

LFC Requestor: Self Assigned

**2025 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS**

Section I: General

Chamber: Senate

Category: Bill

Number: 163

Type: Introduced

Date (of THIS analysis): 1.29.25

Sponsor(s): Benny Shendo, Jr.

Short Title: Tribal Regalia at School Events

Reviewing Agency: Office of Tribal Liaison

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Section II: Fiscal Impact

APPROPRIATION (dollars in thousands)

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 25	FY 26		
\$0	\$0	N/A	N/A

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 25	FY 26	FY 27		
\$0	\$0	\$0	N/A	N/A

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY 25	FY 26	FY 27	3 Year Total Cost	Recurring or Non-recurring	Fund Affected
Total	\$50	\$50	\$50	\$150	Recurring	SGF

Projected costs of hosting listening sessions through the state to ensure notification and awareness of the amendments to the SB163; amounts include but not limited to: travel, staff time, location rental, marketing materials and promotional materials.

Section III: Relationship to other legislation

Duplicates: None

Conflicts with: None

Companion to: None

Relates to: None

Duplicates/Relates to an Appropriation in the General Appropriation Act: None

Section IV: Narrative

1. BILL SUMMARY

a) Synopsis

Senate Bill 163 proposes to support students enrolled in or eligible for enrollment in a federally recognized Indian Nation, Tribe, or Pueblo by ensuring they cannot be prohibited from wearing Tribal regalia, culturally significant objects, or Tribally significant footwear and apparel at graduation ceremonies or public-school events.

Is this an amendment or substitution? Yes No

Is there an emergency clause? Yes No

b) Significant Issues

In recent years, we have seen Tribal students being forced to remove culturally significant items during graduation ceremonies. [Navajo leaders outraged after a Lakota student's tribal regalia was removed at graduation • Source New Mexico.](#)

Graduation from high school is a pivotal, once-in-a-lifetime achievement. Many Indigenous students cannot fully celebrate this achievement, from both a spiritual and cultural perspective, unless they are permitted to wear their ceremonial Tribal regalia (for example, an eagle feather or beadwork on their graduation cap) during the event ([Protecting Native Students' Rights at Graduation - Native American Rights Fund](#))

There is no appropriation included in SB163, without significant outreach efforts it may be challenging to ensure awareness and compliance with SB163.

There are no repercussions for any school or school district that violates the protections established in SB163. From the earlier cited example, the school argued that their school

code addressed the graduation attire. The school's code did not address the culturally significant ceremonial dress.

There is significant research that demonstrates how adhering to one's own culture is a protective factor:

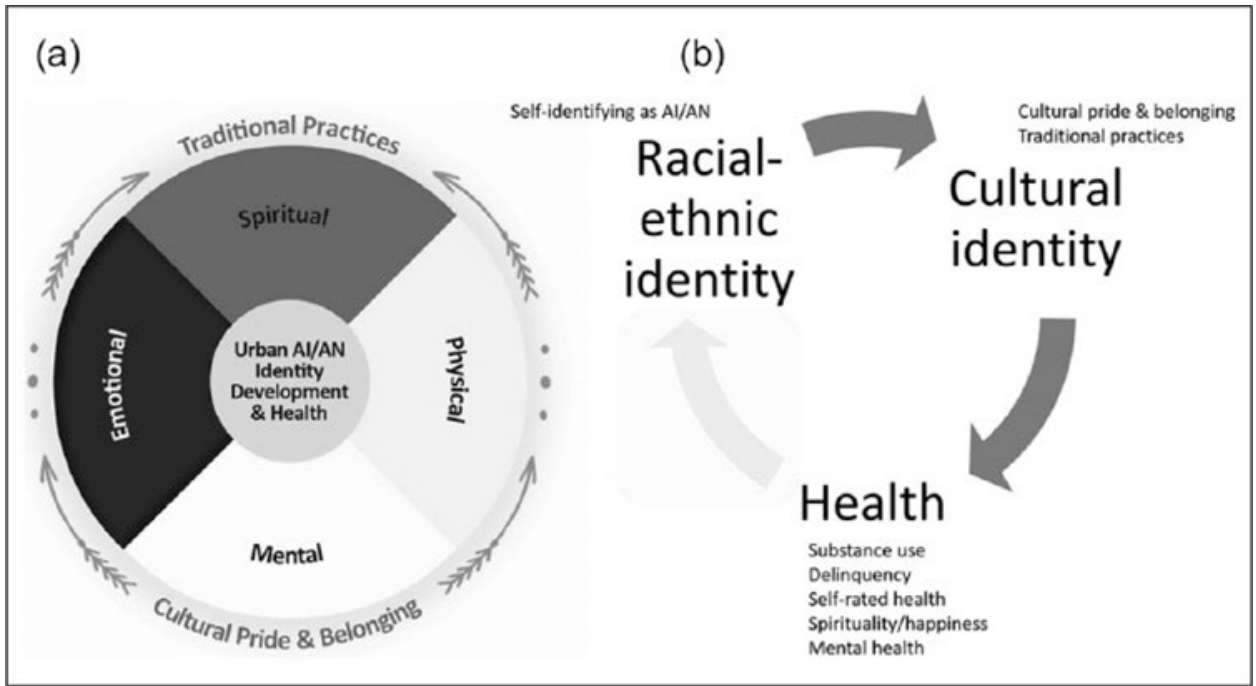


Figure 1.

Indigenous conceptual model of behavioral health and well-being as it relates to the urban setting. (a) AI/AN cultural identity and engagement in traditional practices during development. (b) Theoretical model with variables and assumed causal pathways. AI/AN = American Indian and Alaska Native.

Fourteen states (Alaska, Arizona, California, Kansas, Mississippi, Montana, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Utah, and Washington) have laws that specifically protect the right to wear Tribal regalia. Some of these protections apply only to certain items of cultural regalia or only to certain Indigenous students (e.g., those enrolled in a federally recognized tribe). ([Know Your Rights | Tribal Regalia | ACLU](#)). By promoting and ensuring adherence to the proposed actions/language in SB163 could do much to positively contribute to overall AI/AN mental health.

2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?

Yes No

If yes, describe how.

- Is this proposal related to the NMDOH Strategic Plan? Yes No

Goal 1: We expand equitable access to services for all New Mexicans

- Goal 2:** We ensure safety in New Mexico healthcare environments
- Goal 3:** We improve health status for all New Mexicans
- Goal 4:** We support each other by promoting an environment of mutual respect, trust, open communication, and needed resources for staff to serve New Mexicans and to grow and reach their professional goals

3. FISCAL IMPLICATIONS

- If there is an appropriation, is it included in the Executive Budget Request?
 Yes No N/A
- If there is an appropriation, is it included in the LFC Budget Request?
 Yes No N/A
- Does this bill have a fiscal impact on NMDOH? Yes No

4. ADMINISTRATIVE IMPLICATIONS

Will this bill have an administrative impact on NMDOH? Yes No

5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

None

6. TECHNICAL ISSUES

Are there technical issues with the bill? Yes No

SB163 refers only to membership or affiliation with one of the 574 the Federally Recognized Tribes, Pueblos, and Nations in its current draft.

However, there are over 100 State Recognized Tribes throughout the United States, additionally several other Tribes are currently seeking Federal Recognition including the Piro-Manso-Tiwa Tribe (formally referred to as Tortugas Pueblo) in southern New Mexico.

To be more inclusive, broader language could be used when referring to students: Membership or affiliation with any federally recognized Tribe, Pueblo, Nation, or Band, including Tribes that have applied for state recognition and/or those currently seeking federal recognition.

7. LEGAL/REGULATORY ISSUES (OTHER SUBSTANTIVE ISSUES)

- Will administrative rules need to be updated or new rules written? Yes No
- Have there been changes in federal/state/local laws and regulations that make this legislation necessary (or unnecessary)? Yes No
- Does this bill conflict with federal grant requirements or associated regulations?
 Yes No
- Are there any legal problems or conflicts with existing laws, regulations, policies, or programs? Yes No

8. DISPARITIES ISSUES

- In graduation rates provided by NM PED with ethnicity/race by the search variable, with 5 races listed, AI/AN ranks the second lowest:

- <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwebnew.ped.state.nm.us%2Fwp-content%2Fuploads%2F2024%2F11%2FWEBFILE-4yr-Cohort-2023.xlsx&wdOrigin=BROWSELINK>
- Education and health and wellbeing are intrinsically linked. The evidence behind the importance of education as a determinant of health is amongst the most compelling. Education is strongly associated with life expectancy, morbidity, health behaviors, and educational attainment plays an important role in health by shaping opportunities, employment, and income.
- In 2013–14, about 2.6 million public school students (5.3 percent) received one or more out-of-school suspensions. A higher percentage of Black students (13.7 percent) than of students from any other racial/ethnic group received an out-of-school suspension, followed by 6.7 percent of American Indian/Alaska Native students, 5.3 percent of students of Two or more races, 4.5 percent each of Hispanic and Pacific Islander students, 3.4 percent of White students, and 1.1 percent of Asian students. [Indicator 15: Retention, Suspension, and Expulsion](#)

9. HEALTH IMPACT(S)

- Education and health and wellbeing are intrinsically linked. The evidence behind the importance of education as a determinant of health is amongst the most compelling. Education is strongly associated with life expectancy, morbidity, health behaviors, and educational attainment plays an important role in health by shaping opportunities, employment, and income.
- Education shapes lives—it is key to lifting people out of poverty and reducing socioeconomic and political inequalities.

10. ALTERNATIVES

None

11. WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

If SB163 is not enacted, AI/AN students may be restricted from celebrating their heritage during significant milestones or allowed to do so only under culturally irrelevant rules.

12. AMENDMENTS

Page 4 Lines 21-23 I. ...shall not prohibit a student who has membership or affiliation with any federally recognized Tribe, Pueblo, Nation, or Band, including Tribes that have applied for state recognition and/or those currently seeking federal recognition.