

## CHAPTER 149

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**EDUCATION - PUBLIC SCHOOLS**


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**SENATE BILL 23-202**

BY SENATOR(S) Danielson and Jaquez Lewis, Buckner, Coleman, Cutter, Exum, Fields, Ginal, Gonzales, Hansen, Hinrichsen, Kolker, Marchman, Moreno, Mullica, Priola, Roberts, Rodriguez, Sullivan, Will, Winter F.;  
 also REPRESENTATIVE(S) McLachlan and Velasco, Amabile, Bacon, Bird, Boesenecker, Brown, deGruy Kennedy, Dickson, Duran, English, Epps, Froelich, Garcia, Gonzales-Gutierrez, Hamrick, Herod, Jodeh, Joseph, Kipp, Lieder, Lindsay, Lindstedt, Lukens, Lynch, Mabrey, Marshall, Martinez, Michaelson Jenet, Ortiz, Ricks, Sharbini, Sirota, Snyder, Story, Titone, Valdez, Vigil, Weinberg, Weissman, Willford, Woodrow, Young, McCluskie.

**AN ACT****CONCERNING THE WEARING OF TRADITIONAL NATIVE AMERICAN REGALIA AT GRADUATION CEREMONIES.**

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

**SECTION 1.** In Colorado Revised Statutes, **add** 22-1-142 as follows:

**22-1-142. Tribal regalia at school graduation ceremonies - definitions.**

(1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

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

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

(I) TRIBAL SYMBOLS;

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

(II) BEADS; AND

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

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

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

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

(I) AN ENROLLED MEMBER OF A TRIBE;

(II) ELIGIBLE TO BE ENROLLED AS A MEMBER OF A TRIBE; OR

(III) A LINEAL DESCENDANT OF A TRIBALLY ENROLLED PARENT OR GRANDPARENT.

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

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

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

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

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

(1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "GRADUATION ATTIRE" MEANS ATTIRE THAT A PRESCHOOL REQUIRES A STUDENT TO WEAR AS PART OF THE DRESS CODE FOR A GRADUATION CEREMONY.

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

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

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

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

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

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

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

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

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

(5) THIS SECTION APPLIES TO ALL PRESCHOOL GRADUATIONS.

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

Approved: May 4, 2023