, 1090 (9th Cir. 2022) (finding representational standing on behalf of student chapter).

1 13. As part of that mission, the ACLU of Nevada has litigated and continues to litigate
2 numerous lawsuits to protect expressive conduct and association in Nevada; ongoing litigation by
3 ACLU of Nevada protecting expressive conduct and association includes *McAllister et al. v. Clark*
4 *County*,⁵ *Semper et al. v. LVMPD et al.*,⁶ and *Gerwaski v. State of Nevada et al.*.⁷

5 14. In addition, ACLU of Nevada has expressly and persistently engaged in advocacy
6 and education for students in Nevada related to the First Amendment and free speech.

7 15. ACLU of Nevada provides “know your rights” trainings and publishes “know your
8 rights” materials about rights protecting expressive conduct, demonstrating its commitment to
9 educating students about their rights under the First Amendment.

10 16. ACLU of Nevada’s purpose is grounded in its work defending and advancing the
11 civil liberties, civil rights, and other fundamental human rights of all Nevadans, including
12 Nevada’s students.

13 17. ACLU of Nevada’s implements ACLU of Nevada’s Emerging Leaders program, a
14 youth-driven program that consists of ACLU of Nevada members who are between the ages of 16
15 and 22 and focuses on building the leaders of tomorrow through the cultivation of advocacy,
16 leadership, and civic engagement.

17 18. All students who are part of the Emerging Leaders program are members of ACLU
18 of Nevada, and the program requires a significant time commitment from its members.

19 19. Emerging Leaders members meet on a weekly basis and engage in community
20 programming to better advance leadership for youth, which includes annually hosting a young
21 women’s empowerment brunch, an oratorical competition, and other events.

22 ⁵ No. 2:24-cv-00334-JAD-NJK (D. Nev.).

23 ⁶ No. 2:20-CV-1875 JCM (EJY) (D. Nev.).

24 ⁷ No. 2:24-cv-00985-APG-MDC (D. Nev.).

1 20. Emerging Leaders members are also involved in activities to advance the First
2 Amendment and civil rights more broadly on a regular basis, including participating in court
3 observations during the recent case *ACLU of Nevada v. CCSD*.⁸

4 21. ACLU of Nevada’s Emerging Leaders program currently has 15 members. Of those
5 15 individuals, 11 are currently high school students attending schools within the Clark County
6 School District.

7 22. The Clark County School District attending members include six graduating high
8 school seniors and five high school juniors.

9 23. Emerging Leaders members who are graduating high school seniors include
10 Plaintiff Corie Humphrey, a graduating senior at East Career and Technical Academy. Other
11 graduating seniors attend Del Sol Academy for Performing Arts, Cheyenne High School, Canyon
12 Springs High School, Northwest Career and Technical Academy, and Mojave High School.

13 24. Emerging Leaders members who are high school juniors, expected to graduate in
14 2026, include students at Las Vegas High School, Del Sol Academy for Performing Arts, and other
15 schools.

16 25. As students graduating this year and next year from CCSD high schools, ACLU of
17 Nevada’s Emerging Leaders members face the imminent risk of having their rights pursuant to
18 NRS 388.915, U.S. Const. amend. I, and Nev. Const. Art. I § 9 violated due to the unlawful and
19 unconstitutional provisions of CCSD’s Regalia Policy.

20 26. Thus, Emerging Leaders members have standing to sue in their own right.

21 27. The ACLU of Nevada brings this suit on behalf of ACLU of Nevada’s Emerging
22 Leaders members.

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24 ⁸ A-23-869216-W (8th Jud. Dist. Ct. NV).

1 28. It is germane to the ACLU of Nevada’s purpose to protect its Emerging Leaders
2 members’ rights to express themselves at their own graduation to the extent those expressions are
3 protected under the United States Constitution, the Nevada Constitution, or Nevada law.

4 29. Neither the claims raised, nor relief sought here requires the participation of
5 individual members of the ACLU of Nevada

6 30. The participation of the individual members of ACLU of Nevada is not required
7 because an inquiry into the members’ views is not necessary to decide the facial challenges to
8 CCSD’s Regalia Policy or the as applied challenge raised by ACLU of Nevada in relation to
9 graduation regalia provided by ACLU of Nevada to its Emerging Leaders, nor is an inquiry into
10 ACLU of Nevada members’ injury necessary for the Court to determine the proper relief for those
11 claims.⁹

12 **C. Standing in Facial Prior Restraint Challenges**

13 31. A person subject to a policy of prior restraint “may make a facial, First Amendment
14 attack on that [policy]” even without subjecting themselves to the application process “because the
15 threat of the prior restraint itself constitutes an actual injury.”¹⁰

16 32. A prior restraint has been defined as a policy that vests “unbridled discretion in a
17 government official over whether to permit or deny expressive activity.”¹¹

18 33. “Besides the ‘bare minimum’ standing requirements for facial challengers, the
19 challenged regulation ‘must have a close enough nexus to expression, or to conduct commonly
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22 ⁹ *Nat’l Ass’n of Mut. Ins. Co.*, 524 P.3d at 479-80.

23 ¹⁰ *Get Outdoors II, LLC v. City of San Diego*, 506 F.3d 886, 895 (9th Cir. 2007) (citing *City of*
Lakewood v. Plain Dealer Publ’g Co., 486 U.S. 750, 755-56, 108 S. Ct. 2138, 2143 (1988)).

24 ¹¹ *Id.*

1 associated with expression, to pose a real and substantial threat of the identified censorship
2 risks”¹².

3 34. Here, CCSD’s policy imposes an unconstitutional prior restraint that vests
4 “unbridled discretion” in local schools’ administrations and officers “to permit or deny expressive
5 activity.”

6 35. CCSD’s policy regulates graduating students’ ability to express their speech, views,
7 and/or their religious or cultural identities – conduct which is all “commonly associated with
8 expression” and poses “a real and substantial threat of the identified censorship risks.”¹³

9 36. The First Amendment protects adorning and decorating high school graduation
10 regalia when those items express a particularized message likely to be understood by viewers.¹⁴

11 37. Therefore, Plaintiffs can facially challenge CCSD’s Regalia Policy, even without
12 undergoing the application process, as the prior restraint itself constitutes their actual injury.

13 **V. Factual Statement**

14 **A. CCSD’s Regalia Policy: R-5129 Section II**

15 38. On March 27, 2025, CCSD implemented a new policy regulating graduation
16 regalia: R-5129 (II).¹⁵

17 39. Without permitting any other graduation regalia, the Regalia Policy states that
18 “traditional tribal regalia or recognized objects of religious or cultural significance” are permitted
19 as adornments for student’s caps and gowns. R-5129(II).

21 ¹² *Spirit of Aloha Temple v. Cnty. of Maui*, 49 F.4th 1180, 1188 (9th Cir. 2022).

22 ¹³ *Id.*

23 ¹⁴ *Waln*, 54 F.4th at 1163 (9th Cir. 2022).

24 ¹⁵ Exhibit 1 – CCSD Regalia Policy

1 40. CCSD’s Regalia Policy requires that these decorations and adornments “lay flat
2 and not exceed the dimensions of the cap.” R-5129(II)(C).

3 41. For adornments on gowns, CCSD’s Regalia Policy requires that the decorations or
4 adornments “not cover more than 25% of the school selected gown. This requirement applies to
5 flags, stoles, cords, metals, pins, and similar items.” R-5129(II)(D).

6 42. Notably, these restrictions are imposed separately from CCSD’s requirement that
7 decorations and adornments not “create a substantial disruption of, or material interference with,
8 the graduation ceremony.” R-5129(II)(E).

9 43. CCSD’s Regalia Policy, in relevant part, also states that “any decorations or
10 adornments on the caps and gowns, as well as other items brought by students to the graduation
11 ceremony, must not. . . constitute proselytizing speech” R-5129(II)(E).

12 44. In addition to imposing specifically enumerated restrictions, CCSD’s Regalia
13 Policy requires that “a school principal or designee” approve “any decorations or adornments”
14 prior to graduation, with no exception for tribal regalia or objects of religious or cultural
15 significance. R-5129(II)(F).

16 45. As CCSD’s Regalia Policy only allows for adornments and decorations deemed
17 “objects of religious or cultural significance,” it makes no allowance for adornments or decorations
18 that communicate particularized messages that are politically, artistically, or personally significant
19 and likely to be understood by viewers.

20 **B. Examples of Schools’ Varying Implementations of CCSD’s Regalia Policy**

21 46. CCSD high school graduation ceremonies are set to commence as soon as May 27,
22 2025.

1 47. In the past, CCSD schools have repeatedly denied students their right to wear cords
2 and stoles of cultural and personal significance, including after the passage of NRS 388.915.¹⁶

3 48. CCSD schools have apparently interpreted R-5126(II)(F) as authorizing each
4 school to promulgate their own procedures and guidelines implementing CCSD's Regalia Policy.

5 49. CCSD schools have promulgated procedures and guidelines that are materially
6 different than procedures and guidelines issued by other CCSD schools.

7 50. CCSD schools have also issued inherently contradictory procedures and guidelines
8 within their own policies.

9 **i. East Career and Technical Academy**

10 51. Plaintiff Humphrey attends East Career and Technical Academy.

11 52. East Career and Technical Academy provided students with a presentation that
12 stated graduates may wear stoles, cords, and medallions earned at the school that directly correlate
13 to a school-sponsored club or academic program.

14 53. The Power Point presentation also stated that students can wear traditional tribal,
15 religious, or cultural items in accordance with NRS 388.915.

16 54. However, students were informed verbally by the presenters they were only
17 permitted to wear a maximum of one lei.

18 55. Assistant Principal Jennifer Geissinger and Principal Natasha Lerutte explained at
19 the presentation their expectations for the seniors leading up to and at graduation.

20 56. Ms. Geissinger said that when students showed up to graduation with their caps
21 and gowns "how you get it is how you should come."

22
23 ¹⁶ Rocio Hernandez, *Despite new law, some Nevada seniors fighting to wear personal regalia to*
24 *graduation*, The Nevada Independent (May 14, 2024), available at
<https://thenevadaindependent.com/article/despite-new-law-some-nevada-seniors-fighting-to-wear-personal-regalia-to-graduation>.

1 57. Plaintiff Humphrey understood that this meant that students could not adorn or
2 decorate either their caps or gowns.

3 58. The Power Point presentation further stated that caps may not have any decorations
4 or adornments at all.

5 59. While some slides from East Career and Technical Academy's presentation
6 suggested some non-school related items might be permitted, Plaintiff Humphrey's conversation
7 with the Assistant Principal, Jennifer Geissinger, after the senior assembly made clear that stoles
8 and cords not directly related to a school sponsored club or academic program were banned.

9 60. Unlike other schools, East Career and Technical Academy has not provided its
10 students a formal approval process for proposed graduation regalia.

11 **ii. Del Sol Academy of the Performing Arts**

12 60. Two members of ACLU of Nevada's Emerging Leaders program attend Del Sol
13 Academy of the Performing Arts.

14 61. Del Sol Academy provided some of its graduation regalia guidelines to its students
15 through the school's newsletter in a section titled "Caps, Gowns, and Other Items".

16 62. The guidelines provided in that section were identical to those outlined in CCSD's
17 Regalia Policy including the provision that "Students are permitted to wear traditional tribal regalia
18 or recognized objects of religious or cultural significance as an adornment to their cap and gown
19 in accordance with Nevada Revised Statutes (NRS) 388.915"

20 63. However, in the same newsletter issued by Del Sol Academy under a section
21 labeled "Dress Code", the school stated that "graduation caps cannot be decorated."

22 64. In a different section of the same newsletter titled "Graduation Date: May 29, 2025
23 at the Orleans," Del Sol Academy stated: "Only CCSD sanctioned cords, medallions, stoles, etc.
24 can be worn. **No** personal leis, money leis, candy leis can be worn or they will be confiscated."

1 This section did not identify an exception for cords, medallions, or stoles that had religious or
2 cultural significance.

3 65. Del Sol Academy required submission for approval for any adornments or
4 decorations by Tuesday, May 6, 2025.

5 66. The school's guidelines stated that "[t]he school's administration will make the
6 determination to approve, modify, or deny the decoration or adornment within five business days
7 of submission."

8 **iii. Las Vegas High School**

9 67. A member of ACLU of Nevada's Emerging Leaders program attends Las Vegas
10 High School.

11 68. Las Vegas High School imposes a formal approval procedure on its students, stating
12 that "religious and/or cultural regalia is permitted with administration approval."¹⁹

13 69. Las Vegas High School's guidance provides that both caps and gowns can be
14 decorated as long as they adhere to District guidelines.

15 70. However, Las Vegas High School's deadline to submit for approval is May 2, 2025.

16 **iv. Canyon Springs High School**

17 71. A member of ACLU of Nevada's Emerging Leaders program attends Canyon
18 Springs High School.

19 72. Canyon Springs has posted Graduation Guidelines and FAQs on its website.^{20 21}

20 73. Canyon Springs High School has issued graduation regalia guidance completely
21 banning adornment of caps.

22 ¹⁹ Exhibit 4 – LVHS Class of 2025 Graduation Information

23 ²⁰ Exhibit 5 – CSHS Graduation Participation Guidelines (Posted 2025)

24 ²¹ Exhibit 6 – CSHS FAQs

1 74. The FAQ provided on Canyon Spring’s website states that students will be asked
2 to remove decorated caps immediately.

3 75. Canyon Springs High School’s posted guidelines also state “Students are permitted
4 to wear traditional tribal regalia or recognized objects of religious or cultural significance as an
5 adornment to their cap and gown in accordance with Nevada Revised Statutes (NRS) 388.915.”

6 76. In addition, Canyon Springs High School requires all decorations and adornments
7 to be submitted to the school’s administration no later than 15 business days prior to the graduation
8 ceremony. As Canyon Springs High Schools graduation is scheduled for May 28, 2025, the
9 deadline for submissions would be May 13, 2025.

10 77. Canyon Springs High School’s guidance also states that students may be asked to
11 leave the ceremony if they fail to adhere to graduation guidelines.

12 **C. Plaintiff Corie Humphrey’s specific graduation regalia**

13 78. At the time pertinent to this Complaint, Plaintiff Corie Humphrey is a student
14 attending East Career and Technical Academy.

15 79. Plaintiff Humphrey has met all the requirements to graduate from East Career and
16 Technical Academy.

17 80. Plaintiff Humphrey’s graduation ceremony will be held on May 27, 2025.

18 81. During Plaintiff Humphrey’s graduation ceremony, she intends to wear cords and
19 sashes representing the various clubs and organizations she has been involved with throughout her
20 high school career if authorized to do so.

21 82. Specifically, Plaintiff Humphrey intends to wear the following at her graduation
22 ceremony if allowed:

- 23 a. A stole that has the message “Black Girl Magic” written on it to represent her
24 Black culture.

- b. A black and red stole to represent her time with the ACLU of Nevada's Emerging Leaders Program.
- c. A pin signifying her membership in National Honors Society.
- d. The stoles and cords provided by her school that signify her achievements at East Career and Technical Academy.
- e. A cap decorated with small paper flowers, gems, and crystals.

83. These decorations and adornments represent Plaintiff Humphrey's accomplishments and leadership.

84. Plaintiff Humphrey is concerned that she will either be prohibited from wearing the items she intends to during her graduation, or that these items will be confiscated or she will be excluded from the ceremony or face other discipline for wearing the above items.

D. Plaintiff ACLU of Nevada's graduation regalia adornments for Emerging Leaders

85. ACLU of Nevada intends to provide all ACLU of Nevada Emerging Leaders members with a graduation stole and a graduation pin to affix to the graduate's cap, demonstrating the students' participation in ACLU of Nevada's Emerging Leaders Program and future as civil rights leaders.

86. ACLU of Nevada intends to provide these items for the express purpose that the ACLU of Nevada Emerging Leaders members will wear them during their respective high school graduation ceremonies.

VI. Claims

87. Plaintiffs incorporate each and every allegation made in paragraphs 1-86 into all claims for relief.

First Cause of Action
Violation of graduating students' right to wear tribal regalia or objects of religious or cultural significance pursuant to Nevada Revised Statute 388.915.
(All Plaintiffs)

1 88. CCSD's Regalia Policy and its employees' actions based upon that policy violate
2 Plaintiffs' rights to wear traditional tribal, cultural, or religious adornments on their graduation
3 regalia as they are entitled to under NRS 388.915.

4 89. NRS 388.915 provides: "A pupil of a public school, including, without limitation,
5 a pupil of a university school for profoundly gifted pupils, is entitled to wear traditional tribal
6 regalia or recognized objects of religious or cultural significance as an adornment at a school
7 graduation ceremony."

8 90. This right is only limited to the extent that "the board of trustees of a school district,
9 the governing body of a charter school or the governing body of a university school for profoundly
10 gifted pupils [may prohibit] an item that is likely to cause a substantial disruption of, or material
11 interference with, such a ceremony."²²

12 91. Nothing in this provision authorizes CCSD to restrict items that are unlikely to
13 cause a substantial disruption or materially interfere with a graduation ceremony.

14 92. Nothing in this provision authorizes CCSD to set conditions on exercising the rights
15 established by NRS 388.915 such as pre-approval by a school principal or other school official
16 prior to graduation.

17 93. The provision does not authorize CCSD to restrict items based solely on size,
18 quantity, or whether they lie flat on a cap.

19 94. The provision does not authorize CCSD principals or their designees to determine
20 whether a particular religious or cultural item is permissible, as NRS 388.915(2) only authorizes
21 the board of trustees, the governing body of a charter school or the governing body of a university
22 school for profoundly gifted pupils to prohibit an item that is likely to cause substantial disruption
23 of, or material interference with, a graduation ceremony.

24 ²² NRS 388.915(2).

95. CCSD's current restrictions in its Regalia Policy, and those of the local schools, exceed the scope of what can be regulated in relation to the rights provided in NRS 388.915.

96. R-5129(II)(C) on its face violates NRS 388.915 because it bars adornments on caps based solely on the size of the decoration and whether it lies flat, without consideration as to whether the item is likely to cause a substantial disruption of, or material interference with, the graduation ceremony.

97. R-5129(II)(D), on its face, violates NRS 388.915 because it bars adornments and decorations on gowns based solely on what percentage of the gown an item covers, in addition to all items being worn by the graduate, without consideration as to whether the item is likely to cause a substantial disruption of, or material interference with, the graduation ceremony.

98. R-5129(II)(E) violates NRS 388.915 on its face, because it bans decorations, adornments, and items that “constitute proselytizing speech,” even if the speech is inherently religious or cultural, without consideration of whether the speech or expression is likely to cause a substantial disruption of, or material interference with, the graduation ceremony.

99. R-5129(II)(F) on its face violates NRS 388.915 because it conditions a students' right to wear traditional tribal regalia or adorn their graduation regalia with religiously or culturally significant objects on the approval of school officials prior to graduation.

100. R-5129(II)(F) on its face violates NRS 388.915 because it authorizes school principals to deny approval for traditional tribal regalia and religiously or culturally significant objects when school principals are not recognized under NRS 388.915 as having that authority.

101. In imposing these restrictions, CCSD promulgates a policy which conflicts with the legal entitlement granted in NRS 388.915.

Second Cause of Action

Violation of Right to Free Speech and Expression – Facial Challenges – Pursuant to the First Amendment of the U.S. Constitution through 42 U.S.C. § 1983.

(All Plaintiffs)

102. The actions of Defendant CCSD, through the action of its officials, violated Plaintiffs' civil rights under 42 U.S.C. § 1983 and their right to free speech under the First Amendment of the United States Constitution.

103. 42 U.S.C. § 1983 provides: "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State . . . subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured"

104. "A local government entity is liable under § 1983 when 'action pursuant to official municipal policy of some nature cause[s] a constitutional tort.'"²³

105. The First Amendment of the United States Constitution prohibits laws "abridging the freedom of speech."

106. The First Amendment is applied to the states and its subsidiaries through the Due Process Clause of the Fourteenth Amendment of the United States Constitution.

107. The First Amendment protects both verbal and written expression as well as symbols and conduct that attempt to convey a particularized message that will likely be understood by viewers.²⁴

108. The wearing or use of recognized symbols that convey traditional, cultural, or religious beliefs is protected conduct under the First Amendment.²⁵

²³ *Oviatt v. Pearce*, 954 F.2d 1470, 1473-74 (9th Cir. 1992) (quoting *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658, 691, 98 S. Ct. 2018, 2036 (1978)).

²⁴ *Texas v. Johnson*, 491 U.S. 397, 404, 109 S. Ct. 2533, 2539 (1989).

²⁵ See *Jacobs v. Clark Cnty. Sch. Dist.*, 526 F.3d 419, 428 (9th Cir. 2008) (citing *Canady v. Bossier Par. Sch. Bd.*, 240 F.3d 437, 440-41 (5th Cir. 2001) (finding wearing clothing as symbol of opinion or cause, including ethnic heritage, religious beliefs, and political and social views,

1 109. The wearing or use of symbols expressing an opinion or reflecting political or social
2 views is also protected conduct under the First Amendment.²⁶

3 110. While schools have some authority to regulate speech, students do not “shed their
4 constitutional rights to freedom of speech or expression at the schoolhouse gate.”²⁷

5 111. The First Amendment applies to decorations and adornments on graduation regalia
6 when schools authorize the use of those items and those decorations and adornments are otherwise
7 entitled to First Amendment protection.²⁹

8 **A. Unconstitutional Prior Restraint**

9 112. Prior restraints on speech “are the most serious and least tolerable infringement on
10 First Amendment rights.”³⁰

11 113. As such, “[p]rior restraints on speech are disfavored and carry a ‘heavy presumption
12 of invalidity.’”³¹

13 114. Facial challenges of unconstitutional prior restraint are proper where a policy “by
14 its terms seeks to regulate spoken words or patently expressive conduct” or “significantly restricts
15 opportunities for expression.”³²

16 _____
17 undoubtedly protected under First Amendment as message likely to be understood by viewers)).
18 See also *United States v. Swisher*, 811 F.3d 299, 311 (9th Cir. 2016) (stating use of recognized
symbols, such as emblems or flags, constitutes symbolic speech).

19 ²⁶ *Jacobs*, 526 F.3d at 428; *Swisher*, 811 F.3d at 311.

20 ²⁷ *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506, 89 S. Ct. 733, 736 (1969).

21 ²⁹ *Waln*, 54 F.4th at 1161–63; First Amendment affords protection to symbolic or expressive
22 conduct as well as to actual speech.

23 ³⁰ *Neb. Press Ass'n v. Stuart*, 427 U.S. 539, 559, 96 S. Ct. 2791, 2803 (1975)).

24 ³¹ *Long Beach Area Peace Network v. City of Long Beach*, 574 F.3d 1011, 1023 (9th Cir. 2009)

³² *Spirit of Aloha Temple*, 49 F.4th at 1188.

1 115. Under the prior restraint doctrine, a policy “cannot condition the free exercise of
2 First Amendment rights on the unbridled discretion of government officials.”³³

3 116. “[T]he mere existence of . . . unfettered discretion, coupled with the power of prior
4 restraint, intimidates parties into censoring their own speech, even if the discretion and power are
5 never actually abused.”³⁴

6 117. Without express standards, it is difficult to distinguish, ‘as applied,’ between a
7 “legitimate denial” and an “illegitimate abuse of censorial power.”³⁵

8 118. “These evils engender identifiable risks to free expression that can be effectively
9 alleviated only through a facial challenge.”³⁶

10 119. Conferring unbridled discretion upon government officials creates the danger of
11 censorship and makes it difficult to protect students from unconstitutional content-based
12 discrimination.³⁷

13 120. Therefore, regulations “must contain narrow, objective, and definite standards” to
14 guide officials, and “must require the official to provide an explanation for his decision.”³⁸

15 121. Prior restrictions on First Amendment speech and expression are unconstitutional
16 where a policy is absent of “narrowly drawn, reasonable, and definite standards” that guide the
17

18 ³³ *World Wide Rush, LLC v. City of L.A.*, 606 F.3d 676, 687 (9th Cir. 2010) (quoting *Desert*
Outdoor Advert. v. City of Moreno Valley, 103 F.3d 814, 818 (9th Cir. 1996)).

19 ³⁴ *Kaahumanu v. Hawaii*, 682 F.3d 789, 802 (citing *Long Beach Area Peace Network*, 574 F.3d
20 at 1025).

21 ³⁵ *City of Lakewood*, 486 U.S. at 757, 108 S. Ct. at 2144.

22 ³⁶ *Id.*

23 ³⁷ *Kaahumanu*, 682 F.3d at 807.

24 ³⁸ *World Wide Rush*, 606 F.3d at 687 (quoting *Long Beach Area Peace Network*, 574 F.3d at
1025).

1 government official, as such lack of guidance vests that official with unbridled discretion to make
2 allowances on the basis of content or viewpoint.³⁹

3 122. This limitation applies to school officials when the pre-approval process limiting
4 protected activity is “overly broad and inadequately focused on avoidance of disruption and
5 interference with school discipline.”⁴⁰

6 123. CCSD’s Regalia Policy is a facially unconstitutional prior restraint on Plaintiff
7 ACLU of Nevada’s members, Plaintiff Humphrey, and other graduating students.

8 124. This challenge of CCSD’s facially unconstitutional prior restraint is proper, as
9 CCSD’s Regalia Policy “by its terms seeks to regulate spoken words or patently expressive
10 conduct” and the policy also “significantly restricts opportunities for expression.”⁴¹

11 125. Specifically, CCSD’s Regalia Policy seeks to regulate, and significantly restricts
12 students’ opportunities for expression in adorning and decorating their graduation regalia.

13 126. CCSD’s Regalia Policy “conditions the exercise of First Amendment rights” on the
14 “unbridled discretion” of school administrators, constituting an unconstitutional prior restraint on
15 Plaintiffs’ and other graduating students’ free speech.

16 127. In addition, CCSD’s Regalia Policy contains no narrow, objective, or definite
17 standards to guide school officials.

18 128. CCSD’s Regalia Policy does not restrict schools’ implementation of the policy,
19 provides no guarantee for approval of any items, and does not outline any factors or guides which
20 would help officials make a proper determination during their approval process.

21
22 ³⁹ *See id.*

23 ⁴⁰ *Burch v. Barker*, 861 F.2d 1149, 1155 (9th Cir. 1988).

24 ⁴¹ *Spirit of Aloha Temple*, 49 F.4th at 1188.

1 129. The lack of narrow, objective, and definite standards has been evident in the
2 implementation of the policy by individual schools that have issued widely divergent graduation
3 regalia policies.

4 130. CCSD’s failure to provide definite standards allows schools and their officials the
5 opportunity to deny decorations or adornments for any reason they themselves proscribe,
6 increasing the danger of censorship and content based discrimination.

7 131. The United States Court of Appeals for the Ninth Circuit has clarified that school
8 policies limiting protected activity must be applied the same throughout a school district in regards
9 to graduation regalia, not just consistently within a single school.⁴²

10 132. Yet it is clear that CCSD’s failure to provide adequate guidance to schools has
11 resulted in differing enforcement policies among schools within CCSD regarding graduation
12 regalia, and these difference are clearly arbitrary.

13 133. For example, Canyon Springs High School instituted an outright ban on decorations
14 and adornments on caps.

15 134. On the other hand, Las Vegas High School permits students to decorate their caps,
16 so long as students adhere to District guidelines.

17 135. Meanwhile, Del Sol Academy’s graduation guidelines contain conflicting
18 information – providing both that “any decorations or adornments on the caps must lay flat/flush
19 and not exceed the dimension of the cap . . .” in one section of their newsletter, while stating that
20 “graduation caps cannot be decorated” in another section.

21
22
23 ⁴² *Waln*, 54 F.4th at 1163 (finding plaintiff plausibly alleged violation where policy was unevenly
24 enforced to prevent plaintiff from wearing eagle feather to express her religious view, while
another student’s secular message was permitted).

1 136. In attending Eastern Technical and Career Academy, Plaintiff Humphrey was told
2 that she could not decorate her cap or her gown, and was told that she could not wear any personal
3 stoles or cords.

4 137. Considering these guidelines promulgated by different schools, it follows that
5 students at Las Vegas High School will be permitted to engage in expressive conduct by decorating
6 and adorning their caps, students at Canyon Springs High School and East Career and Technical
7 Academy will not, and students at Del Sol Academy may or may not be allowed to do so.

8 138. Given that the schools within the district lack consistency in the implementation of
9 CCSD's Regalia Policy, the dangers of censorship and content based discrimination are
10 compounded through arbitrary enforcement not just school to school, but also school official to
11 school official, all resulting from CCSD's failure to provide definite standards.

12 139. Allowing some students in Clark County to adorn their caps with protected
13 expressions, while banning others from doing the same, is unconstitutional under the First
14 Amendment and further reflects the unbridled discretion this policy vests in school officials.

15 140. Therefore, even if an individual school is consistent in their case-by-case analysis
16 of which adornments and decorations are permitted, a violation under the First Amendment is still
17 inevitable given varying guidelines from school to school.

18 141. In addition, the mere existence of this unfettered discretion, coupled with the power
19 of prior restraint, intimidates students into censoring their own speech.

20 142. CCSD's Regalia policy, and the unbridled discretion it vests in school officials, is
21 an intolerable, unconstitutional prior restraint under the First Amendment of the United States.

22 **B. Unconstitutional Content-Based Discrimination**
23
24

1 143. “[T]he First Amendment stands against attempts to disfavor certain subjects. . . .
2 Prohibited, too, are restrictions distinguishing among different speakers, allowing speech by some
3 but not others.”⁴⁴

4 144. Where a school district’s policy engages in content discrimination, the school’s
5 restrictions on speech and expression are subject to strict scrutiny.⁴⁶

6 145. Content-based regulations “are presumptively unconstitutional and may be justified
7 only if the government proves that they are narrowly tailored to serve compelling state interests.”⁴⁷

8 146. “[A] speech regulation targeted at specific subject matter is content based even if it
9 does not discriminate among viewpoints within that subject matter.”⁴⁸

10 147. Even if CCSD’s Regalia Policy only opened a limited public forum, “the First
11 Amendment’s protections against content-based and viewpoint-based restrictions are robust.”⁴⁹

12 148. CCSD’s Regalia Policy infringes upon graduates’ right to free speech under the
13 First Amendment by engaging in content-based discrimination and by outright banning certain
14 content.

19 ⁴⁴ *Citizens United v. FEC*, 558 U.S. 310, 340, 130 S. Ct. 876, 898-99 (2010) (citations omitted).

20 ⁴⁶ *Id.*

21 ⁴⁷ *Reed v. Town of Gilbert*, 576 U.S. 155, 163, 135 S. Ct. 2218, 2226 (2015).

22 ⁴⁸ *Id.* at 169, 135 S. Ct. at 2230.

23 ⁴⁹ *TGP Communs., Ltd. Liab. Co. v. Sellers*, No. 22-16826, 2022 U.S. App. LEXIS 33641, at *10
24 (9th Cir. Dec. 5, 2022)

1 149. Under the First Amendment, students, including Plaintiffs, have the right to
2 exercise their right to free speech by wearing decorations and adornments that express religious,
3 cultural, political, associational, or social content.⁵⁰

4 150. Here, Plaintiffs wish to convey particularized messages about their cultures, beliefs,
5 identities, and associations.

6 151. For example, Plaintiff Humphrey, by wearing her cords and sashes, is expressing
7 her association with the clubs and organizations that have been a part of her high school career.

8 152. Plaintiff Humphrey intends to express her cultural identity by wearing a stole that
9 says “Black Girl Magic”

10 153. ACLU of Nevada’s Emerging Leaders members intend to express similar messages
11 about their associations such as their participation in Emerging Leaders program itself.

12 154. In an attempt to comply, at least in part, with NRS 388.915, CCSD states that
13 “students are permitted to wear traditional tribal regalia or recognized objects of religious or
14 cultural significance as an adornment to their cap and gown in accordance with Nevada Revised
15 Statutes (NRS) 388.915.” R-5129(II).

16 155. Notably, CCSD’s Regalia policy says “permitted” rather than “entitled”, the term
17 used in NRS 388.915.

18 156. However, CCSD’s restrictions are not content neutral.

19 157. CCSD’s Regalia Policy only permits traditional tribal regalia, objects of cultural or
20 and religious significance, and other “approved” adornments and decorations on graduation
21 regalia.

22
23
24 ⁵⁰ See *Tinker*, 393 U.S. at 513 (holding students’ speech and expression protected so long as it
does not “substantially disrupt” the school environment).

1 158. In doing so, CCSD provides some accommodation for students intending to express
2 religiously and culturally significant messages but does not provide the same opportunity for all
3 messages entitled to First Amendment protection.

4 159. Specifically, schools with outright bans on items, such as cap adornments and
5 decorations, that are not tribal regalia or objects with religious or cultural significance must
6 necessarily examine the content of the decorations submitted for approval to determine if they fall
7 within the exemption that permits religious or cultural adornments on caps.

8 160. In only permitting religious or cultural content but not other protected expression,
9 CCSD violates the First Amendment.

10 161. As a result, CCSD and its schools through CCSD’s Regalia Policy have engaged in
11 content-based discrimination that must satisfy strict scrutiny.

12 162. Because CCSD cannot demonstrate that its content-based discrimination pursuant
13 to its Regalia Policy serves a compelling interest, and is narrowly tailored to serve that interest,
14 CCSD’s restrictions on graduating students’ speech cannot survive strict scrutiny.

15 163. CCSD engages in content-discrimination through its outright ban on decorations,
16 adornments, and items which “constitute proselytizing speech.”

17 164. “[I]t is well established that ‘[t]he First Amendment’s hostility to content-based
18 discrimination extends not only to restrictions on particular viewpoints, but also to prohibition of
19 public discussion of an entire topic.’⁵²

20 165. Because this outright ban is not narrowly tailored to serve a compelling government
21 interest, this provision of CCSD’s Regalia Policy cannot survive strict scrutiny.

22
23
24 ⁵² *Reed*, 576 U.S. at 169, 135 S. Ct. at 2230 (quoting *Consol. Edison Co. v. Pub. Serv. Comm’n*,
447 U.S. 530, 537, 100 S. Ct. 2326, 2333).

166. As such, CCSD's content-based discriminations violate the First Amendment of the United States Constitution.

167. If CCSD's Regalia Policy remains in place, Plaintiff ACLU of Nevada's members, Plaintiff Humphrey, and other CCSD students will continue to have their rights under the First Amendment violated.

Third Cause of Action
Infringement on Freedom of Speech and Expression in violation of Article 1, Section 9 of
the Nevada State Constitution
(All Plaintiffs)

168. The actions of Defendant, CCSD, and its officials, violated Plaintiffs' right to free speech and expression under Article I, Section 9 of Nevada's Constitution.

169. Article I, Section 9 of the Constitution of Nevada protects peoples' right to engage in speech and expressive activities in Nevada.

170. This provision provides the same protections of speech and expressive activity as the First Amendment to the United States Constitution.⁵³

171. In addition to factual allegations in paragraphs 1 to 171, Plaintiffs incorporate the legal positions presented in paragraphs 102 to 167 into this Cause of Action.

172. CCSD and its officials infringed upon Plaintiffs' rights to free speech and expression in violation of Article I, Section 9 of the Nevada Constitution.

Fourth Cause of Action
Violation of Right to Free Speech and Expression – As-Applied Challenges – Pursuant to
the First Amendment of the U.S. Constitution through 42 U.S.C. § 1983.
(All Plaintiffs)

A. Plaintiff Corie Humphrey’s as-applied challenge

⁵³ *Univ. & Cmty. College Sys. of Nev. v. Nevadans for Sound Gov't*, 120 Nev. 712, 722, 100 P.3d 179, 187 (2004) (citing *S.O.C., Inc. v. Mirage Casino-Hotel*, 117 Nev. 403, 415, 23 P.3d 243, 251 (2001)).

1 173. In addition to factual allegations in paragraphs 1 to 172, Plaintiff Humphrey
2 incorporates the legal positions presented in paragraphs 102 to 167 as though fully set forth herein.

3 174. The actions of Defendant CCSD and its officials violate Plaintiff Humphrey’s right
4 to free speech and expression under the First Amendment of the United States Constitution.

5 175. Plaintiff Humphrey may vindicate her First Amendment rights through a facial
6 challenge, as CCSD’s Regalia Policy impermissibly restricts protected expressions, and “such
7 facial challenges may be paired with as-applied challenges.”⁵⁴

8 176. To establish a successful as-applied challenge, a plaintiff “must show only that the
9 statute unconstitutionally regulates plaintiff’s own speech.”⁵⁵

10 177. CCSD’s Regalia Policy, as applied to Plaintiff Humphrey, is an unconstitutional
11 prior restraint on her rights to free speech and expression.

12 178. In addition, the discriminatory enforcement of CCSD’s Regalia Policy against
13 Plaintiff Humphrey has resulted in based content discrimination in violation of the First
14 Amendment.

15 179. Here, Plaintiff Humphrey, through her cords and sashes, intends to express her
16 association with the clubs and organizations that have been a part of her high school career,
17 including her association with the ACLU of Nevada’s Emerging Leaders Program

18 180. Plaintiff Humphrey also intends to express her Black culture by wearing a stole that
19 says “Black Girl Magic.”

20 181. These messages are likely to be understood by viewers, as these adornments and
21 decorations are worn as symbols and celebrations of her time spent with the groups that were an
22 integral and meaningful part of her journey to graduation.

23 ⁵⁴ *Real v. City of Long Beach*, 852 F.3d 929, 933 (9th Cir. 2017).

24 ⁵⁵ *Italian Colors Rest. v. Becerra*, 878 F.3d 1165, 1175 (9th Cir. 2018).

1 182. However, Plaintiff Humphrey was expressly denied her right to wear these
2 adornments.

3 183. After a school assembly, Plaintiff Humphrey asked the assistant principal,
4 Jennifer Geissinger, if there was any way she could wear stoles and cords not provided by the
5 school.

6 184. Assistant Principal Geissinger told Plaintiff Humphrey no, “that’s not how we do
7 it here.”

8 185. CCSD officials relied on the authority granted by CCSD’s Regalia Policy in
9 denying Plaintiff Humphrey’s request.

10 186. As such, Plaintiff Humphrey has suffered harm due to the violation of her rights
11 to expression under the First Amendment of the U.S. Constitution.

12 **B. Plaintiff ACLU of Nevada’s as-applied challenge**

13 187. Plaintiff ACLU of Nevada will commemorate the members of its Emerging Leaders
14 program by providing members with stoles and cap pins for those members to wear at their
15 graduation as a symbolic gesture of those students participation in the program.

16 188. Under CCSD’s policy, ACLU of Nevada’s members must seek approval before
17 they may wear the graduation adornments provided by ACLU of Nevada at their CCSD
18 graduations.

19 189. As made clear by Plaintiff Humphrey’s experience, ACLU of Nevada members
20 have been denied approval to wear ACLU of Nevada adornments at their graduation.

21 190. Schools such as Canyon Springs and Las Vegas High School have interpreted
22 CCSD’s Regalia Policy as authorizing schools to ban cap adornments entirely, meaning that
23 Emerging Leaders at those schools will not be able to wear those adornments.
24

1 191. As such, CCSD's Regalia Policy necessarily violates the First Amendment rights
2 of ACLU of Nevada's members as applied to their Emerging Leader's adornments.

3 **VII. Requested Relief**

4 **A. Injunctive Relief**

5 192. Injunctive relief is a historical equitable remedy that has been codified in Nevada
6 law under NRS 33.010.

7 193. NRS 33.010 states that an injunction may be granted:

8 1. When it shall appear by the complaint that the
9 plaintiff is entitled to the relief demanded, and such
10 relief or any part thereof consists in restraining the
commission or continuance of the act complained of,
either for a limited period or perpetually.

11 2. When it shall appear by the complaint or
12 affidavit that the commission or continuance of some
act, during the litigation, would produce great or
13 irreparable injury to the plaintiff.

14 3. When it shall appear, during the litigation,
15 that the defendant is doing or threatens, or is about to
do, or is procuring or suffering to be done, some act
16 in violation of the plaintiff's rights respecting the
subject of the action, and tending to render the
judgment ineffectual.

17 194. Here, Plaintiffs are entitled to relief preventing CCSD and its employees from
18 carrying out and implementing unlawful policies, practices, and acts that violate Plaintiffs rights
19 under NRS 388.915, the First Amendment of the U.S. Constitution, and Article I, Section 9 of the
20 Nevada Constitution.

21 195. Plaintiffs seek injunctive relief requiring CCSD to repeal the provisions of its
22 Regalia Policy, R-5129(II), which conflict with state and federal law. Specifically:
23
24

- a. Plaintiffs seek relief enjoining CCSD from regulating students' right to wear traditional tribal regalia and recognized items of cultural and religious significance except as provided by NRS 388.915(2).
- b. Plaintiffs seek relief enjoining CCSD from imposing any limitations on graduation regalia adornments and decorations expressing a particularized message likely to be understood by viewers that will not also be imposed upon tribal regalia and religiously or culturally significant objects.
- c. Plaintiffs seek relief enjoining CCSD from enforcing R-5129(II)(C), which requires students' decorations and adornments on their caps to lay fully flat and not exceed the dimension of the cap.
- d. Plaintiffs seek relief enjoining CCSD from enforcing R-5129(II)(D), which restricts students decorations on gowns from "covering more than 25 percent of the school selected graduation gown".
- e. Plaintiffs seek relief enjoining CCSD from enforcing R-5129(II)(E) to the extent that the provision bans decorations and adornments which "constitute proselytizing speech".
- f. Plaintiffs seek relief enjoining CCSD from requiring students to go through a mandatory prior approval process for their adornments and decorations before graduation without narrow, objective, and definite standards.
- g. Plaintiff ACLU of Nevada seeks relief enjoining CCSD to allow ACLU of Nevada Emerging Leaders members to wear their reasonable and desired adornments and decorations, including the stole and pin provided to them by ACLU of Nevada, signifying their time in the Emerging Leaders Program.

1 h. Plaintiff Humphrey seeks relief enjoining CCSD to permit Plaintiff Humphrey to
2 wear the adornments and decorations she would wear during her graduation
3 ceremony if authorized, including:

4 i. Plaintiff Humphrey's stole that says "black girl magic", which represents
5 her culture.

6 ii. Plaintiff Humphrey's red and black stole and pin, which represent her
7 involvement with ACLU of Nevada's Emerging Leaders Program

8 iii. Plaintiff Humphrey's graduation cap decorated with small flowers, gems,
9 and crystals.

10 **B. Declaratory Relief**

11 196. Under the Nevada Uniform Declaratory Judgments Act, NRS 30.010 to 30.160, this
12 Court has the power to declare the rights, status and other legal relations of the parties whether or
13 not further relief is or could be claimed, and a declaration may be either affirmative or negative in
14 form and effect, and such declarations have the force and effect of a final judgment or decree.⁵⁶

15 197. This matter satisfies the four elements that must be met for declaratory relief to be
16 granted, as described below.⁵⁷

17 198. The facts stated hereinabove reveal a justiciable controversy in which a claim of
18 right is asserted against one who has an interest in contesting it.

19 199. The controversy is between persons whose interests are adverse.

20 200. Plaintiffs have a legally protectable interest in the controversy.

23 ⁵⁶ See NRS 30.030

24 ⁵⁷ *Kress v. Corey*, 65 Nev. 1, 25–26, 189 P.2d 352, 364 (1948).

1 201. The issue involved in the controversy is ripe for determination as Plaintiffs' harm
2 resulted from policies, practices, and acts of CCSD and its local schools, administrations, and
3 officials.

4 202. Plaintiffs seek a declaratory judgment that the policies, practices, and acts
5 complained of herein violated Plaintiffs' rights.

6 203. Namely, Plaintiffs seek a declaratory judgment that CCSD's Regalia Policy, R-
7 5129(II)(C)-(F), violated their rights by regulating students' right to wear traditional tribal regalia
8 and recognized items of cultural and religious significance in excess authority recognized in NRS
9 388.915(2).

10 204. Plaintiffs seek a declaratory judgment that CCSD's Regalia Policy, R-5129(II)(C)-
11 (F) was a facially unconstitutional prior restraint that violated their rights under the First
12 Amendment of the U.S. Constitution by vesting unbridled discretion in school officials.

13 205. Plaintiffs seek a declaratory judgment that CCSD's Regalia Policy engaged in
14 facially unconstitutional content-based discrimination, in violation of their rights under the First
15 Amendment and Article I, Section 9 of Nevada's Constitution.

16 206. Plaintiffs seek a declaratory judgment that CCSD's Regalia Policy unlawfully
17 burdened their religious exercise in violation of their rights under the First Amendment.

18 **C. Totality of Relief Requested**

19 WHEREFORE, Plaintiffs request the following relief from this Court:

- 20 a. All equitable injunctive relief that arises from or is implied by the facts, whether or
21 not specifically requested, including an injunction preventing CCSD and its officials
22 from implementing unconstitutional provisions of CCSD's Regalia Policy, found in
23 R-5129 Section II (E)-(F).
24 b. Declaration of rights as set forth above;

- 1 c. Nominal and compensatory damages;
2 d. Reasonable attorney's fees and costs incurred in this action; and
3 e. Such other and further relief as the court deems just and equitable.
4

5 Dated May 15, 2025.

6 **AMERICAN CIVIL LIBERTIES**
7 **UNION OF NEVADA**

8 /s/Christopher Peterson

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EXHIBIT 1

Clark County School District
Regulation R-5129

CLARK COUNTY SCHOOL DISTRICT REGULATION

R-5129

HIGH SCHOOL GRADUATION CEREMONIES

The graduation ceremony is designed to honor and recognize graduates in a distinguished manner.

I. Requirements

As members of the graduating class, students must meet the Clark County School District's (District) academic standards and be a student in good standing per the school's requirements. Students who meet all District requirements prior to the graduation ceremony date are eligible to participate in the graduation ceremony for that school year.

II. Attire

Students must wear the cap and gown selected by their school and must also adhere to the required proper attire worn under the cap and gown as defined by their school.

Students are permitted to wear traditional tribal regalia or recognized objects of religious or cultural significance as an adornment to their cap and gown in accordance with Nevada Revised Statutes (NRS) 388.915.

- A. Adornment means something attached to or worn with, but not replacing, the cap and gown customarily worn at school graduation ceremonies.
- B. Cultural means recognized practices and traditions of a specific group of people.
- C. Any decorations or adornments on the caps must lay flat and not exceed the dimension of the cap.
- D. Any decorations or adornments on the gowns must not cover more than 25 percent of the school selected graduation gown. This requirement applies to flags, stoles, cords, medals, pins, and similar items.
- E. Any decorations or adornments on the caps and gowns, as well as other items brought by students to the graduation ceremony, must not be lewd, obscene, vulgar, profane, promote violence, promote the use of illicit drugs, constitute proselytizing speech, constitute discrimination, bullying, or harassment, or create a substantial disruption of, or material interference with, the graduation ceremony.

- F. Any decorations or adornments on the caps and gowns must be approved by the school principal or designee prior to the graduation ceremony. The approval and appeal procedures are set forth in separate administrative guidance.

III. Speeches

- A. The school principal or designee reserves the right to determine, based on neutral criteria, which students will be invited to speak at the graduation ceremony.
- B. Student speeches at the graduation ceremony must not be lewd, obscene, vulgar, profane, promote violence, promote the use of illicit drugs, constitute proselytizing speech, constitute discrimination, bullying, or harassment, or create a substantial disruption of, or material interference with, the graduation ceremony.
- C. Student speeches and remarks presented at the ceremony must represent the preapproved script.

IV. School Identifiers

The school may only use the approved school mascot, logo, and school colors for the graduation ceremony.

V. Foreign Exchange Students

Foreign exchange students who are part of the senior class may be recognized as guests of the school at the graduation ceremony, but may not wear a cap and gown nor participate in the graduation ceremony.

VI. Summer Graduation Ceremony Requirements

Students must be a member of the senior class for the most recent school year to participate in the summer graduation ceremony. Students must meet all District academic requirements prior to the summer graduation date to be eligible to participate in the summer graduation ceremony. Students who choose to graduate early are not eligible to participate in a summer graduation ceremony.

VII. Disclaimer

Individual student graduation speeches and personal regalia, adornments, and decorations on student graduation caps and gowns do not represent or imply the endorsement, sponsorship, position, or expression of the District or a school.

However, this does not prohibit the District or a school from restricting personal regalia, adornments, and decorations described in Section II(E) or speech described in Section III(B).

Legal References:	NRS 388.915
Review Responsibility:	Education Services Division
Adopted:	[3/27/25]