

KNOW YOUR RIGHTS

EQUAL PROTECTION FOR K-12 STUDENTS

Across the country, laws and policies related to diversity, equity, and inclusion (DEI) are being undone. Since 2023, many states have introduced legislation affecting how schools and other institutions approach anti-discrimination efforts. At the same time, long-standing federal and state civil rights laws remain in effect.

Nevada has maintained anti-discrimination laws for decades. In 1961, the state established the Nevada Equal Rights Commission, declaring it a public policy to protect residents from discrimination in areas such as employment, housing, and public accommodations. In 2022, Nevada voters approved the Equal Rights Amendment to the state constitution. The amendment states that equality of rights under the law cannot be denied on the basis of race, color, creed, sex, sexual orientation, gender identity or expression, age, disability, ancestry, or national origin. When young people feel they belong and have access to diverse spaces, they can fully engage academically, increase understanding and respect across differences, and succeed in society.

This information is not legal advice, but intended to be a resource for students to understand and assert their rights.

Race and Ethnicity Discrimination

State and federal laws prohibit discrimination based on race, color, ancestry, and national origin. That means that whether you are Black, Brown, Indigenous, or part of another community, you have the same constitutional rights as white Nevadans.

Natural Hair

In 2021, Nevada enacted the Creating a Respectful and Open World for Natural Hair (CROWN) Act, which prohibits discrimination based on hair texture or protective hairstyles commonly associated with race. This law applies in workplaces and schools and includes styles such as braids, twists, locs, cornrows, and Bantu knots.

Schools cannot discipline or exclude students solely because of natural hair or culturally significant hairstyles.

Tribal Regalia and Cultural Expression

Students may express cultural identity at school events, including graduations, as long as the expression does not disrupt the event. This may include tribal regalia, traditional clothing, cultural accessories, or other meaningful adornments. The First Amendment to the U.S. Constitution also protects expression at school events, especially

when public schools allow students to express some types of ideas but ban others that do not interfere with or disrupt the school environment, such as expressions of cultural, religious, or tribal identity.

LGBTQ+ Protections

Nevada law and federal civil rights protections prohibit discrimination based on sexual orientation, gender identity, and gender expression.

Gender Identity and Expression

The Nevada Constitution explicitly protects people from discrimination based upon sex, gender identity, gender expression, and sexual orientation. Students can dress according to their gender identity, even in schools with gender-specific dress codes.

Nevada law protects students' right to engage in extracurricular activities that align with their gender identity and to use restrooms and locker rooms matching their gender identity. Schools cannot force

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them to use separate facilities unless requested by the student. Many Nevada school district-level processes for trans and gender diverse students need to be initiated by parents/guardians.

Under the First Amendment, schools can place some restrictions on expressive activities, but these restrictions typically need to be content and viewpoint-neutral. If a school bans Pride flags, they will likely need to ban all flags to avoid violating the First Amendment on content-based discrimination and the Nevada Constitution's ban on discrimination based on gender identity, gender expression, or sexual orientation.

The Nevada Constitution's ban on discrimination based on gender identity, gender expression, and sexual orientation also prevents schools from imposing gender-based restrictions on who a student may bring as a date or what a student may wear to a school dance. Gender-neutral restrictions may still be legal.

Safe and Respectful Learning Environment

Schools are required to address harassment or bullying based on sexual orientation or gender identity when it creates a hostile learning environment. Repeated mis-gendering or dead-naming may qualify as illegal harassment if severe or pervasive.

Schools cannot disclose a student's sexual orientation or gender identity without consent unless legally required.



Religious Freedom

The Constitution's separation of church and state guarantees each person the right to practice their religion free from coercion, hostility, or violence. Keeping religion out of the hands of the government ensures everyone can make individual choices about their faith and that our state's diverse cultures can live in harmony.

Public Schools

Public schools must remain neutral regarding religion and cannot promote or discourage any belief system. Students may express their religious beliefs through their clothing, art projects, homework assignments, and extracurricular clubs — just like other forms of free speech. Limitations cannot be selectively enforced, meaning schools cannot have different rules for religious speech than for other kinds of speech.

Parents may request exemptions from specific school activities that conflict with religious beliefs. These requests typically must be submitted in writing and may require alternative activities.

Public schools may teach about religion in an academic context, such as history or social studies, but may not provide instruction intended to promote a particular faith. Schools cannot organize or mandate prayer or religious instruction (NRS 388). School officials acting with government authority cannot lead prayers or compel students to participate in religious activities.

Limits in Private Schools

Private schools are not bound by the same constitutional requirements as public schools. They may require participation in religious activities and are not subject to the same speech and non-discrimination protections.

Political Expression

Students have a right to express their political views, but the First Amendment generally does not give students the right to disrupt classroom learning. Young people should also be aware of other kinds of speech that are not protected.

Protected Forms of Expression

All students have the right not to participate in compelled speech, such as the Pledge of Allegiance, based on religious or personal beliefs.

Other forms of expression that are protected include:

- Wearing clothing with expressive messages and/or political slogans.
- Distributing materials about political issues
- Expressing themselves on social media using personal devices outside school hours.

Nevada law also protects the editorial independence of school news operations.

Silent walkouts and many other protest activities are protected, but even if a student should not be punished for their speech, they may face consequences under other rules, such as truancy.

School Walkouts

Schools cannot use special punishments for students in Nevada who participate in a walkout, but students may still be subject to the regular school attendance policies. Therefore, if a school normally allows a student to excuse an absence with parent permission, the school must allow the absence due to a walkout to be excused with parent permission as well. Schools cannot physically deter a walkout or threaten students with additional punishments to deter walkouts.

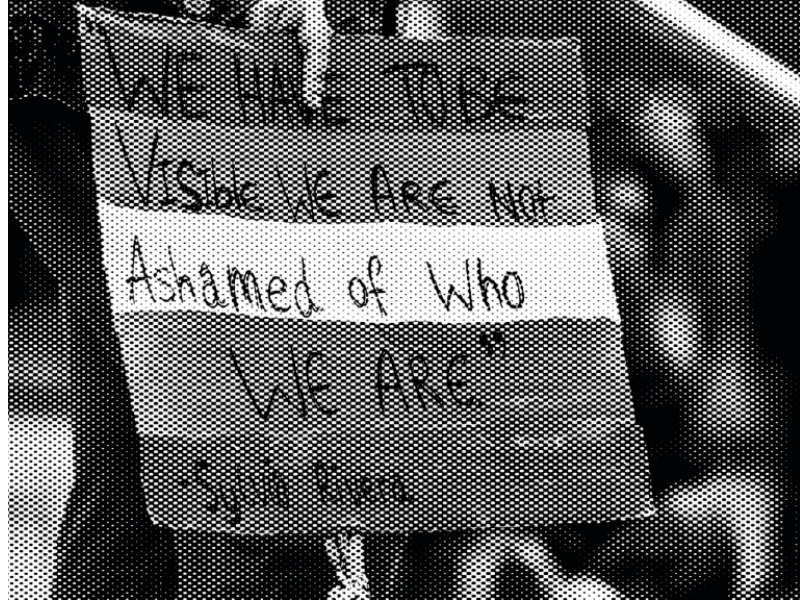
Limitations on Student Speech

Schools can limit speech that interrupts learning activities, incites violence, or causes significant disturbances. Speech that is not protected at school includes:

- Vulgar, lewd, or plainly offensive speech and gestures.
- Speech featuring illegal activities such as drug use.
- Credible threats of violence.

Affinity Groups, Clubs, and Activities

Nevada schools are required to provide students equal opportunities for participation in after-school



clubs and programs. These programs must also follow state and local anti-discrimination policies.

School and district regulations about clubs must be content-neutral and apply to everyone equally. For example, it may be OK to have a regulation that requires all after-school club meetings to end by 3 p.m., but a rule that places restrictions on comic book clubs only may be unconstitutional.

You can find more Know Your Rights guides and request a training on this and other topics at aclunv.org/KYR.

