

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 23-0004.01 Chelsea Princell x4335

SENATE BILL 23-202

SENATE SPONSORSHIP

Danielson and Jaquez Lewis,

HOUSE SPONSORSHIP

(None),

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 CONCERNING THE WEARING OF TRADITIONAL NATIVE AMERICAN
102 REGALIA AT GRADUATION CEREMONIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires a school or school district to allow a qualified student to wear and display traditional Native American regalia at a school graduation ceremony.

The bill requires public colleges and universities to allow a qualified student to wear and display traditional Native American regalia at a college graduation ceremony.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 22-1-140 as
3 follows:

4 **22-1-140. Tribal regalia at school graduation ceremonies -**
5 **definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
6 OTHERWISE REQUIRES:

7 (a) "GRADUATION ATTIRE" MEANS ATTIRE THAT A SCHOOL OR
8 SCHOOL DISTRICT REQUIRES A STUDENT TO WEAR AS PART OF THE DRESS
9 CODE FOR A GRADUATION CEREMONY.

10 (b) "QUALIFYING STUDENT" MEANS A STUDENT WHO IS ENROLLED
11 AS A MEMBER OF A TRIBE, ELIGIBLE TO BE ENROLLED AS A MEMBER OF A
12 TRIBE, OR IS NOT AN ENROLLED MEMBER OF A TRIBE BUT IS OF NATIVE
13 AMERICAN DESCENT.

14 (c) "TRIBAL REGALIA" MEANS A TRIBE'S TRADITIONAL DRESS OR
15 RECOGNIZED OBJECTS OF RELIGIOUS OR CULTURAL SIGNIFICANCE AND
16 INCLUDES THE FOLLOWING ITEMS OF CULTURAL SIGNIFICANCE:

17 (I) TRIBAL SYMBOLS;

18 (II) BEADS; AND

19 (III) FEATHERS.

20 (d) "TRIBE" MEANS A TRIBE, BAND, NATION, OR ALASKAN NATIVE
21 VILLAGE THAT IS RECOGNIZED BY FEDERAL LAW OR THAT A STATE
22 FORMALLY ACKNOWLEDGES.

23 (2) A QUALIFYING STUDENT MAY WEAR TRIBAL REGALIA DURING
24 A GRADUATION CEREMONY; EXCEPT THAT A QUALIFYING STUDENT WHO IS
25 NOT AN ENROLLED MEMBER OF A TRIBE SHALL NOT WEAR EAGLE
26 FEATHERS. WEARING TRIBAL REGALIA INCLUDES DECORATING

1 GRADUATION ATTIRE WITH TRIBAL REGALIA; EXCEPT THAT A QUALIFYING
2 STUDENT WHO IS NOT AN ENROLLED MEMBER OF A TRIBE SHALL NOT
3 DECORATE WITH EAGLE FEATHERS.

4 (3)(a) AN IMMEDIATE FAMILY MEMBER OF A QUALIFYING STUDENT
5 MAY WEAR AND DISPLAY TRIBAL REGALIA DURING THE QUALIFYING
6 STUDENT'S GRADUATION CEREMONY IF THE IMMEDIATE FAMILY MEMBER
7 IS:

- 8 (I) AN ENROLLED MEMBER OF A TRIBE;
- 9 (II) ELIGIBLE TO BE ENROLLED AS A MEMBER OF A TRIBE; OR
- 10 (III) NOT AN ENROLLED MEMBER OF A TRIBE BUT IS OF NATIVE
11 AMERICAN DESCENT.

12 (b) NOTWITHSTANDING SUBSECTION (3)(a) OF THIS SECTION, AN
13 IMMEDIATE FAMILY MEMBER WHO IS NOT AN ENROLLED MEMBER OF A
14 TRIBE SHALL NOT WEAR EAGLE FEATHERS.

15 (4) A SCHOOL OR SCHOOL DISTRICT SHALL NOT PROHIBIT A
16 QUALIFYING STUDENT OR THE QUALIFYING STUDENT'S IMMEDIATE FAMILY
17 FROM WEARING AND DISPLAYING TRIBAL REGALIA AT A GRADUATION
18 CEREMONY.

19 (5) THIS SECTION APPLIES TO ALL PUBLIC SCHOOL GRADUATIONS,
20 INCLUDING, BUT NOT LIMITED TO, PRE-KINDERGARTEN, KINDERGARTEN,
21 MIDDLE SCHOOL, JUNIOR HIGH SCHOOL, AND HIGH SCHOOL GRADUATIONS.

22 (6) THIS SECTION DOES NOT LIMIT A SCHOOL'S OR SCHOOL
23 DISTRICT'S AUTHORITY RELATED TO STUDENT EXPRESSION UNDER
24 APPLICABLE FEDERAL AND STATE LAW.

25 **SECTION 2.** In Colorado Revised Statutes, **add 23-1-137.5** as
26 follows:

27 **23-1-137.5. Tribal regalia at college graduation ceremonies -**

1 **definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
2 OTHERWISE REQUIRES:

3 (a) "GRADUATION ATTIRE" MEANS ATTIRE THAT A PUBLIC
4 INSTITUTION OF HIGHER EDUCATION REQUIRES A STUDENT TO WEAR AS
5 PART OF THE DRESS CODE FOR A GRADUATION CEREMONY.

6 (b) "PUBLIC INSTITUTION OF HIGHER EDUCATION" MEANS A PUBLIC
7 COLLEGE, UNIVERSITY, COMMUNITY COLLEGE, AREA TECHNICAL COLLEGE,
8 EDUCATIONAL CENTER, LOCAL DISTRICT COLLEGE, OR JUNIOR COLLEGE
9 THAT IS SUPPORTED IN WHOLE OR IN PART BY GENERAL FUND MONEY.

10 (c) "QUALIFYING STUDENT" MEANS A STUDENT WHO IS ENROLLED
11 AS A MEMBER OF A TRIBE, ELIGIBLE TO BE ENROLLED AS A MEMBER OF A
12 TRIBE, OR IS NOT AN ENROLLED MEMBER OF A TRIBE BUT IS OF NATIVE
13 AMERICAN DESCENT.

14 (d) "TRIBAL REGALIA" MEANS A TRIBE'S TRADITIONAL DRESS OR
15 RECOGNIZED OBJECTS OF RELIGIOUS OR CULTURAL SIGNIFICANCE AND
16 INCLUDES THE FOLLOWING ITEMS OF CULTURAL SIGNIFICANCE:

17 (I) TRIBAL SYMBOLS;

18 (II) BEADS; AND

19 (III) FEATHERS.

20 (e) "TRIBE" MEANS A TRIBE, BAND, NATION, OR ALASKAN NATIVE
21 VILLAGE THAT IS RECOGNIZED BY FEDERAL LAW OR THAT A STATE
22 FORMALLY ACKNOWLEDGES.

23 (2) A QUALIFYING STUDENT MAY WEAR AND DISPLAY TRIBAL
24 REGALIA DURING A GRADUATION CEREMONY; EXCEPT THAT A QUALIFYING
25 STUDENT WHO IS NOT AN ENROLLED MEMBER OF A TRIBE SHALL NOT WEAR
26 EAGLE FEATHERS. WEARING TRIBAL REGALIA INCLUDES DECORATING
27 GRADUATION ATTIRE WITH TRIBAL REGALIA; EXCEPT THAT A QUALIFYING

1 STUDENT WHO IS NOT AN ENROLLED MEMBER OF A TRIBE SHALL NOT
2 DECORATE WITH EAGLE FEATHERS.

3 (3)(a) AN IMMEDIATE FAMILY MEMBER OF A QUALIFYING STUDENT
4 MAY WEAR AND DISPLAY TRIBAL REGALIA DURING THE QUALIFYING
5 STUDENT'S GRADUATION CEREMONY IF THE IMMEDIATE FAMILY MEMBER
6 IS:

- 7 (I) AN ENROLLED MEMBER OF A TRIBE;
- 8 (II) ELIGIBLE TO BE ENROLLED AS A MEMBER OF A TRIBE; OR
- 9 (III) NOT AN ENROLLED MEMBER OF A TRIBE BUT IS OF NATIVE
10 AMERICAN DESCENT.

11 (b) NOTWITHSTANDING SUBSECTION (3)(a) OF THIS SECTION, AN
12 IMMEDIATE FAMILY MEMBER WHO IS NOT AN ENROLLED MEMBER OF A
13 TRIBE SHALL NOT WEAR EAGLE FEATHERS.

14 (4) A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL NOT
15 PROHIBIT A QUALIFYING STUDENT OR IMMEDIATE FAMILY MEMBER OF THE
16 QUALIFYING STUDENT FROM WEARING AND DISPLAYING TRIBAL REGALIA
17 AT A GRADUATION CEREMONY.

18 (5) THIS SECTION DOES NOT LIMIT A PUBLIC INSTITUTION OF
19 HIGHER EDUCATION'S AUTHORITY RELATED TO STUDENT EXPRESSION
20 UNDER APPLICABLE FEDERAL AND STATE LAW.

21 **SECTION 3. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, or safety.