

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

**REREVISED**

*This Version Includes All Amendments  
Adopted 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**, 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, McCluskie, Michaelson Jenet, Ortiz, Ricks, Sharbini, Sirota, Snyder, Story, Titone, Valdez, Vigil, Weinberg, Weissman, Willford, Woodrow, Young

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**Senate Committees**  
Education

**House Committees**  
Education

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**A BILL FOR AN ACT**

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

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**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  
3rd Reading Unamended  
April 26, 2023

HOUSE  
Amended 2nd Reading  
April 25, 2023

SENATE  
3rd Reading Unamended  
April 10, 2023

SENATE  
Amended 2nd Reading  
April 6, 2023

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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.