

1 **NRE**  
2 Phillip N. Smith Jr., Esq.  
3 Nevada Bar No. 10233  
4 psmithjr@wwhgd.com  
5 Jacqueline V. Nichols, Esq.  
6 Nevada Bar No. 14246  
7 jnichols@wwhgd.com  
8 WEINBERG, WHEELER, HUDGINS,  
9 GUNN & DIAL, LLC  
6385 South Rainbow Blvd., Suite 400  
Las Vegas, Nevada 89118  
Telephone: (702) 938-3838  
Facsimile: (702) 938-3864

8 *Attorneys for Defendant*  
9 *Clark County School District*

10 **DISTRICT COURT**

11 **CLARK COUNTY NEVADA**

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

15 Plaintiffs,

16 vs.

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

18 Defendant.

Case No.: A-25-919151-C  
Dept No.: 16

**NOTICE OF REMOVAL TO  
FEDERAL COURT**

19  
20 PLEASE TAKE NOTICE that Defendant, Clark County School District, by and through  
21 its counsel of record, Phillip N. Smith Jr, Esq. and Jacqueline V. Nichols, Esq., of the law firm of  
22 WEINBERG, WHEELER, HUDGINS, GUNN & DIAL, LLC, filed their Notice of Removal with the Clerk  
23 of the United States District Court for the District of Nevada, which has effected the removal of  
24 this action from the Eighth Judicial District Court for Clark County, Nevada to the United States

25 ///

26  
27 ///





1 District Court in accordance with 28 U.S.C. § 1446. The Notice of Removal is attached hereto as  
2 **Exhibit A.**

3 Dated this 20<sup>th</sup> day of May, 2025.

4 */s/ Jacqueline V. Nichols*  
5 Phillip N. Smith, Jr., Esq.  
6 Jacqueline V. Nichols, Esq.  
7 WEINBERG, WHEELER, HUDGINS,  
8 GUNN & DIAL, LLC  
9 6385 South Rainbow Blvd., Suite 400  
10 Las Vegas, Nevada 89118  
11 *Attorneys for Defendant*  
12 *Clark County School District*  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 20<sup>th</sup> day of May, 2025, a true and correct copy of the foregoing **NOTICE OF REMOVAL TO FEDERAL COURT** was electronically and served on counsel through the Court's electronic service system pursuant to Administrative Order 14-2 and N.E.F.C.R. 9, via the electronic mail addresses noted below, unless service by another method is stated or noted:

Jacob T. S. Valentine, Esq.  
Christopher M. Peterson, Esq.  
American Civil Liberties Union of Nevada  
4362 West Cheyenne Avenue  
North Las Vegas, Nevada 89032  
*Attorneys for Plaintiffs*

/s/ Angelina M. Durazzo  
An employee of WEINBERG, WHEELER, HUDGINS,  
GUNN & DIAL, LLC

# EXHIBIT A

WEINBERG WHEELER  
HUDGINS GUNN & DIAL



Phillip N. Smith Jr., Esq.  
Nevada Bar No. 10233  
psmithjr@wwhgd.com  
Jacqueline V. Nichols, Esq.  
Nevada Bar No. 14246  
jnichols@wwhgd.com  
WEINBERG, WHEELER, HUDGINS,  
GUNN & DIAL, LLC  
6385 South Rainbow Blvd., Suite 400  
Las Vegas, Nevada 89118  
Telephone: (702) 938-3838  
Facsimile: (702) 938-3864

*Attorneys for Defendant  
Clark County School District*

UNITED STATES 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.:

(Removed from the District Court of Clark  
County, Nevada, Case No. A-25-919151-C,  
Dept. 16)

**NOTICE OF REMOVAL TO FEDERAL  
COURT PURSUANT TO 28 U.S.C.  
§§ 1332, 1441(B), AND 1446**

PLEASE TAKE NOTICE that Defendant, Clark County School District ("CCSD"), by and through its counsel of record, Phillip N. Smith Jr, Esq. and Jacqueline V. Nichols, Esq., of the law firm of WEINBERG, WHEELER, HUDGINS, GUNN & DIAL, LLC, pursuant to 28 U.S.C. §§ 1331, 1441(b), and 1446, hereby remove this case from the Eighth Judicial District Court for Clark County, Nevada to the United States District Court for the District of Nevada. In support of this Notice, Defendant states the following:

1. On May 15, 2025, Plaintiffs filed a Complaint in the Eighth Judicial District Court for Clark County, Nevada, case number A-25-919151-C (the "Complaint"), attached hereto as **Exhibit A**. The Complaint alleges causes of action for 1) violation of graduating students' right to wear tribal regalia or objects of religious or cultural significance pursuant to Nevada Revised



1 Statute 388.915; 2) violation of Right to Free Speech and Expression – Facial Challenges-Pursuant  
2 to the First Amendment of the U.S. Constitution through 42 U.S.C. § 1983; 3) infringement on  
3 Freedom of Speech and Expression in violation of Article 1, Section 9 of the Nevada State  
4 Constitution; and 4) violation of Right to Free Speech and Expression – As-Applied Challenges –  
5 Pursuant to the First Amendment of the U.S. Constitution through 42 U.S.C. § 1983.

6 2. Defendant has not yet filed the Answer to the Complaint.

7 3. Plaintiffs filed a Motion for Temporary Restraining Order that has not yet been  
8 heard.

9 4. Plaintiff, The American Civil Liberties Union of Nevada (“ACLU”), is a domestic  
10 nonprofit corporation. Its mission is to defend and advance the civil liberties and civil rights of all  
11 Nevadans.

12 5. Plaintiff, Corie Humphrey is, and was at all times relevant herein, a student in Clark  
13 County School District scheduled to graduate from East Career and Technical Academy on May  
14 27, 2025.

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

17 7. This action is a civil action over which this Court has original jurisdiction under 28  
18 U.S.C. § 1331 and is one which may be removed to this Court by the CCSD pursuant to 28 U.S.C.  
19 § 1441(a) and (b) in that it asserts alleged violations of 42 U.S.C. § 1983, First Amendment.

20 8. Plaintiffs filed their Complaint on May 15, 2025. Exhibit A.

21 9. This notice of removal is timely filed within thirty (30) days after CCSD’s receipt  
22 of the initial pleading setting forth the claim for relief upon which this action is based. 28 U.S.C. §  
23 1446(b).

24 10. Venue is appropriate in this Court pursuant to 28 U.S.C. §§ 1441(a) and 1446(a)–  
25 (b). The state court in which this action was filed lies within the division and district of the United  
26 States District Court wherein this Notice of Removal is filed.

27 11. Written notice of the filing of this Notice of Removal is concurrently being served  
28 on the Clerk of the District Court of Clark County, and Plaintiffs’ counsel, as required by 28 U.S.C.

§ 1446(d).

12. Pursuant to 28 U.S.C. § 1446(a), Defendant is required to attach copies of “all process, pleadings and orders served upon” Defendant in this action. Defendant attaches the following:

a. Plaintiffs’ Complaint, attached as Exhibit A.

b. Plaintiffs’ Motion for a Temporary Restraining Order, attached as Exhibit B.

13. If any question arises as to the propriety of this removal, CCSD requests the opportunity to brief any disputed issues and to present oral argument in support of its position that this case is properly removable.

14. Nothing in this Notice of Removal shall be interpreted as a waiver or relinquishment of CCSD’s right to assert any defense or affirmative matter, including, but not limited to, the defenses of lack of jurisdiction over the person, improper venue, insufficiency of process, insufficiency of service of process, failure to state a claim, fraudulent joinder or any other procedural or substantive defense available to CCSD.

WHEREFORE, Defendant prays for removal of the above-captioned matter to this Court and respectfully requests that this Court assume jurisdiction of this lawsuit and take all such further action as deemed just and proper.

Dated this 20<sup>th</sup> day of May, 2025.

/s/ Jacqueline v. Nichols

Phillip N. Smith, Jr., Esq.

Jacqueline V. Nichols, Esq.

WEINBERG, WHEELER, HUDGINS,

GUNN & DIAL, LLC

6385 South Rainbow Blvd., Suite 400

Las Vegas, Nevada 89118

*Attorneys for Defendant*

*Clark County School District*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 20<sup>th</sup> day of May, 2025, I served a true and correct copy of the foregoing **NOTICE OF REMOVAL TO FEDERAL COURT PURSUANT TO 28 U.S.C. §§ 1332, 1441(B), AND 1446** by e-service, in accordance with the Electronic Filing Procedures of the United States District Court, to the following:

Jacob T. S. Valentine, Esq.  
Christopher M. Peterson, Esq.  
American Civil Liberties Union of Nevada  
4362 West Cheyenne Avenue  
North Las Vegas, Nevada 89032  
*Attorneys for Plaintiffs*

/s/ Angelina M. Durazzo

An employee of WEINBERG, WHEELER, HUDGINS,  
GUNN & DIAL, LLC

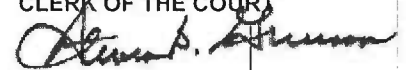
WEINBERG WHEELER  
HUDGINS GUNN & DIAL





# **EXHIBIT A**

# **EXHIBIT A**



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

**COMP**  
JACOB T. S. VALENTINE, ESQ.  
Nevada Bar No.: 16324  
CHRISTOPHER M. PETERSON, ESQ.  
Nevada Bar No.: 13932  
**AMERICAN CIVIL LIBERTIES  
UNION OF NEVADA**  
4362 W. Cheyenne Ave.  
North Las Vegas, NV 89032  
Telephone: (702) 366-1226  
Facsimile: (702) 718-3213  
Emails: jvalentine@aclunv.org  
peterson@aclunv.org

*Attorneys for Plaintiffs*

**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.<sup>1</sup> 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     

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<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> 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

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

24       <sup>3</sup> *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.<sup>4</sup>

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 <sup>4</sup> *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*,<sup>5</sup> *Semper et al. v. LVMPD et al.*,<sup>6</sup> and *Gerwaski v. State of Nevada et al.*.<sup>7</sup>

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.

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

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

24       <sup>7</sup> 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*.<sup>8</sup>

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.

23  
24  

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<sup>8</sup> 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.<sup>9</sup>

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."<sup>10</sup>

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."<sup>11</sup>

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  
20

21  
22       <sup>9</sup> *Nat'l Ass'n of Mut. Ins. Co.*, 524 P.3d at 479-80.

23       <sup>10</sup> *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       <sup>11</sup> *Id.*

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

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.”<sup>13</sup>

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.<sup>14</sup>

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).<sup>15</sup>

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).

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

22 <sup>13</sup> *Id.*

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

24 <sup>15</sup> 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.<sup>16</sup>

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."

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22  
23 <sup>16</sup> 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."<sup>19</sup>

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.<sup>20 21</sup>

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

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22 <sup>19</sup> Exhibit 4 – LVHS Class of 2025 Graduation Information

23 <sup>20</sup> Exhibit 5 – CSHS Graduation Participation Guidelines (Posted 2025)

24 <sup>21</sup> 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.

1 b. A black and red stole to represent her time with the ACLU of Nevada's Emerging  
2 Leaders Program.

3 c. A pin signifying her membership in National Honors Society.

4 d. The stoles and cords provided by her school that signify her achievements at East  
5 Career and Technical Academy.

6 e. A cap decorated with small paper flowers, gems, and crystals.

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

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

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

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

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

20 **VI. Claims**

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

23 **First Cause of Action**

24 **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."<sup>22</sup>

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.

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24        <sup>22</sup> 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.'"<sup>23</sup>

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.<sup>24</sup>

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

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<sup>23</sup> *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)).

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

<sup>25</sup> 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.<sup>26</sup>

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.”<sup>27</sup>

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.<sup>29</sup>

8 **A. Unconstitutional Prior Restraint.**

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

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

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.”<sup>32</sup>

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 <sup>26</sup> *Jacobs*, 526 F.3d at 428; *Swisher*, 811 F.3d at 311.

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

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

22 <sup>30</sup> *Neb. Press Ass’n v. Stuart*, 427 U.S. 539, 559, 96 S. Ct. 2791, 2803 (1975)).

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

24 <sup>32</sup> *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.”<sup>33</sup>

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.”<sup>34</sup>

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

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

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.<sup>37</sup>

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.”<sup>38</sup>

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  
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18 <sup>33</sup> *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 <sup>34</sup> *Kaahumanu v. Hawaii*, 682 F.3d 789, 802 (citing *Long Beach Area Peace Network*, 574 F.3d  
20 at 1025).

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

22 <sup>36</sup> *Id.*

23 <sup>37</sup> *Kaahumanu*, 682 F.3d at 807.

24 <sup>38</sup> *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.<sup>39</sup>

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.”<sup>40</sup>

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.”<sup>41</sup>

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.

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21  
22 <sup>39</sup> *See id.*

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

24 <sup>41</sup> *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.<sup>42</sup>

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.

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23 <sup>42</sup> *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.”<sup>44</sup>

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.<sup>46</sup>

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.”<sup>47</sup>

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.”<sup>48</sup>

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.”<sup>49</sup>

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.

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

20       <sup>46</sup> *Id.*

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

22       <sup>48</sup> *Id.* at 169, 135 S. Ct. at 2230.

23       <sup>49</sup> *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.<sup>50</sup>

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.

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24 <sup>50</sup> 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.'"<sup>52</sup>

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.

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24 <sup>52</sup> *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).

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

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

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

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

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

14 170. This provision provides the same protections of speech and expressive activity as  
15 the First Amendment to the United States Constitution.<sup>53</sup>

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

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

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

24 **A. Plaintiff Corie Humphrey's as-applied challenge**

---

<sup>53</sup> *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."<sup>54</sup>

8 176. To establish a successful as-applied challenge, a plaintiff "must show only that the  
9 statute unconstitutionally regulates plaintiff's own speech."<sup>55</sup>

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

24 <sup>55</sup> *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.<sup>56</sup>

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

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.

21  
22  
23 <sup>56</sup> See NRS 30.030

24 <sup>57</sup> *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;

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

Dated May 15, 2025.

**AMERICAN CIVIL LIBERTIES  
UNION OF NEVADA**

/s/Christopher Peterson

CHRISTOPHER M. PETERSON, ESQ.

Nevada Bar No. 13932

4362 W. Cheyenne Ave.

North Las Vegas, NV 89032

Telephone: (702) 366-1226

Facsimile: (702) 366-1331

Emails: peterson@aclunv.org

*Attorneys for Plaintiffs*

# 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 B**

# **EXHIBIT B**



1 **MTRO**

2 CHRISTOPHER M. PETERSON, ESQ.

3 Nevada Bar No.: 13932

4 JACOB T. S. VALENTINE, ESQ.

5 Nevada Bar No.: 16324

6 **AMERICAN CIVIL LIBERTIES**

7 **UNION OF NEVADA**

8 4362 W. Cheyenne Ave.

9 North Las Vegas, NV 89032

10 Telephone: (702) 366-1226

11 Facsimile: (702) 830-9205

12 Emails: jvalentine@aclunv.org

13 peterson@aclunv.org

14 *Attorneys for Plaintiffs*

15 **EIGHTH JUDICIAL DISTRICT COURT**

16 **CLARK COUNTY NEVADA**

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

20 Plaintiffs,

21 vs.

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

24 Defendant.

Case No.: A-25-919151-C

Department: 16

**Expedited Hearing Requested**

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

28 Plaintiffs ACLU of Nevada and Corie Humphrey, by and through undersigned counsel,  
29 respectfully move this court, pursuant to NRCP 65(b) and based upon the Complaint, attached  
30 affidavits, declaration of counsel, and the Memorandum of Points and Authorities included herein,  
31 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 

15 CHRISTOPHER M. PETERSON (13932)  
16 JACOB VALENTINE (16324)  
17 4362 W. Cheyenne Ave.  
18 North Las Vegas, NV 89032  
19 Telephone: (702) 366-1226  
20 Facsimile: (702) 366-1331  
21 Email: jsmith@aclunv.org  
22 *Attorneys for Plaintiffs*  
23  
24

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](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](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.  
18  
19  
20  
21  
22  
23  
24

## 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.<sup>1</sup> 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.<sup>2</sup>  
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.

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22  
23 <sup>1</sup> Canyon Spring High School, *News and Announcements: Important 2025 Graduation*  
24 *Information*, “Graduation Participation Guidelines” and “FAQ” available at  
[https://www.canyonspringshighschool.org/apps/news/show\\_news.jsp?REC\\_ID=961772&id=0](https://www.canyonspringshighschool.org/apps/news/show_news.jsp?REC_ID=961772&id=0).

<sup>2</sup> Las Vegas High School, *Class of 2025 Graduation Information*, available at  
[https://www.lvwildcats.com/apps/pages/index.jsp?uREC\\_ID=574204&type=d](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.<sup>3</sup> 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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<sup>3</sup> 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). <sup>4</sup>

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24 <sup>4</sup> 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).

1 **IV. LEGAL ARGUMENT**

2 Multiple provisions in CCSD's Regalia Policy on their face infringe upon Plaintiffs' rights  
3 in violation of NRS 388.915, the First Amendment of the U.S. Constitution, and Article I, Section  
4 9 of the Nevada Constitution. First, CCSD's Regalia Policy violates NRS 388.915 by placing  
5 limitations on students' right to wear traditional tribal regalia or recognized objects of cultural or  
6 religious significance that are not authorized under NRS 388.915, including limitations on quantity  
7 and size separate from an item's potential for disruption, requiring cap adornments to "lay flat",  
8 limiting "proselytizing" messages, and requiring pre-approval from school officials without clear  
9 standards that those officials must follow, and authorizing school officials who are not identified  
10 in NRS 388.915 to deny approval. Ex. 1 at 1. Second, CCSD's Regalia Policy acts as a facially  
11 unconstitutional prior restraint in violation of the First Amendment and related provisions in the  
12 Nevada Constitution, vesting unbridled discretion in school officials, creating an impermissible  
13 danger of censorship and viewpoint discrimination. Third, CCSD's Regalia Policy encourages  
14 schools to engage in content-based discrimination in making allowances for religious or cultural  
15 expressions while failing to do the same for other protected expressions, such as political speech.  
16 CCSD's ban on "proselytizing speech" is also impermissible content-based discrimination.

17 CCSD's Regalia Policy also violates the First Amendment and Article I, Section 9 of the  
18 Nevada Constitution as applied to Plaintiff Humphrey and Plaintiff ACLU of Nevada's members.  
19 Relying on its authority under the CCSD Regala Policy, Plaintiff Humphrey's school placed an  
20 outright ban on many decorations and adornments allowed by other schools. This included nearly  
21 all decorations and adornments of religious, cultural, or tribal significance, as students were told  
22 they were only permitted to wear a maximum of one lei, and Ms. Humphrey was expressly denied  
23 her right to wear decorations and adornments not provided by the school. Similar restrictions at  
24 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**  
**Article I, Section 9 of the Nevada Constitution.**

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

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

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

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

15 Where a plaintiff alleges a constitutional violation and injury, consideration of the  
16 plaintiff’s likelihood of success on the merits in the preliminary injunction analysis “is all the more  
17 critical.” *Meinecke v. City of Seattle*, 99 F.4th 514, 521 (9th Cir. 2024) (quoting *Baird v. Bonta*,  
18 81 F.4th 1036, 1040 (9th Cir. 2023).

19 The First Amendment of the United States Constitution, incorporated to the states through  
20 the Fourteenth Amendment of the United States, prohibits laws “abridging the freedom of speech.”  
21 Providing people with recourse for violations of rights under the First Amendment, 42 U.S.C. §  
22 1983 provides: “Every person who, under color of any statute, ordinance, regulation, custom, or

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23  
24 <sup>5</sup> 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.
- 24

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

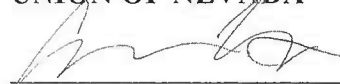
9 iii. Humphrey's graduation cap decorated with small flowers, gems, and crystals.

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 

21 CHRISTOPHER M. PETERSON, ESQ. (13932)

22 4362 W. Cheyenne Ave.

23 North Las Vegas, NV 89032

24 Telephone: (702) 366-1226

Facsimile: (702) 366-1331

Emails: peterson@aclunv.org

*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



4362 W. CHEYENNE AVE.  
NORTH LAS VEGAS, NV 89032  
ACLUNV@ACLUNV.ORG

[WWW.ACLUNV.ORG](http://WWW.ACLUNV.ORG)

*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](mailto:jvalentine@aclunv.org).

Best,

*Athar Haseebullah*

Athar Haseebullah, Esq.  
Executive Director  
[haseebullah@aclunv.org](mailto:haseebullah@aclunv.org)

A handwritten signature in black ink, appearing to read "Ja V".

Jacob T. S. Valentine, Esq.  
Staff Attorney  
[jvalentine@aclunv.org](mailto:jvalentine@aclunv.org)

*Tatiana Smith*

Tatiana R. Smith, Esq.  
Policy Counsel  
[tsmith@aclunv.org](mailto:tsmith@aclunv.org)

## EXHIBIT 3

### Declaration of Athar Haseebullah

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**

8 4362 W. Cheyenne Ave.

9 North Las Vegas, NV 89032

10 Telephone: (702) 366-1226

11 Facsimile: (702) 830-9205

12 Emails: jvalentine@aclunv.org

13 peterson@aclunv.org

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*,<sup>1</sup> *Semper*  
12 *et al. v. LVMPD et al.*,<sup>2</sup> and *Gerwaski v. State of Nevada et al.*.<sup>3</sup>

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

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24 <sup>1</sup> No. 2:24-cv-00334-JAD-NJK (D. Nev.).

<sup>2</sup> No. 2:20-CV-1875 JCM (EJY) (D. Nev.).

<sup>3</sup> 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*.<sup>4</sup>

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  

---

<sup>4</sup> A-23-869216-W (8<sup>th</sup> 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 15<sup>th</sup> 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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22  
23  
24

## 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**

8 4362 W. Cheyenne Ave.

9 North Las Vegas, NV 89032

10 Telephone: (702) 366-1226

11 Facsimile: (702) 718-3213

12 Emails: jvalentine@aclunv.org

13 peterson@aclunv.org

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:   
Corie Humphrey (May 15, 2025 18:50 PDT)







# 20250515 Humphrey Declaration v. final

Final Audit Report

2025-05-16

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