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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.: A-25-919151-C

Department: 16

Expedited Hearing Requested


**PLAINTIFFS ACLU OF NEVADA AND CORIE HUMPHREY'S MOTION FOR
TEMPORARY RESTRAINING ORDER OR PRELIMINARY INJUNCTION ON
ORDER SHORTENING TIME**

Plaintiffs ACLU of Nevada and Corie Humphrey, by and through undersigned counsel, respectfully move this court, pursuant to NRCP 65(b) and based upon the Complaint, attached affidavits, declaration of counsel, and the Memorandum of Points and Authorities included herein, for immediate *ex parte* issuance of a Temporary Restraining Order or Preliminary Injunction with

1 an order shortening time enjoining Defendant Clark County School District (CCSD) from
2 enforcing unlawful provisions of its policy regulating graduation regalia that violate the First
3 Amendment of the United States Constitution and NRS 388.915 and ordering that Defendant
4 CCSD allow ACLU of Nevada Emerging Leaders members and Plaintiff Corie Humphrey to wear
5 the specific regalia requested at their respective graduations, as they are entitled to do so under
6 law. Plaintiffs respectfully request an order by May 23, 2025, as Ms. Humphrey is graduating on
7 May 27, 2025, and other ACLU of Nevada Emerging Leaders members are graduating that same
8 week.

9
10 DATED: May 16, 2025

11
12 **AMERICAN CIVIL LIBERTIES**
13 **UNION OF NEVADA**

14 

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1 **DECLARATION OF COUNSEL IN SUPPORT OF PLAINTIFFS' MOTION FOR A**
2 **TEMPORARY RESTRAINING ORDER AND/OR PRELIMINARY INJUNCTION ON**
3 **ORDER SHORTENING TIME**

4 CHRISTOPHER PETERSON, being duly sworn and under penalty of perjury, deposes
5 and states:

6 1. Declarant is the attorney of record for the Plaintiffs in this action.

7 2. Declarant has personal knowledge and is competent to testify to the following facts.
8 As to those facts which are not from personal knowledge, Declarant believes them to be true, and
9 if called to testify, Declarant would and could testify competently to thereto.

10 3. Declarant is in house counsel for Plaintiff ACLU of Nevada.

11 4. In February of 2025, ACLU of Nevada became aware that the Board of Trustees
12 for the Clark County School District intended to enact R-5129(II) ("The Regalia Policy"). *See* Pl.
13 Compl. Ex. 1, Clark County School District Regulation R-5129, attached here as Exhibit 1.

14 5. It is my understanding that the policy in Exhibit 1 is CCSD's formal policy on
15 graduation regalia which is found publicly on CCSD's website. Clark County School District,
16 *Policies & Regulations*, (May 16, 2025), [https://ccsd.net/district/policies-](https://ccsd.net/district/policies-regulations/pdf/5129_R.pdf)
17 [regulations/pdf/5129_R.pdf](https://ccsd.net/district/policies-regulations/pdf/5129_R.pdf).

18 6. I believe the facts regarding Canyon Springs High School's graduation guidelines
19 to be true based on my review of the information provided publicly at Canyon Springs High
20 School's website, available at

21 https://www.canyonspringshighschool.org/apps/news/show_news.jsp?REC_ID=961772&id=0

22 7. I believe that facts regarding Las Vegas High School's graduation guidance to be
23 true based on my review of the information provided publicly at Las Vegas High School's website,
24 available at https://www.lvwildcats.com/apps/pages/index.jsp?uREC_ID=574204&type=d.

1 8. I believe the facts regarding Del Sol Academy of Performing Arts' graduation
2 guidelines to be true based on my review of the information provided in their graduation
3 newsletter, available through this link: <https://secure.smores.com/n/69awk>.

4 9. On February 27, 2025, the ACLU of Nevada notified the Board that the proposed
5 Regalia Policy violated the First Amendment and NRS 388.915. *See* ACLU Letter, attached as
6 Exhibit 2.

7 10. On March 27, 2025, despite ACLU of Nevada's warning, the Board passed the
8 Regalia Policy.

9 11. On May 15, 2025, Plaintiffs ACLU of Nevada and Corie Humphrey filed this action
10 against CCSD to protect their respective rights provided by NRS 388.915, the First Amendment,
11 and Article I, Section 9, of the Nevada Constitution.

12 12. Athar Haseebullah, Executive Director of Plaintiff ACLU of Nevada, and Plaintiff
13 Corie Humphrey have provided sworn affidavits in support of this motion that are attached as
14 Exhibits 3 and 4.

15 13. On May 16, 2025, I provided Defendant CCSD via electronic email notice that we
16 filed this motion for temporary restraining order, sent to CCSD's general counsel Jon Okazaki's
17 email, which we believe to be okazajm@nv.ccsd.net.

18 14. At the same time, I provided Defendant CCSD via electronic mail a copy of this
19 motion and the complaint filed on May 15, 2025, sent to CCSD's general counsel Jon Okazaki's
20 email at okazajm@nv.ccsd.net.

21 15. As laid out in Mr. Haseebullah's affidavit and in the attached memorandum of
22 points and authorities, Plaintiff ACLU of Nevada's members will suffer irreparable injury if they
23 are subject to CCSD's Regalia Policy as the Policy on its face violates their rights under NRS
24 388.915, the First Amendment of the United States Constitution, and Article I, Section 9, of the

1 Nevada Constitution. *See* Declaration of Athar Haseebullah (“Decl. Haseebullah”) attached as
2 Exhibit 3.

3 16. As laid out in Mr. Haseebullah’s affidavit and in the attached memorandum of
4 points and authorities, Plaintiff ACLU of Nevada’s members will suffer irreparable injury if they
5 are subject to CCSD’s Regalia Policy because the Policy as applied to them prevents the members
6 from wearing the pin and stole provided by ACLU of Nevada to recognize their participation in
7 ACLU of Nevada’s Emerging Leaders program in violation of NRS 388.915, the First
8 Amendment of the United States Constitution, and Article I, Section 9, of the Nevada
9 Constitution. Ex. 3 at ¶ 29, Decl. Haseebullah.

10 17. As laid out in her affidavit and in the attached memorandum of points and
11 authorities, Plaintiff Corie Humphrey will suffer irreparable injury if she is subject to CCSD’s
12 Regalia Policy as the Policy on its face violates her rights under NRS 388.915, the First
13 Amendment of the United States Constitution, and Article I, Section 9, of the Nevada Constitution.
14 *See* Declaration of Plaintiff Humphrey (“Decl. Humphrey”) attached as Exhibit 4 at ¶¶ 23-27.

15 18. As laid out in her affidavit and in the attached memorandum of points and
16 authorities, Plaintiff Corie Humphrey will suffer irreparable injury if she is subject to CCSD’s
17 Regalia Policy as the Policy as applied to her prevents her from wearing the pin and stole
18 provided by ACLU of Nevada to recognize her participation in ACLU of Nevada’s Emerging
19 Leaders program and other symbolic graduation regalia in violation of NRS 388.915, the First
20 Amendment of the United States Constitution, and Article I, Section 9, of the Nevada Constitution.
21 Ex. 4 at ¶¶ 23, 26, Decl. Humphrey.

22 19. Declarant, on behalf of Plaintiffs, respectfully requests that the Court shorten the
23 hearing on the instant Motion for a date and time **on or prior to Friday, May 23, 2025**, since the
24 Plaintiff Humphrey graduates on May 27, 2025, and other members of ACLU of Nevada’s

1 Emerging Leaders program will be graduating throughout the week of May 27, 2025. Ex. 4 at ¶ 6,
2 Aff. Humphrey; Ex. 3 at ¶¶ 14-15, Decl. Haseebullah.

3 20. Declarant, on behalf of Plaintiffs, respectfully requests that the Court enjoin
4 Defendant CCSD from enforcing the provisions of Regalia Policy that, on their face, violate NRS
5 388.915, the First Amendment, and Article 1, Section 9, of the Nevada Constitution.

6 21. Declarant, on behalf of Plaintiff Humphrey, respectfully requests that the Court
7 enjoin Defendant CCSD to allow Plaintiff Humphrey to adorn her graduation regalia as described
8 in Paragraph 7 of her declaration as provided in Exhibit 4.

9 22. Declarant, on behalf of Plaintiff ACLU of Nevada, respectfully requests that the
10 Court enjoin Defendant CCSD to allow members of ACLU of Nevada's Emerging Leaders
11 program graduating from CCSD schools to wear the pin and stole provided by ACLU of Nevada
12 to commemorate their participation in the Emerging Leaders program. Ex. 3 at ¶¶ 27-28, Decl.
13 Haseebullah.

14
15 DATED this 16th day of May, 2025

16 /s/ Christopher Peterson

17 CHRISTOPHER PETERSON, ESQ.
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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Emergency relief is necessary to prevent Defendant Clark County School District (“CCSD”) from infringing upon the rights of the Plaintiff Humphrey and Plaintiff ACLU of Nevada’s members graduating from CCSD schools the week of May 27, 2025. Plaintiffs request that this Court enjoin enforcement of specific, unlawful provisions of R-5129(II) (hereafter “Regalia Policy”), CCSD’s policy regulating how students may adorn and decorate their graduations regalia. The unlawful provisions violate NRS 388.915, the First Amendment of the United States, and Article I, Section 9, by subjecting protected expressive conduct to restrictions that are not authorized by law, prior restraint, and content-based discrimination unrelated to the purpose of the forum. Plaintiffs do not seek to strike down the entire policy but do seek injunctive relief prohibiting Defendant CCSD and its officials from enforcing the specific provisions in CCSD’s Regalia Policy that violate state and federal law. Plaintiffs also seek injunctive relief authorizing Plaintiff Humphrey and other Emerging Leaders members to wear specific adornments during their CCSD graduation ceremonies as discussed below.

II. FACTUAL BACKGROUND

On March 27, 2025, Clark County School District implemented a policy, R-5129 Section II (the “Regalia Policy”), regulating how students may adorn or decorate their graduation regalia. CCSD’s Regalia Policy only recognizes that students “are permitted” to wear “traditional tribal regalia or recognized objects of religious or cultural significance.” Exhibit 1 to Pl.s’ Compl. filed May 15, 2025, attached here as Exhibit 1. CCSD’s Regalia Policy, without considering whether a particular adornment is likely to disrupt or interfere with a graduation ceremony, imposes the following limitations:

- R-5129(II)(C) bans adornments that do not “lay flat” or exceed the dimensions of the cap;

- 1 • R-5129(II)(D) bans adornments that “cover more than 25 percent of the school selected
- 2 graduation gown”;
- 3 • R-5129(II)(E) bans adornments that “constitute proselytizing speech”;
- 4 • R-5129(II)(F) requires that all decorations or adornments, no matter how clearly protected
- 5 under NRS 388.915, receive prior approval from a school principal or designee before
- 6 graduation.

7 Ex. 1 at 1. CCSD’s Regalia Policy does not provide a model approval process, standards
8 that a reviewer must follow, or even a specific deadline for approval. *See id.* Multiple Clark
9 County schools have posted their own guidelines implementing CCSD’s Regalia Policy.
10 These guidelines vary, at times significantly, from school-to-school.

11 For example, Canyon Springs High School posted PDFs of graduation participation
12 guidelines and a graduation FAQ on its website.¹ Verified in Declaration of Counsel (“Decl.
13 Counsel”) at ¶ 6. The guidelines require students to present all decorations and adornments to the
14 school’s administration. In addition, the guidelines state that “Canyon Springs Administration has
15 determined that adornment of caps will not be permitted.” Decl. Counsel at ¶ 6.

16 Las Vegas High School provides its own, differing graduation information on its website.²
17 Decl. Counsel at ¶ 7. Under the Commonly Asked Questions section of the graduation information
18 page, Las Vegas High School states that students can decorate their cap or wear other personal
19 items, but students must adhere to District guidelines. Decl. Counsel at ¶ 7. Las Vegas High
20 School’s information further provides that “religious and/or cultural regalia is permitted with
21 administration approval.” Decl. Counsel at ¶ 7.

22
23 ¹ Canyon Spring High School, *News and Announcements: Important 2025 Graduation*
Information, “Graduation Participation Guidelines” and “FAQ” available at
24 https://www.canyonspringshighschool.org/apps/news/show_news.jsp?REC_ID=961772&id=0.

² Las Vegas High School, *Class of 2025 Graduation Information*, available at
https://www.lvwildcats.com/apps/pages/index.jsp?uREC_ID=574204&type=d.

1 Del Sol Academy of the Performing Arts (“Del Sol Academy”) has provided conflicting
2 guidance to its seniors.³ Decl. Counsel at ¶ 8. In a section of the school’s newsletter labeled “Caps,
3 Gowns, and Other Items”, Del Sol Academy posts CCSD’s guidelines from its Regalia Policy,
4 including the provision that “decorations or adornments on caps must lay flat/flush and not exceed
5 the dimension of the cap” Decl. Counsel at ¶ 8. However, in the same newsletter under a
6 section labeled “Dress Code”, Del Sol Academy states that “graduation caps cannot be decorated.”
7 Decl. Counsel at ¶ 8. In another section titled “Graduation Date: May 29, 2025 at the Orleans” the
8 newsletter states “Only CCSD sanctioned cords, medallions, stoles, etc. can be worn. No personal
9 leis, money leis, candy leis can be worn or they will be confiscated.” Decl. Counsel at ¶ 8.

10 Some schools provide no written guidelines for its students or even an approval process for
11 regalia. Plaintiff Humphrey’s school, East Career & Technical Academy, provided seniors with
12 graduation information during a senior assembly. Ex. 4 at ¶ 9, Decl. Humphrey. At the assembly
13 the students were shown a slide show that generally tracked with the language of the Regalia
14 Policy, but then school officials told students that when students received their gowns prior to
15 graduation, “how you get them is how you should come,” which Plaintiff Humphrey was led to
16 understood meant there should be no customization of the caps or gowns. Ex. 4 at ¶¶ 10-19, Decl.
17 Humphrey. For example, while the slides stated that students could wear traditional tribal, religious,
18 or cultural regalia, the presenters made clear that students were limited to a maximum of one lei,
19 and no other mention of religious or cultural regalia was made during the assembly. Plaintiff
20 Humphrey asked her assistant principal immediately after the assembly if she could wear stoles or
21 adornments that were not from school-sponsored clubs or academics, and the assistant
22 principal told her no. Ex. 4 at ¶¶ 21-22, Decl. Humphrey.

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24 ³ Del Sol Academy of Performing Arts, *Vol. 1: Newsletter: Class of 2025*, available at
<https://secure.smores.com/n/69awk>.

1 **A. Facts Specific to ACLU of Nevada’s Emerging Leader Program**

2 The ACLU of Nevada brings this suit on behalf of its members, namely the members of its
3 organization who participate in ACLU of Nevada's Emerging Leaders program, which is a
4 youth driven program focused on building the leaders of tomorrow through the cultivation
5 of advocacy, leadership, and civic engagement. Ex. 3 at ¶ 10, Decl. Haseebullah. Members of
6 the Emerging Leaders Program learn, among other skills, advocacy engagement and other
7 expressive conduct protected by the First Amendment. Ex. 3 at ¶ 12-13, Decl. Haseebullah

8 ACLU of Nevada currently has eleven youth members participating in the organization’s
9 Emerging Leaders program who are currently high school students in CCSD. Ex 3 at ¶ 14,
10 Decl. Haseebullah. Six of ACLU of Nevada’s Emerging Leaders will graduate within the next few
11 weeks and so will be subject to CCSD’s Regalia Policy. Ex. 3 at ¶ 14, Decl. Haseebullah. In honor
12 of this achievement, ACLU of Nevada will provide all graduating Emerging Leaders members
13 with an Emerging Leaders stole and cap pin to celebrate and recognize the member’s participation
14 in the program. Ex. 3 at ¶¶ 27-28, Decl. Haseebullah. There are also five Emerging Leaders
15 members who are juniors graduating from Clark County schools next year who will be subject
16 to the Regalia Policy at that time. Ex. 3 at ¶ 14, Decl. Haseebullah. As with their peers this
17 year, ACLU of Nevada intends to provide these members with a pin and stole to recognize their
18 association with the organization. *See* Ex. 3 at ¶¶ 27-28, Decl. Haseebullah.

19 **B. Facts Specific to Individual Plaintiff Corie Humphrey**

20 Plaintiff Humphrey graduates from East Career & Technical Academy on May 27, 2025.
21 Ex. 4 at ¶ 6, Decl. Humphrey. If authorized, Plaintiff Humphrey, a Black student with a remarkable
22 track record, will wear a stole with the message “Black Girl Magic” written in it, to represent her
23 Black culture. Ex. 4 at ¶ 7(a), Decl. Humphrey. In addition, she intends to wear the decoration or
24 adornment provided to her by ACLU of Nevada’s Emerging Leaders or otherwise wear a black

1 and red stole representing the time she has committed to the Emerging Leaders program. Ex. 4 at
2 ¶ 7(b), Decl. Humphrey. In addition to a pin from National Honors society and other stoles and
3 cords provided by her school, Plaintiff Humphrey intends to decorate her cap with small paper
4 flowers, gems, and crystals. Ex. 4 at ¶ 7(e), Decl. Humphrey. However, during a school senior
5 assembly about graduation, Plaintiff Humphrey learned that decorations or adornments on caps
6 would not be permitted. Ex. 4 at ¶ 16-19, Decl. Humphrey. In addition, she was told by those
7 presenting at the assembly that only stoles and cords from school-sponsored clubs and academics
8 would be permitted as adornments on gowns. Ex. 4 at ¶ 20, Decl. Humphrey. After the assembly,
9 Plaintiff Humphrey asked if there was any way she could wear a stole or cord that was not for a
10 school club, and she was told no by the assistant principal. Ex. 4 at ¶¶ 21-22, Decl. Humphrey.

11 **III. LEGAL STANDARD**

12 A party is entitled to a temporary restraining order upon a showing that (1) immediate
13 and irreparable injury will result to the movant before a hearing on the motion can be held,
14 (2) the movant has a reasonable likelihood of success on the merits, (3) the relative hardship of
15 the parties weigh in favor of the movant, and (4) the granting of injunction is in the public
16 interest. NRCP 65(b); *Clark Cnty. Sch. Dist. v. Buchanan*, 112 Nev. 1146, 1150, 924 P.2d 716,
17 719 (1996). The granting of injunctions or restraining orders is a question addressed to the
18 sound discretion of the district court. *Thorn v. Sweeney*, 12 Nev. 251, 259 (1877).

19 In the context of the First Amendment, courts recognize that the loss of First Amendment
20 freedoms “unquestionably constitutes irreparable injury.” *TGP Commc’ns, LLC v. Sellers*, No.
21 22-16826, 2022 U.S. App. LEXIS 33641, at *17 (9th Cir. Dec. 5, 2022). ⁴

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24 ⁴ Federal cases “are strong persuasive authority because the Nevada Rules of Civil Procedure are
based in large part upon their federal counterparts.” *Las Vegas Novelty v. Fernandez*, 106 Nev.
113, 117, 119, 787 P.2d 772, 774, 776 (1990).

IV. LEGAL ARGUMENT

Multiple provisions in CCSD's Regalia Policy on their face infringe upon Plaintiffs' rights in violation of NRS 388.915, the First Amendment of the U.S. Constitution, and Article I, Section 9 of the Nevada Constitution. First, CCSD's Regalia Policy violates NRS 388.915 by placing limitations on students' right to wear traditional tribal regalia or recognized objects of cultural or religious significance that are not authorized under NRS 388.915, including limitations on quantity and size separate from an item's potential for disruption, requiring cap adornments to "lay flat", limiting "proselytizing" messages, and requiring pre-approval from school officials without clear standards that those officials must follow, and authorizing school officials who are not identified in NRS 388.915 to deny approval. Ex. 1 at 1. Second, CCSD's Regalia Policy acts as a facially unconstitutional prior restraint in violation of the First Amendment and related provisions in the Nevada Constitution, vesting unbridled discretion in school officials, creating an impermissible danger of censorship and viewpoint discrimination. Third, CCSD's Regalia Policy encourages schools to engage in content-based discrimination in making allowances for religious or cultural expressions while failing to do the same for other protected expressions, such as political speech. CCSD's ban on "proselytizing speech" is also impermissible content-based discrimination.

CCSD's Regalia Policy also violates the First Amendment and Article I, Section 9 of the Nevada Constitution as applied to Plaintiff Humphrey and Plaintiff ACLU of Nevada's members. Relying on its authority under the CCSD Regala Policy, Plaintiff Humphrey's school placed an outright ban on many decorations and adornments allowed by other schools. This included nearly all decorations and adornments of religious, cultural, or tribal significance, as students were told they were only permitted to wear a maximum of one lei, and Ms. Humphrey was expressly denied her right to wear decorations and adornments not provided by the school. Similar restrictions at other schools such as Canyon Springs threaten to prevent ACLU of Nevada's Emerging Leaders

1 members from wearing the adornments that ACLU of Nevada intends to provide them for their
2 respective graduations.

3 Plaintiffs seek injunctive relief to cease the violation of their constitutional and statutory
4 rights and to ensure these rights are protected as this matter progresses. Plaintiffs have and will
5 continue to suffer irreparable injury under the United States and Nevada Constitutions
6 for the infringement of their speech and expressions as a result of the
7 unconstitutional provisions of CCSD's Regalia Policy. Due to this, and because graduation is
8 imminently approaching, the injury Plaintiffs' face is both irreparable and immediate. The type
9 of harm inflicted by these constitutional and statutory violations is not the type that may be
10 easily and wholly remedied by compensatory damages, especially since Plaintiff Humphrey
11 and the graduating seniors in the Emerging Leaders program will only have this one
12 opportunity to celebrate their graduation from high school alongside their families and friends.

13 The balance of the relative hardships of the parties weighs in favor of granting the
14 temporary restraining order, as the order will not harm CCSD, while enforcement of CCSD's
15 Regalia Policy will infringe upon the constitutional and statutory rights of both Plaintiffs and other
16 students graduating from Clark County schools. Finally, it is always in the public interest to
17 prevent the violation of a party's constitutional rights. *Baird v. Bonta*, 81 F.4th 1036, 1042 (9th
18 Cir. 2023). As such, granting Plaintiffs' request for a temporary restraining order is proper.

19 **A. Plaintiffs are likely to succeed on the merits because CCSD's Regalia Policy**
20 **violates NRS 388.915, the First Amendment of the United States Constitution, and**
21 **Article I, Section 9 of the Nevada Constitution.**

22 A preliminary injunction may be issued when the party seeking it shows that they have "a
23 reasonable likelihood of success on the merits." *Buchanan*, 112 Nev. at 1150, 924 P.2d at 719.
24 "While the moving party need not establish certain victory on the merits, it must make a prima
facie showing through substantial evidence that it is entitled to the preliminary relief requested."

1 *Shores v. Glob. Experience Specialists, Inc.*, 134 Nev. 503, 507, 422 P.3d 1238, 1242 (2018).
2 “When seeking a preliminary injunction ‘in the First Amendment context, the moving party bears
3 the initial burden of making a colorable claim that its First Amendment rights have been infringed,
4 or are threatened with infringement, at which point the burden shifts to the government to justify
5 the restriction.’” *Sanders Cnty. Republican Cent. Comm. v. Bullock*, 698 F.3d 741, 744 (9th Cir.
6 2012).

7 Plaintiffs demonstrate below that they are likely to succeed on the merits for their claims
8 under NRS 388.915, the First Amendment of the U.S. Constitution, and Article I, Section 9 of the
9 Nevada Constitution, justifying the issuance of a temporary restraining order.

10 **1. CCSD’s Regalia Policy violates NRS 388.915 by imposing restrictions not**
11 **authorized by NRS 388.915.**

12 NRS 388.915 provides: “A pupil of a public school, including, without limitation, a pupil
13 of a university school for profoundly gifted pupils, is entitled to wear traditional tribal regalia or
14 recognized objects of religious or cultural significance as an adornment at a school graduation
15 ceremony.” This right is only limited to the extent that “the board of trustees of a school district,
16 the governing body of a charter school or the governing body of a university school for profoundly
17 gifted pupils [may prohibit] an item that is likely to cause a substantial disruption of, or material
18 interference with, such a ceremony.” NRS 388.915(2).

19 The restrictions in CCSD’s Regalia Policy far exceed the scope of what can be regulated by
20 CCSD pursuant to the exception recognized in NRS 388.915(2). Among the restrictions that
21 exceed the authority recognized in NRS 388.915(2) are:

- 22 • R-5129(II)(C), which bans adornments that do not “lay flat” or exceed the dimensions of
23 the cap regardless whether the adornment is likely to cause a substantial disruption or
24 material interference with the graduation ceremony;

- R-5129(II)(D), which bans adornments that “cover more than 25 percent of the school selected graduation gown” regardless whether the adornment is likely to cause a substantial disruption or material interference with the graduation ceremony;
- R-5129(II)(E), which bans adornments that “constitute proselytizing speech” even if that speech does not “create a substantial disruption of, or material interference with, the graduation ceremony”;⁵ and
- R-5129(II)(F), which requires that all decorations or adornments, no matter how clearly protected under NRS 388.915, receive prior approval from a school principal or designee before graduation.

These restrictions violate the right granted to students by NRS 388.915, though R-5129(II)(F), which grants complete discretion to approve or deny adornments to school administrators who are not referenced in NRS 388.915, and an egregious violation of federal and state law.

2. CCSD’s Regalia Policy infringes upon graduating students’ rights to free speech and expression, violating the First Amendment of the United States Constitution through 42 U.S.C. § 1983.

Where a plaintiff alleges a constitutional violation and injury, consideration of the plaintiff’s likelihood of success on the merits in the preliminary injunction analysis “is all the more critical.” *Meinecke v. City of Seattle*, 99 F.4th 514, 521 (9th Cir. 2024) (quoting *Baird v. Bonta*, 81 F.4th 1036, 1040 (9th Cir. 2023)).

The First Amendment of the United States Constitution, incorporated to the states through the Fourteenth Amendment of the United States, prohibits laws “abridging the freedom of speech.” Providing people with recourse for violations of rights under the First Amendment, 42 U.S.C. § 1983 provides: “Every person who, under color of any statute, ordinance, regulation, custom, or

⁵ Under the plain language of this provision, which includes all “items” brought by students to the graduation ceremony, even religious texts like pocket bibles would be banned from a graduation.

1 usage, of any State . . . subjects, or causes to be subjected, any citizen of the United States or other
2 person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities
3 secured by the Constitution and laws, shall be liable to the party injured” “A local government
4 entity is liable under § 1983 when ‘action pursuant to official municipal policy of some nature
5 cause[s] a constitutional tort.’” *Oviatt v. Pearce*, 954 F.2d 1470, 1473-74 (9th Cir. 1992) (quoting
6 *Monell v. Dep’t of Soc. Servs.*, 436 U.S. 658, 691, 98 S. Ct. 2018, 2036 (1978)).

7 The United States Court of Appeals for the Ninth Circuit has clearly stated that the First
8 Amendment applies to decorations and adornments on graduation regalia. *Waln v. Dysart Sch.*
9 *Dist.*, 54 F.4th 1152, 1162 (9th Cir. 2022). When school districts open a forum to certain groups
10 or topics, they create a “limited public forum” where the First Amendment applies. *Hills v.*
11 *Scottsdale Unified Sch. Dist.*, 329 F.3d 1044, 1049 (9th Cir. 2003). The First Amendment protects
12 both verbal and written expression, as well as symbols and conduct that attempt to convey a
13 particularized message that will likely be understood by viewers. *Texas v. Johnson*, 491 U.S. 397,
14 404, 109 S. Ct. 2533, 2539 (1989). The wearing or use of recognized symbols that convey
15 traditional, cultural, or religious beliefs, as well as political and social views, is protected conduct
16 under the First Amendment. See *Jacobs v. Clark Cnty. Sch. Dist.*, 526 F.3d 419, 428 (9th Cir.
17 2008) (citing *Canady v. Bossier Par. Sch. Bd.*, 240 F.3d 437, 440-41 (5th Cir. 2001) (finding
18 wearing clothing as symbol of opinion or cause, including ethnic heritage, religious beliefs, and
19 political and social views, undoubtedly protected under First Amendment as messages likely to be
20 understood by viewers)). See also *United States v. Swisher*, 811 F.3d 299, 311 (9th Cir. 2016)
21 (stating use of recognized symbols, such as emblems or flags, constitutes symbolic speech). Such
22 activities receive protection in spaces deemed public forums.

23 On its face, CCSD’s Regalia Policy directly regulates decorations and adornments
24 protected under the First Amendment. First, while the Policy “permits” tribal regalia and

1 religiously or culturally significant objects, the Policy also expressly imposes many limitations on
2 these items, including restrictions on size, quantity, and items that “proselytize”. These items are
3 all subject to prior approval by school principals or their designees with no apparent limitation on
4 an individual school principal’s authority to deny approval. The Policy clearly regulates items
5 other than tribal regalia and religiously or culturally significant objects by not authorizing their
6 use; when some items are “permitted”, unmentioned items are necessarily impermissible,
7 effectively banning other symbolic speech sending political, artistic, or personal messages.

8 As applied to the Plaintiffs, the Policy prevents Plaintiff Humphrey and ACLU of Nevada
9 Emerging Leaders members from wearing specific items subject to First Amendment protection.

10 **a. CCSD’s Regalia Policy is a facially unconstitutional prior restraint, as it vests**
11 **its officers with unbridled discretion impermissible under the First**
12 **Amendment.**

13 Prior restraints on speech “are the most serious and least tolerable infringement on First
14 Amendment rights.” *Neb. Press Ass’n v. Stuart*, 427 U.S. 539, 559, 96 S. Ct. 2791, 2803 (1975)).
15 As such, “[p]rior restraints on speech are disfavored and carry a ‘heavy presumption of
16 invalidity.’” *Long Beach Area Peace Network v. City of Long Beach*, 574 F.3d 1011, 1023 (9th
17 Cir. 2009). Under the prior restraint doctrine, a policy “cannot condition the free exercise of First
18 Amendment rights on the unbridled discretion of government officials.” *World Wide Rush, LLC.*
19 *v. City of L.A.*, 606 F.3d 676, 687 (9th Cir. 2010) (quoting *Desert Outdoor Advert. v. City of*
20 *Moreno Valley*, 103 F.3d 814, 818 (9th Cir. 1996)). Conferring unbridled discretion upon school
21 officials creates the danger of censorship and makes it difficult to protect students from
22 unconstitutional viewpoint discrimination. *Kaahumanu v. Hawaii*, 682 F.3d 789, 802 (citing *Long*
23 *Beach Area Peace Network*, 574 F.3d at 1025). Prior restrictions on First Amendment speech and
24 expression are unconstitutional where a policy is absent of “narrowly drawn, reasonable, and
definite standards” that guide the government official, as such lack of guidance vests that official

1 with unbridled discretion to make allowances on the basis of content or viewpoint. *World Wide*
2 *Rush*, 606 F.3d at 687. Even within the context of a limited public forum this “rigorous standard
3 of review” applies. *See Southeastern Productions, Ltd. v. Conrad*, 420 U.S. 546, 558 (explaining
4 that “[a]ny system of prior restraint, however, comes to this Court bearing a heavy presumption
5 against its constitutional validity” even in the context of a limited public forum).

6 CCSD’s Regalia Policy is a facially unconstitutional prior restraint on Plaintiff Humphrey,
7 Plaintiff ACLU of Nevada’s members attending CCSD high schools, and other graduating
8 students. CCSD’s Regalia Policy “conditions the exercise of First Amendment rights,” i.e. wearing
9 objects that convey particularized messages of religious, cultural, political, artistic, and personal
10 significance, on the “unbridled discretion” of school administrators. It is evident that CCSD’s
11 Regalia Policy contains no narrow, objective, or definite standards to guide school officials, as
12 demonstrated by the individual schools’ widely divergent graduation regalia guidelines. CCSD’s
13 failure to provide definite standards allows schools and their officials the opportunity to deny
14 decorations or adornments for any arbitrary reason school officials proscribe, increasing the danger
15 of censorship and content-based discrimination. This danger is evidenced by the impact of the
16 schools’ vastly differing guidelines.

17 For example, Canyon Springs High School and East Career and Technical Academy have
18 instituted an outright ban on decorations and adornments on caps. Las Vegas High School permits
19 students to decorate their caps, so long as students adhere to district guidelines. Meanwhile, Del
20 Sol Academy’s graduation guidelines contain conflicting information – providing that “any
21 decorations or adornments on the caps must lay flat/flush and not exceed the dimension of the cap
22 . . .” in one section of their newsletter, while stating that “graduation caps cannot be decorated” in
23 another section. In sum, some students will have cap adornments and some will not have the ability
24 to do so because of CCSD’s arbitrary and unlawful policy.

1 The United States Court of Appeals for the Ninth Circuit has determined that graduation
2 regalia policies affecting First Amendment rights must be applied evenhandedly throughout the
3 school district, not only among students within a single school. *Waln*, 54 F.4th at 1163 (finding
4 plaintiff plausibly alleged violation where policy was unevenly enforced to prevent plaintiff from
5 wearing eagle feather to express her religious view, while student from another school was
6 permitted to display secular message). Permitting some students in Clark County to adorn their
7 caps with protected expressions, while banning others from doing the same, is unconstitutional
8 under the First Amendment and further reflects the unbridled discretion this policy vests in school
9 officials. And, as demonstrated above, this type of violation is inevitable given the schools' current
10 guidelines, illustrating the nature of the unbridled discretion CCSD's Regalia Policy has vested in
11 school officials.

12 This unrestrained, unfettered discretion – which results in a high danger of censorship and
13 makes it difficult to protect students from unconstitutional viewpoint discrimination – is exactly
14 why facial challenges to prior restraints are permitted. CCSD's Regalia Policy, and the unbridled
15 discretion it vests in school officials, is an intolerable, unconstitutional prior restraint under the
16 First Amendment of the United States. Because this demonstrates unconstitutional prior restraint,
17 a temporary restraining order must issue to prevent further harm.

18 **b. CCSD's Regalia Policy violates the First Amendment of the United States'**
19 **Constitution because invites school officials to engage in content-based**
20 **discrimination.**

21 While schools have some authority to regulate speech, students do not “shed their
22 constitutional rights to freedom of speech or expression at the schoolhouse gate.” *Tinker v. Des*
23 *Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506, 89 S. Ct. 733, 736 (1969). “[T]he First
24 Amendment stands against attempts to disfavor certain subjects or viewpoints. Prohibited, too, are
restrictions distinguishing among different speakers, allowing speech by some but not others.”

1 *Citizens United v. FEC*, 558 U.S. 310, 340, 130 S. Ct. 876, 898-99 (2010) (citations omitted).
2 Content-based regulations “are presumptively unconstitutional and may be justified only if the
3 government proves that they are narrowly tailored to serve compelling state interests.” *Reed v.*
4 *Town of Gilbert*, 576 U.S. 155, 163, 135 S. Ct. 2218, 2226 (2015). While some content-based
5 discrimination banned in traditional public forums is acceptable in limited public forums, such
6 discrimination must be limited to “preserv[ing] the purpose of the limited forum.” *Hills*, 329 F.3d
7 at 1050. Furthermore, viewpoint discrimination is always prohibited regardless of forum.

8 CCSD’s Regalia Policy infringes upon graduates’ right to free speech under the First
9 Amendment by engaging in content-based discrimination by outright banning certain content that
10 does not undermine the purpose of the forum. Under the First Amendment, students, including
11 Plaintiffs, have the right to exercise their right to free speech by wearing decorations and
12 adornments that express religious, cultural, political, associational, or social views. Here, Plaintiffs
13 wish to convey particularized messages about their cultures, beliefs, and identities.

14 In an apparent attempt to comply, at least in part, with NRS 388.915, CCSD states that
15 “students are permitted to wear traditional tribal regalia or recognized objects of religious or
16 cultural significance as an adornment to their cap and gown in accordance with Nevada Revised
17 Statutes (NRS) 388.915.” By permitting some speech and expressions through adornments and
18 decorations on caps and gowns, CCSD opens a “limited public forum” to senior students
19 graduating from schools in CCSD.

20 CCSD’s restrictions on speech other than tribal regalia and objects of religious and cultural
21 significance are a form of content-based discrimination and thus are subject to strict scrutiny.
22 CCSD has made allowances for traditional tribal regalia and objects of religious and cultural
23 significance and has failed to make the same allowances for other expressive speech under the
24 First Amendment. As a result, some schools have only made allowances for tribal, religious, and

1 cultural adornments, and have banned other protected decorations and adornments. For those
2 schools who have banned cap decorations, CCSD's officials, in making allowances for those
3 wishing to adorn their caps with traditional, religious, or cultural messaging, are necessarily
4 examining the content of the messages submitted for approval to determine if they fall within the
5 exemption for religious or cultural adornments on caps. In doing so, CCSD officials are
6 discriminating based on the content of the expression, allowing religious or cultural expressions,
7 while enforcing the ban against other protected expressions such as political statements. There is
8 no reason to believe that banning political, artistic, or other forums of personal speech preserves a
9 forum created by a public school where the school has already admitted religious and culturally
10 significant speech.

11 CCSD engages in content-discrimination through its outright ban on decorations,
12 adornments, and items which "constitute proselytizing speech." "[I]t is well established that '[t]he
13 First Amendment's hostility to content-based discrimination extends not only to restrictions on
14 particular viewpoints, but also to prohibition of public discussion of an entire topic.'" *Reed*, 576
15 U.S. at 169, 135 S. Ct. at 2230 (quoting *Consol. Edison Co. v. Pub. Serv. Comm'n*, 447 U.S. 530,
16 537, 100 S. Ct. 2326, 2333). In banning proselytizing speech, CCSD engages in content-based
17 discrimination in the same manner as outlined above in order to enforce its ban on proselytizing
18 speech. Because this outright ban is not narrowly tailored to serve a compelling government
19 interest, this provision of CCSD's Regalia Policy cannot survive strict scrutiny.

20 Finally, CCSD is engaging in a viewpoint discrimination, which is impermissible in even
21 a limited public forum, when it allows students at one school to engage in speech and bars students
22 at another from having that same opportunity. *See Waln*, 54 F.4th at 1163 (finding that a defendant
23 school district engaged in viewpoint discrimination when it barred a student from wearing a
24 religiously significant eagle feather on her cap when students at another school were allowed to

1 decorate their graduation caps). As seen by the differences in enforcement between different
2 CCSD schools premised on the wide latitude offered by CCSD's Regalia Policy, CCSD is
3 violating First Amendment through viewpoint discrimination.

4 Where, such as here, a plaintiff shows that the government engages in content-
5 based and viewpoint discrimination, they demonstrate a likelihood of success on the merits which
6 justifies the granting of a temporary restraining order. *See TGP Commc 'ns.*, No. 22-16826 at *14.

7 **3. CCSD's Regalia Policy violates Article I, Section 9 of the Nevada Constitution,**
8 **as it infringes upon students' free speech and expression.**

9 Article I, Section 9 of the Constitution of Nevada protects peoples' right to engage in
10 speech and expressive activities in Nevada. This provision provides the same protections of speech
11 and expressive activity as the First Amendment to the United States Constitution. *Univ. & Cmty.*
12 *College Sys. of Nev. v. Nevadans for Sound Gov't*, 120 Nev. 712, 722, 100 P.3d 179, 187 (2004)
13 (citing *S.O.C., Inc. v. Mirage Casino-Hotel*, 117 Nev. 403, 415, 23 P.3d 243, 251 (2001)).
14 Therefore, in demonstrating that Plaintiffs have a reasonable likelihood of success on the merits
15 of their claims under the First Amendment of the United States Constitution, Plaintiffs also
16 demonstrate likely success on the merits of their claim that CCSD and its officials infringed upon
17 Plaintiffs' rights to free speech and expression in violation of Article I, Section 9 of the Nevada
18 Constitution.

19 **4. CCSD's Regalia Policy, as applied to Plaintiff Humphrey, violates her rights**
20 **to free speech and expression under the First Amendment of the U.S.**
21 **Constitution and Article I, Section 9 of the Nevada Constitution.**

22 To establish a successful as applied challenge, a plaintiff "must show only that the statute
23 unconstitutionally regulates plaintiffs' own speech." *Italian Colors Rest. v. Becerra*, 878 F.3d
24 1165, 1175 (9th Cir. 2018).

CCSD's Regalia Policy, as applied to Plaintiff Humphrey, is an unconstitutional prior
restraint on her rights to free speech and discretion, as the approval process CCSD requires is, in

1 itself, a prior restraint on Plaintiff Combs speech. As discussed above, this prior restraint is
2 unconstitutional, as CCSD vests unbridled discretion in the school officials approving Plaintiff
3 Combs and other graduating students' decorations and designs.

4 School officials' unfettered discretion here has resulted in the discriminatory enforcement
5 of CCSD's Regalia Policy against Ms. Humphrey, resulting in violations under the First
6 Amendment of the U.S. Constitution and Article I, Section 9 of the Nevada Constitution. Ms.
7 Humphrey intends to wear cords and stoles that express her Black culture through the words
8 "Black Girl Magic", as well as her association with the Emerging Leaders program with ACLU of
9 Nevada. Her messages are likely to be understood by viewers, as these adornments and decorations
10 send a particular message about her culture and her time spent with the groups that were an integral
11 and meaningful part of her journey to graduation.

12 However, because CCSD has vested the schools with unbridled discretion to implement it
13 Regalia Policy, Ms. Humphrey has been denied her right to express both her culture and her
14 association with Emerging Leaders. Her school provides no other reason for denying her this right,
15 apart from "that's not how we do it here." While other students in Clark County will be permitted
16 to wear some decorations and adornments, Ms. Humphrey has been barred from any expression.
17 This unequal enforcement of CCSD's Regalia Policy has denied Ms. Humphrey her rights under
18 the law, and demonstrates the great need for a temporary restraining order in order to remedy this
19 violation.

20 **B. Plaintiffs will be irreparably and immediately harmed by the ongoing violation of**
21 **their constitutional and statutory rights.**

22 "A preliminary injunction is available if an applicant can show a likelihood of success on
23 the merits and a reasonable probability that the non-moving party's conduct, if allowed to continue,
24 will cause irreparable harm for which compensatory damage is an inadequate remedy." *Dangberg*
Holdings Nev., L.L.C. v. Douglas Cty., 115 Nev. 129, 142, 978 P.2d 311, 319 (1999). *Ex parte*

1 motions “are frequently and commonly permitted under Nevada law and practice. . . . in situations
2 and under circumstances of emergency, as in the case of an application for an injunction to prevent
3 irreparable injury which would result from delay.” *Id.* (quoting *Farnow v. District Court*, 64 Nev.
4 109, 118, 178 P.2d 371, 375 (1947)).

5 “A loss of First Amendment freedoms constitutes an irreparable injury.” *Meinecke v. City*
6 *of Seattle*, 99 F.4th 514, 526 (9th Cir. 2024) (citing *Fellowship of Christian Athletes v. San Jose*
7 *Unified Sch. Dist. Bd. of Educ.*, 82 F.4th 664, 694 (9th Cir. 2023)). “A party seeking preliminary
8 injunctive relief in a First Amendment context can establish irreparable injury sufficient to merit
9 the grant of relief by demonstrating the existence of a colorable First Amendment claim.” *Pasaye*
10 *v. Dzurenda*, 375 F. Supp. 3d 1159, 1170-71 (D. Nev. 2019), on reconsideration in part, No.
11 217CV02574JADVCF, 2019 WL 2905044 (D. Nev. July 5, 2019).

12 Here, Plaintiffs have demonstrated colorable claims for CCSD’s violations of Nevada
13 Revised Statute 388.915, the First Amendment of the U.S. Constitution, and Article I, Section 9
14 of the Nevada Constitution. Further, Plaintiffs’ loss of First Amendment freedoms
15 “unquestionably constitutes irreparable injury.” Plaintiffs have experienced ongoing violations due
16 to CCSD’s prior approval requirement in violation of their rights and the content-based evaluations
17 that CCSD engages in to determine which items are “approved.” In addition, Plaintiffs’ face
18 further, imminent violations of their rights in that they will be unable to exercise their rights to
19 express their cultures and associations at their graduations should CCSD and its officials be
20 permitted to enforce the unconstitutional provisions of CCSD’s Regalia Policy.

21 **C. Consideration of the hardship to both parties weighs in favor of granting**
22 **Plaintiffs’ request for a temporary restraining order.**

23 “A preliminary injunction maintaining the status quo may properly issue whenever the
24 questions of law or fact to be ultimately determined in a suit are grave and difficult, and injury to
the moving party will be immediate, certain, and great if it is denied, while the loss or

1 inconvenience to the opposing party will be comparatively small and insignificant if it is granted.”
2 *Dangberg Holdings Nev.*, 115 Nev. 129, 142, 978 P.2d 311, 319 (1999). at 146, 978 P.2d at 322
3 (quoting *Rhodes Co. v. Belleville Co.*, 32 Nev. 230, 239, 106 P. 561, 563 (1910)). “When a party
4 raises serious First Amendment questions, that alone compels a finding that the balance of
5 hardships tips sharply in its favor.” *Meinecke*, 99 F.4th at 526.

6 Here, the balance of hardships weighs in favor of granting Plaintiffs’ request for a
7 temporary restraining order. Because Plaintiffs raise serious First Amendment questions, that alone
8 “compels a finding that the balance of hardships tips sharply” in Plaintiffs’ favor. In addition,
9 CCSD would suffer no harm from a temporary restraining order. CCSD and its officials are still
10 able to limit speech within the confines of what is permitted by the law. If an item is likely to cause
11 a substantial disruption to, or material interference with, a graduation ceremony, CCSD may still
12 prohibit that item. Furthermore, nothing prohibits CCSD from enacting a voluntary rather than
13 mandatory pre-approval process. However, rather than working within the bounds of this
14 exception, CCSD gives school officials unfettered discretion to infringe upon students’ First
15 Amendment rights for any, arbitrary reason – or for no reason at all. CCSD “cannot reasonably
16 assert that it is harmed in any legally cognizable sense by being enjoined from constitutional
17 violations.” *Baird*, 81 F.4th at 1042 (quoting *Zepeda v. INS*, 753 F.2d 719, 727 (9th Cir. 1983)).
18 *See also Rodriguez v. Robbins*, 715 F.3d 1127, 1145 (9th Cir. 2013) (holding government “cannot
19 suffer harm from an injunction that merely ends an unlawful practice” implicating “constitutional
20 concerns”).

21 While enjoining CCSD from enforcing its policy will result in no loss or inconvenience to
22 it, without a temporary restraining order, Plaintiffs will continue to face ongoing violations of their
23 rights resulting from CCSD’s unconstitutional prior restraint, CCSD’s unconstitutional prior
24 approval process, and CCSD and its officers’ unconstitutional implementation of the approval

1 process. Further, enforcement of the unlawful provisions of CCSD’s Regalia Policy will ultimately
2 result in CCSD’s unconstitutional suppression of Plaintiffs’ rights to free speech and expression.
3 Injury to Plaintiffs will be “immediate, certain, and great” if their request for a temporary
4 restraining order is denied, as constitutional and statutory violations are certain to result without
5 this Court’s action, and the Plaintiffs will face irreparable injury that cannot be easily remedied.
6 Therefore, on balance, the hardships to both parties weigh in favor of granting Plaintiffs’ request
7 for a temporary restraining order.

8 **D. The public interest weighs in favor of granting Plaintiffs’ request for a temporary**
9 **restraining order.**

10 In deciding to grant a preliminary injunction, courts may also weigh the public interest.
11 “Because ‘public interest concerns are implicated when a constitutional right has been violated, ...
12 all citizens have a stake in upholding the Constitution,’ meaning ‘it is always in the public interest
13 to prevent the violation of a party’s constitutional rights.” *Baird*, 81 F.4th at 1042 (9th Cir. 2023)
14 (internal citations omitted). Here, the public interest is great, as “it is always in the public interest
15 to prevent the violation of a party’s constitutional rights.” Like in *TGP Commc’ns, LLC v. Sellers*,
16 where the court found the public interest was served by ensuring the County’s administration of
17 press-pass credentials complied with the First Amendment, here, the public interest is served by
18 ensuring CCSD complies with the First Amendment when enforcing its Regalia Policy. No. 22-
19 16826, 2022 U.S. App. LEXIS 33641, at *17 (9th Cir. Dec. 5, 2022). Therefore, the public’s
20 interest in upholding the Constitution weighs in favor of this Court granting Plaintiff’s request for
21 a temporary restraining order.

22 **V. CLAIM FOR RELIEF**

23 NRS 33.010 authorizes an injunction when (1) it appears from the complaint that the
24 plaintiff is entitled to the relief requested and at least part of the relief consists of restraining the

1 challenged act, and (2) it appears by the complaint of affidavit that the commission or continuance
2 of some act, during the litigation, would produce great or irreparable injury to the plaintiff.

3 Here, Plaintiffs are entitled to relief preventing CCSD, and its local schools'
4 administrations and officials, from carrying out and implementing unlawful policies, practices, and
5 acts that violate Plaintiff Humphrey and Plaintiff ACLU of Nevada's member's rights under NRS
6 388.915, the First Amendment of the U.S. Constitution, and Article I, Section 9 of the Nevada
7 Constitution. Specifically, Plaintiffs request enjoinder of the following specific provisions of
8 CCSD's Regalia Policy:

- 9 a. Plaintiffs seek relief enjoining CCSD from enforcing R-5129(II)(C), which requires
10 students' decorations and adornments on their caps to lay fully flat and not exceed the
11 dimension of the cap R-5129(II)(C).
- 12 b. Plaintiffs seek relief enjoining CCSD from enforcing R-5129(II)(D), which restricts
13 students decorations on gowns from "covering more than 25 percent of the school
14 selected graduation gown".
- 15 c. Plaintiffs seek relief enjoining CCSD from enforcing the provision of R-5129(II)(E)
16 which bans decorations and adornments which "constitute proselytizing speech".
- 17 d. Plaintiffs seek relief enjoining CCSD from regulating students' right to wear traditional
18 tribal regalia and recognized items of cultural and religious significance in any manner
19 outside that which is expressly authorized by NRS 388.915.
- 20 e. Plaintiffs seek relief enjoining CCSD from enforcing R-5129(II)(F), which requires
21 students to go through a mandatory prior approval process for their adornments and
22 decorations even if the items clearly would not cause a substantial disruption of or
23 material interference with a graduation ceremony.

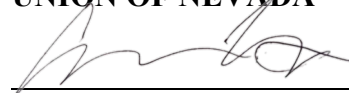
- 1 f. Plaintiffs seek relief enjoining CCSD and its officials to permit ACLU Emerging
2 Leaders Members to wear decorations and adornments expressing protected speech,
3 including a stole and cap pin symbolizing their membership in Emerging Leaders.
4 g. Plaintiff Humphrey seeks relief enjoining CCSD and its officials to permit her to wear
5 the adornments and decorations she reasonably requested, including the following:
6 i. Humphrey's stole with "Black Girl Magic" written on it;
7 ii. Humphrey's red and black sash, which represents her involvement with ACLU
8 of Nevada's Emerging Leaders Program; and
9 iii. Humphrey's graduation cap decorated with small flowers, gems, and crystals.

10 **VI. CONCLUSION**

11 Plaintiffs have shown a strong likelihood of success on the merits, irreparable and
12 imminent harm through Clark County's infringement upon Plaintiffs' rights, that the balance of
13 equities is in Plaintiffs' favor, and there is a clear public interest in protecting constitutional and
14 statutory rights. Plaintiffs respectfully request that this Court grant this Motion for Temporary
15 Restraining Order and further award Plaintiffs' costs and expenses, attorneys' fees, and all other
16 relief to which Plaintiffs are entitled.

17 Dated this 16th day of May 2025.

18 **AMERICAN CIVIL LIBERTIES**
19 **UNION OF NEVADA**

20 

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Attorneys for Petitioner(s)

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]

EXHIBIT 2

ACLU Letter to CCSD

February 27, 2025

Clark County School District
Attn: Jon Okazaki, General Counsel
5100 West Sahara Ave.
Las Vegas, NV 89146
Sent via email: okazajm@nv.ccsd.net



Re: Limitations on Graduation Regalia

Greetings-

ACLU of Nevada (ACLUNV) is writing in response to CCSD' Regulation 5129, regarding High School graduation ceremonies, at the February 27, 2025, Regular Board Meeting. We have reviewed the proposed regulation.

The proposed regulation limits graduation decorations and adornments in a way which infringes upon all graduates' rights to freely speak, express themselves, and engage in religious and cultural practices during the graduation ceremonies. This is a violation of the First Amendment of the U.S. Constitution. The proposed regulation is in direct violation of NRS 388.915. This statute recognizes a student's right for religious and cultural expression in the form of adornments and decorations on their graduation regalia.

As stated last year when this same type of restriction was raised, requiring pre-approval from an administrator prior to allowing students to exercise their rights at a graduation ceremony violates the First Amendment and NRS 388.915. Moreover, the additional regulations imposed unlawfully restrict expression. If the District passes proposed CCSD Regulation 5129, CCSD can expect ACLUNV to respond accordingly, including potentially through legal action. We remain unclear why the District continues to engage in unnecessary and ridiculous restrictions related to graduation regalia year after year, but we'd encourage the District to change course.

You may contact our team directly by contacting Jake Valentine via email at jvalentine@aclunv.org.

Best,

Athar Haseebullah 

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EXHIBIT 3

Declaration of Athar
Haseebullah

1 **DECL**

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3 Nevada Bar No.: 16324

4 CHRISTOPHER M. PETERSON, ESQ.

5 Nevada Bar No.: 13932

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14 *Attorneys for Plaintiffs*

15 **EIGHTH JUDICIAL DISTRICT COURT**

16 **CLARK COUNTY NEVADA**

17 ACLU of Nevada, a nonprofit corporation, Corie
18 Humphrey, an individual,

19 Plaintiffs,

20 vs.

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

23 Defendant.

Case No.:

Department:

24 **DECLARATION OF ATHAR HASEEBULLAH IN SUPPORT OF PLAINTIFFS'**
MOTION FOR TEMPORARY RESTRAINING ORDER AND/OR PRELIMINARY
INJUNCTION ON ORDER SHORTENING TIME

I, Athar Haseebullah, Esq. on behalf of the ACLU of Nevada, under penalty of perjury declare:

1. I am over the age of 18 and I am competent to testify.

2. I am the Executive Director of the ACLU of Nevada (ACLUNV) and an attorney
authorized to practice law in Nevada.

3. I have personal knowledge of the facts set forth in this declaration.

1 4. I make this declaration in support of the Complaint, the Motion for a Temporary
2 Restraining Order, and Motion for Preliminary Injunction.

3 5. ACLUNV is a non-partisan, nonprofit organization that works to defend and
4 advance the civil liberties and civil rights of all Nevadans.

5 6. As the guardian of civil liberties of all Nevadans for over 55 years, ACLUNV has
6 more than 5,000 members in the state of Nevada.

7 7. ACLUNV's mission is to protect civil rights and civil liberties in the state of
8 Nevada.

9 8. As part of that mission, ACLUNV has litigated and continues to litigate numerous
10 lawsuits to protect expressive conduct and association in Nevada; ongoing litigation by ACLUNV
11 protecting expressive conduct and association includes *McAllister et al. v. Clark County*,¹ *Semper*
12 *et al. v. LVMPD et al.*,² and *Gerwaski v. State of Nevada et al.*.³

13 9. In addition to the organization's litigation defending expressive conduct, ACLUNV
14 provides "know your rights" trainings and publishes "know your rights" materials about rights
15 protecting expressive conduct.

16 10. ACLUNV also maintains ACLU of Nevada's Emerging Leaders program, a youth-
17 driven program that consists of ACLUNV members who are between the ages of 16 and 22 and
18 focuses on building the leaders of tomorrow through the cultivation of advocacy, leadership, and
19 civic engagement.

20 11. All students who are part of the ACLUNV's Emerging Leaders program are
21 members of ACLUNV and the program requires a significant time commitment from its members.
22
23

24 ¹ No. 2:24-cv-00334-JAD-NJK (D. Nev.).

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

³ No. 2:24-cv-00985-APG-MDC (D. Nev.).

1 12. ACLUNV Emerging Leaders program members meet on a weekly basis, engage in
2 community programming to better advance leadership for youth, host programs including an
3 annual young women’s empowerment brunch, an oratorical competition, and more.

4 13. ACLUNV’s Emerging Leaders program members are also involved in activities to
5 advance the First Amendment and civil rights more broadly on a regular basis, including
6 participating in court observations during the recent case *ACLU of Nevada v. CCSD*.⁴

7 14. ACLUNV’s Emerging Leaders program currently has 15 members. Of those 15
8 individuals, 11 are currently high school students within the Clark County School District,
9 including six graduating high school seniors and five high school juniors.

10 15. ACLUNV’s Emerging Leaders program members who are graduating high school
11 seniors include Plaintiff Corie Humphrey, a graduating senior at East Career and Tech Academy,
12 and Jacqueline Combs, a graduating senior at Del Sol Academy. Other graduating seniors attend
13 Del Sol Academy, Cheyenne High School, Canyon Springs High School, Northwest Career and
14 Technical Academy, and Mojave High School.

15 16. ACLUNV’s Emerging Leaders program members who are high school juniors,
16 expected to graduate in 2026, include students at Las Vegas High School, Del Sol Academy, and
17 other schools.

18 17. As students graduating this year and next year from CCSD high schools,
19 ACLUNV’s Emerging Leaders program members face the imminent risk of having their rights
20 pursuant to NRS 388.915, U.S. Const. amend. I, and Nev. Const. Art. I § 9 violated due to the
21 unlawful and unconstitutional provisions of CCSD’s Regalia Policy: R-5129.

22 18. CCSD’s Regalia Policy R-5129 applies to all students graduating from CCSD
23 schools, including students who are members of ACLUNV’s Emerging Leaders program.

24 _____
⁴ A-23-869216-W (8th Jud. Dist. Ct. NV).

1 19. On its face, CCSD's Regalia Policy violates the rights of all CCSD students,
2 including members of ACLUNV's Emerging Leaders program attending CCSD schools.

3 20. According to CCSD's Regalia Policy R-5129, all Emerging Leaders members
4 graduating from CCSD will be required to have any decorations and adornments, including those
5 protected by Nevada law, pre-approved by a CCSD principal or the principal's designee and the
6 policy does not allow for any decorations or adornments at graduation other than tribal regalia,
7 religiously or culturally significant objects, or items provided by CCSD.

8 21. Multiple CCSD high schools, including high schools that Emerging Leaders attend
9 consistent with the Complaint and Motion for a Temporary Restraining Order this declaration is
10 attached to, have inconsistent rules as it relates to graduation regalia, which limits what students
11 can wear in violation of the First Amendment and Nevada law, and will prohibit some Emerging
12 Leaders members from wearing *any* decorations or adornments at graduation.

13 22. Emerging Leaders program members will be barred from wearing any decorations
14 and adornments on caps which "lay flat and not exceed the dimensions of the cap." R-5129(II)(C).

15 23. Emerging Leaders program members will be barred from wearing decorations or
16 adornments that cover "more than 25% of the school selected gown", including flags, stoles, cords,
17 metals, pins, and similar items. R-5129(II)(D).

18 24. Emerging Leaders program members will be barred from wearing decorations or
19 adornments that "constitute proselytizing speech". R-5129(II)(E).

20 25. Emerging Leaders program members attending CCSD schools are subject to the
21 restrictions imposed by CCSD's Regalia Policy and thus have standing to challenge the Regalia
22 Policy as violating their rights under the United States Constitution, the Nevada Constitution, and
23 Nevada statute.

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

4 27. Furthermore, ACLUNV intends to provide all ACLUNV Emerging
5 Leadersmembers with a graduation stole and a graduation pin to affix to the graduate's cap,
6 demonstrating the students participation in ACLUNV's Emerging Leaders Program and future as
7 civil rights leaders, commemorating the members' participation in the program and falling under
8 the definition of "cultural regalia" within NRS.

9 28. ACLUNV intends to provide these items for the express purpose that the ACLUNV
10 Emerging Leadersmembers will wear them during their respective high school graduation
11 ceremony.

12 29. ACLUNV is concerned that its Emerging Leaders members will not be able to wear
13 the graduation stole or pins commemorating the members' participation in the ACLUNV
14 Emerging LeadersProgram if a temporary restraining order enjoining CCSD's enforcement of the
15 unconstitutional provisions of their Regalia Policy is not issued.

16 30. ACLUNV is also concerned that ACLUNV Emerging Leadersmembers who wear
17 their stole and pin signifying their membership in ACLUNV's Emerging Leaders program will
18 have these items confiscated, will be excluded from the graduation ceremony, or will face other
19 disciplinary actions for doing so.

20 31. It is germane to ACLUNV's purpose to ensure that its members can clearly
21 communicate that they are members of our organization at their respective graduations.

22 ///

23 ///

24 ///

1 32. As to the claims asserted by ACLUNV, participation by its individual members is
2 not necessary as ACLUNV only seeks declaratory and injunctive relief on behalf of its members.

3
4 This declaration was executed this 15th day of May, 2025, in Clark County, Nevada.

5
6 I declare under penalty of perjury that the foregoing
is true and correct.

7
8 By: Athar Haseebullah

9 ATHAR HASEEBULLAH, ESQ.

10 NV Bar. No #13646
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EXHIBIT 4

Declaration of Corie Humphrey

1 **DECL**

2 JACOB T. S. VALENTINE, ESQ.

3 Nevada Bar No.: 16324

4 CHRISTOPHER M. PETERSON, ESQ.

5 Nevada Bar No.: 13932

6 **AMERICAN CIVIL LIBERTIES**

7 **UNION OF NEVADA**

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14 *Attorneys for Plaintiffs*

15 **EIGHTH JUDICIAL DISTRICT COURT**

16 **CLARK COUNTY NEVADA**

17 ACLU of Nevada, a nonprofit corporation, Corie
18 Humphrey, an individual,

19 Plaintiffs,

20 vs.

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

23 Defendant.

Case No.:

Department:

24 **DECLARATION IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY**
RESTRAINING ORDER AND/OR PRELIMINARY INJUNCTION ON ORDER
SHORTENING TIME

I, Corie Lynn Humphrey, under penalty of perjury declare:

1. I am 18 years of age.
2. I have personal knowledge of the facts set forth in this declaration.
3. I am the plaintiff in this case.

- 1 4. I am a resident of the State of Nevada, Clark County, City of North Las Vegas.
- 2 5. I am a student attending East Career & Technical Academy in Clark County, Nevada.
- 3 6. I will graduate on May 27, 2025.
- 4 7. During my graduation ceremony, I intend to wear if allowed:
 - 5 a. A stole that has the message “Black Girl Magic” written on it to represent my
 - 6 Black culture.
 - 7 b. A black and red stole with stars and the year 2025 to represent my time with the
 - 8 ACLU of Nevada’s Emerging Leaders Program. It is my understanding that
 - 9 ACLU’s Emerging Leaders is considering providing us with a decoration or
 - 10 adornment to wear at graduation. However, even if we are not provided with
 - 11 something from Emerging Leaders, I still intend to wear a black and red stole to
 - 12 represent my time with the organization.
 - 13 c. A pin signifying my membership in National Honors Society.
 - 14 d. The stoles and cords provided by my school that signify my achievements at East
 - 15 Career & Technical Academy.
 - 16 e. A cap decorated with small paper flowers, gems, and crystals.
- 17 8. These decorations and adornments represent the accomplishments I achieved and the
- 18 leadership I exhibited not just at East Technical & Career Academy, but also in the
- 19 programs I participated in outside of my commitments in school.
- 20 9. East Career and Technical Academy held a senior assembly near the end of April.
- 21 10. At this assembly we were told by Assistant Principal Jennifer Geissinger and Principal
- 22 Natasha Lerutte what was expected of the seniors leading up to and at graduation.
- 23 11. There was a power point slide shown at the assembly that referenced cords, medallions,
- 24 and stoles.

1 12. The slides stated that graduates may wear cords, stoles, and medallions specifically
2 earned at East Career & Technical Academy that relate to a school-sponsored club or
3 academic program.

4 13. The slides also stated that students are permitted to wear traditional tribal regalia or
5 recognized objects of religious or cultural significance as an adornment to their gown in
6 accordance with NRS 388.915.

7 14. However, during the assembly we were told money leis are not permitted, and students
8 wearing a lei will be limited to a maximum of one.

9 15. The assembly did not have any other mentions of tribal regalia, or religious or cultural
10 items.

11 16. The slides at the assembly stated that caps may not have any decorations or adornments
12 at all so as to not impede the view of those around them.

13 17. The slides also mentioned that decorations or adornments on gowns could not cover more
14 than 25 percent of the gown, and that administration must review all regalia requests.

15 18. However, during the assembly, Ms. Geissinger said that when we showed up to
16 graduation with our caps and gowns “how you get it is how you should come.”

17 19. This meant that we could not customize either our caps or gowns.

18 20. In addition, she made clear that only stoles and cords representing school clubs and
19 organizations were permitted.

20 21. Immediately after the assembly, I asked Assistant Principal Geissinger whether any
21 decorations or adornments or stoles besides those for school clubs and academics would
22 be allowed.

23 22. Ms. Geissinger told me no, saying: “that’s not how we do it here.”
24

1 23. It is my understanding that I will be barred from wearing the items listed in Paragraph
2 7(a), 7(b), and 7(e) during my graduation.

3 24. I am not aware of any approval process or way to seek accommodation to wear my
4 graduation adornments and decorations, including my stole reflecting my culture.

5 25. If allowed, I will wear all of the items listed in Paragraph 7 at my graduation, assuming
6 the items are in my possession at that time.

7 26. I am concerned that I will be unable to wear all the adornments and decorations in
8 Paragraph 7.

9 27. I am also concerned that, if I do wear all the listed adornments, the stoles unrelated to a
10 school-sponsored activity and my cap will be confiscated, I will be excluded from the
11 graduation ceremony, or I will face some other disciplinary action as a result.

12 This declaration was executed this 15th day of May, 2025, in Clark County, Nevada.

13 I declare under penalty of perjury that the foregoing is true and correct.
14

15 By: 
16 Corie Humphrey (May 15, 2025 18:50 PDT)
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20250515 Humphrey Declaration v. final


Final Audit Report


2025-05-16

Created:	2025-05-16
By:	Samantha Kroner (SKroner@aclunv.org)
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