

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 23-0004.01 Chelsea Princell x4335

SENATE BILL 23-202

SENATE SPONSORSHIP

Danielson and Jaquez Lewis, Buckner, Coleman, Cutter, Exum, Fields, Ginal, Gonzales, Hansen, Hinrichsen, Kolker, Marchman, Moreno, Mullica, Priola, Roberts, Rodriguez, Sullivan, Will, Winter F.

HOUSE SPONSORSHIP

McLachlan and Velasco,

Senate Committees
Education

House Committees
Education

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.

HOUSE
Amended 2nd Reading
April 25, 2023

SENATE
3rd Reading Unamended
April 10, 2023

SENATE
Amended 2nd Reading
April 6, 2023

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 THAT IS A
11 DESCENDANT OF PEOPLE WHO WERE LIVING IN NORTH AMERICA PRIOR TO
12 THE TIME PEOPLE FROM EUROPE BEGAN SETTLING IN NORTH AMERICA, IS
13 AN ENROLLED MEMBER OF A FEDERALLY RECOGNIZED OR
14 STATE-RECOGNIZED INDIAN TRIBE, OR IS A LINEAL DESCENDANT OF A
15 TRIBALLY ENROLLED PARENT OR GRANDPARENT.

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

19 (I) TRIBAL SYMBOLS;

20 (II) BEADS; AND

21 (III) FEATHERS, IN LINE WITH THE MIGRATORY BIRD TREATY ACT
22 OF 1918.

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

26 (2) A QUALIFYING STUDENT MAY WEAR TRIBAL REGALIA DURING

1 A GRADUATION CEREMONY; EXCEPT THAT A QUALIFYING STUDENT WHO IS
2 NOT AN ENROLLED MEMBER OF A TRIBE SHALL NOT WEAR EAGLE
3 FEATHERS. WEARING TRIBAL REGALIA INCLUDES DECORATING
4 GRADUATION ATTIRE WITH TRIBAL REGALIA; EXCEPT THAT A QUALIFYING
5 STUDENT WHO IS NOT AN ENROLLED MEMBER OF A TRIBE SHALL NOT
6 DECORATE WITH EAGLE FEATHERS.

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

- 11 (I) AN ENROLLED MEMBER OF A TRIBE;
- 12 (II) ELIGIBLE TO BE ENROLLED AS A MEMBER OF A TRIBE; OR
- 13 (III) A LINEAL DESCENDANT OF A TRIBALLY ENROLLED PARENT OR
14 GRANDPARENT.

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

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

22 (5) THIS SECTION APPLIES TO ALL PUBLIC SCHOOL GRADUATIONS,
23 INCLUDING, BUT NOT LIMITED TO, ■ KINDERGARTEN, MIDDLE SCHOOL,
24 JUNIOR HIGH SCHOOL, AND HIGH SCHOOL GRADUATIONS.

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

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

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

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

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

11 (c) "QUALIFYING STUDENT" MEANS A STUDENT THAT IS A
12 DESCENDANT OF PEOPLE WHO WERE LIVING IN NORTH AMERICA PRIOR TO
13 THE TIME PEOPLE FROM EUROPE BEGAN SETTLING IN NORTH AMERICA, IS
14 AN ENROLLED MEMBER OF A FEDERALLY RECOGNIZED OR STATE-
15 RECOGNIZED INDIAN TRIBE, OR IS A LINEAL DESCENDANT OF A TRIBALLY
16 ENROLLED PARENT OR GRANDPARENT.

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

- 20 (I) TRIBAL SYMBOLS;
- 21 (II) BEADS; AND
- 22 (III) FEATHERS, IN LINE WITH THE MIGRATORY BIRD TREATY ACT
23 OF 1918.

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

27 (2) A QUALIFYING STUDENT MAY WEAR AND DISPLAY TRIBAL

1 REGALIA DURING A GRADUATION CEREMONY; EXCEPT THAT A QUALIFYING
2 STUDENT WHO IS NOT AN ENROLLED MEMBER OF A TRIBE SHALL NOT WEAR
3 EAGLE FEATHERS. WEARING TRIBAL REGALIA INCLUDES DECORATING
4 GRADUATION ATTIRE WITH TRIBAL REGALIA; EXCEPT THAT A QUALIFYING
5 STUDENT WHO IS NOT AN ENROLLED MEMBER OF A TRIBE SHALL NOT
6 DECORATE WITH EAGLE FEATHERS.

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

- 11 (I) AN ENROLLED MEMBER OF A TRIBE;
- 12 (II) ELIGIBLE TO BE ENROLLED AS A MEMBER OF A TRIBE; OR
- 13 (III) A LINEAL DESCENDANT OF A TRIBALLY ENROLLED PARENT OR
14 GRANDPARENT.

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

18 (4) A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL NOT
19 PROHIBIT A QUALIFYING STUDENT OR IMMEDIATE FAMILY MEMBER OF THE
20 QUALIFYING STUDENT FROM WEARING AND DISPLAYING TRIBAL REGALIA
21 AT A GRADUATION CEREMONY.

22 **SECTION 3.** In Colorado Revised Statutes, **add 26.5-1-114** as
23 follows:

24 **26.5-1-114. Tribal regalia at preschool graduation ceremonies**

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

27 (a) "GRADUATION ATTIRE" MEANS ATTIRE THAT A PRESCHOOL

1 REQUIRES A STUDENT TO WEAR AS PART OF THE DRESS CODE FOR A
2 GRADUATION CEREMONY.

3 (b) "QUALIFYING STUDENT" MEANS A STUDENT THAT IS A
4 DESCENDANT OF PEOPLE WHO WERE LIVING IN NORTH AMERICA PRIOR TO
5 THE TIME PEOPLE FROM EUROPE BEGAN SETTLING IN NORTH AMERICA, IS
6 AN ENROLLED MEMBER OF A FEDERALLY RECOGNIZED OR
7 STATE-RECOGNIZED INDIAN TRIBE, OR IS A LINEAL DESCENDANT OF A
8 TRIBALLY ENROLLED PARENT OR GRANDPARENT.

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

12 (I) TRIBAL SYMBOLS;

13 (II) BEADS; AND

14 (III) FEATHERS, IN LINE WITH THE MIGRATORY BIRD TREATY ACT
15 OF 1918.

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

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

26 (3)(a) AN IMMEDIATE FAMILY MEMBER OF A QUALIFYING STUDENT
27 MAY WEAR AND DISPLAY TRIBAL REGALIA DURING THE QUALIFYING

1 STUDENT'S GRADUATION CEREMONY IF THE IMMEDIATE FAMILY MEMBER
2 IS:

- 3 (I) AN ENROLLED MEMBER OF A TRIBE;
- 4 (II) ELIGIBLE TO BE ENROLLED AS A MEMBER OF A TRIBE; OR
- 5 (III) A LINEAL DESCENDANT OF A TRIBALLY ENROLLED PARENT OR
6 GRANDPARENT.

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

10 (4) A PRESCHOOL SHALL NOT PROHIBIT A QUALIFYING STUDENT OR
11 THE QUALIFYING STUDENT'S IMMEDIATE FAMILY FROM WEARING AND
12 DISPLAYING TRIBAL REGALIA AT A GRADUATION CEREMONY.

13 (5) THIS SECTION APPLIES TO ALL PRESCHOOL GRADUATIONS.

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15 **SECTION 4. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, or safety.