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FISCAL IMPACT REPORT

SPONSOR	Sens. Shendo, Charley and Nava/Rep. Johnson	LAST UPDATED	2/17/25
		ORIGINAL DATE	2/7/25
SHORT TITLE	Tribal Regalia at School Events	BILL NUMBER	Senate Bill 163/ec/aSEC
		ANALYST	Liu

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
PED	No fiscal impact	Indeterminate but minimal	Indeterminate but minimal		Recurring	General Fund

Parentheses () indicate expenditure decreases.
 *Amounts reflect most recent analysis of this legislation.

Conflicts with House Bill 194

Sources of Information

LFC Files
 Legislative Education Study Committee (LESC) Files
 U.S. Department of the Interior (DOI)

Agency Analysis Received From
 Indian Affairs Department (IAD)
 Public Education Department (PED)
 Department of Health (DOH)

SUMMARY

Synopsis of SEC Amendment

The Senate Education Committee amendment to Senate Bill 163 (SB163) adds an emergency clause to the bill. An emergency clause would make the law become effective immediately on signature by the governor.

Synopsis of Senate Bill 163

SB163 prohibits school boards and governing bodies of charter schools from banning tribal regalia or objects of cultural significance worn by students of a federally recognized Indian nation, tribe, or pueblo at graduation ceremonies or public school events. The bill replaces an existing definition of “race” that included hairstyles and headdresses with a new definition of tribal regalia.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

FISCAL IMPLICATIONS

The bill does not contain an appropriation but further clarifies protections for tribal regalia at public school events. Provisions of this bill may affect litigation costs, particularly for schools that fail to ensure these protections for Native American students. In FY24, school districts paid \$687.5 thousand in settlement and legal fees awarded to plaintiffs due to litigation.

SIGNIFICANT ISSUES

On May 13, 2024, two Farmington High School staff members confiscated the graduation cap of a high school graduate, which was embellished with an eagle plume and beaded around the rim. The student, a Hunkpapa Lakota from the Standing Rock Sioux tribe, received a generic cap for the remainder of the graduation ceremony. In response to community concerns, Farmington Municipal Schools released a press statement clarifying district policy that caps and gowns could not be altered, noting that students were informed throughout the school year and immediately before graduation of the protocol, including that beaded caps were not allowed. Following the incident, the Navajo Nation Council released a press statement denouncing the actions of the public school, noting the discriminatory actions violated the rights of the indigenous student to wear regalia that signified their cultural and spiritual beliefs.

A 2024 Legislative Education Study Committee (LESC) report on tribal education sovereignty identified key themes around the needs of indigenous students, particularly related to language preservation, culturally responsive teaching, community-driven educational initiatives, and fostering positive and trusting relationships. The report also stressed the importance of understanding the legacy of historical encounters between the U.S. and Native peoples, trauma associated with boarding schools, persistent inequities, and lack of representation affecting Native students and their families.

In 2024, the U.S. Department of the Interior (DOI) completed an investigation of past federal Indian boarding school policies, identifying the forced removal and relocation of 18.6 thousand Native American children into 417 federal Indian boarding schools between 1819 and 1969. The report confirmed that at least 973 American Indian, Alaska Native, and Native Hawaiian children died while attending federal Indian boarding schools, and survivors were subjected to assimilation methods in the schools, including bans on Native foods, bans on Native languages, forced haircuts to remove culturally significant braids, and other forms of physical and psychological abuse.

ADMINISTRATIVE IMPLICATIONS

Provisions of this bill would require school boards and governing bodies of charter schools to update policies related to tribal regalia at school events. According to the Public Education Department (PED), at the end of FY24, 36.4 thousand Native American students representing pueblos, tribes, and nations in New Mexico attended a public school in the state. Currently, 18 school districts and five state-authorized charter schools are generating federal Impact Aid for children federally connected to tribal lands and would most likely be affected by provisions of this bill.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

This bill conflicts with House Bill 194, which prohibits public, private, and charter schools from banning the objects of cultural significance worn by students of a federally recognized Indian nation, tribe, or pueblo at a graduation or promotion ceremony.

OTHER SUBSTANTIVE ISSUES

IAD notes 18 other states have legislation like this bill in law. PED notes there are 14 states that have laws specifically protecting the right to wear tribal regalia. In 2024, Broken Arrow Public Schools in Oklahoma reached a legal settlement with parents of a high school student (an enrolled tribal member of the Otoe-Missouria Tribe) and the Native American Rights Fund, after a lawsuit was filed against the school when two school staffers attempted to remove an eagle feather attached to her graduation cap during the graduation ceremony. Another case in 2015, brought by the American Civil Liberties Union against Clovis Unified School District in California, resulted in the courts ordering the school district to allow a student to display a feather during graduation.

SL/hj/sgs/hg/sgs