

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

ENGROSSED

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

LLS NO. 23-0004.01 Chelsea Princell x4335

SENATE BILL 23-202

SENATE SPONSORSHIP

Danielson and Jaquez Lewis,

HOUSE SPONSORSHIP

McLachlan and Velasco,

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.

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) IS A LINEAL DESCENDANT OF A TRIBALLY ENROLLED PARENT
14 OR 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, PRE-KINDERGARTEN, KINDERGARTEN,
24 MIDDLE SCHOOL, 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) IS A LINEAL DESCENDANT OF A TRIBALLY ENROLLED PARENT
14 OR 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.

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