



LFC Requester: Liu

**PUBLIC EDUCATION DEPARTMENT
BILL ANALYSIS
2025 REGULAR SESSION**

SECTION I: GENERAL INFORMATION

Check all that apply:

Original Amendment
Correction Substitute

Date Prepared: 01/29 /25

Bill No: SB163a

Agency Name and Code: PED - 924

Sponsor: Shendo

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Short Title: TRIBAL REGALIA AT SCHOOL EVENTS

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SECTION II: FISCAL IMPACT

(Parenthesis () Indicate Expenditure Decreases)

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
None	None	N/A	NFA

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
None	None	None	N/A	NFA

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	None	None	None	None	N/A	NFA

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

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis of SEC Amendment: The Senate Education Committee amendment to Senate Bill 163 (SB163/aSEC) would require an emergency clause for the bill to take effect immediately.

Synopsis of Original Bill: Senate Bill 163 (SB163) proposes to amend Section 22-5-4.3 of Article 5 of the Public School Code, which addresses the duties of local school districts, school boards, and superintendents, to bar local school boards and charter school governing bodies from prohibiting students enrolled or eligible to enroll in a federally recognized Indian nation, tribe, or pueblo from wearing tribal regalia or culturally significant objects during graduation ceremonies and public school events.

The bill also proposes a new section of the Charter School Act by reorganizing two existing subsections and one new subsection into the newly proposed section to require charter schools to have a policy of non-discrimination that is aligned with federal and state laws, prohibiting discrimination based on cultural expression.

The bill does not provide an effective date. Laws go into effect 90 days after the adjournment of the Legislature enacting them, unless a later date is specified. If enacted, this bill would become effective June 20, 2025.

FISCAL IMPLICATIONS

SB163a/SEC does not contain an appropriation.

SIGNIFICANT ISSUES

As reported by several news outlets, in May 2024 at a graduation ceremony for Farmington High School, a Lakota student was ordered to remove a beaded and eagle-plumed cap at her graduation ceremony (see, e.g., [KRQE, May 2024](#)). Existing New Mexico statute bans discrimination based on ethnicity related to hair texture, hairstyles, or hair coverings. The New Mexico law also includes explicit reference to religious and cultural headdresses.

There are [14 states](#) that have laws specifically protecting the right to wear tribal regalia: Alaska, Arizona, California, Kansas, Mississippi, Montana, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Utah, and Washington.

Existing language in both Section 22-4-4.3 NMSA 1978 and Section 22-8B-4 NMSA 1978 already prohibits discrimination by school boards and governing bodies and bars them from imposing “discipline, discrimination or disparate treatment against a student based on the student's race, religion or culture or because of the student's use of protective hairstyles or cultural or religious headdresses.” SB163 would explicitly clarify any potentially lingering ambiguity regarding the imposition of discipline or disparate treatment against tribally eligible or enrolled Native American students.

Additionally, New Mexico law offers legal protections for religious exercise as stated in [28-22-3 NMSA 1978](#). Tribal regalia are culturally and religiously significant items of dress that are worn by some Indigenous people during traditional ceremonies, activities, and other life events, including graduation, as identified in the bill. Furthermore, Title VI of the [Civil Rights Act of](#)

[1964](#) prohibits federally funded schools from discriminating based on race, ethnicity, or national origin.

PERFORMANCE IMPLICATIONS

The provisions of SB163 protect the rights of student to express their culture as a means of preserving tribal traditions and spiritual beliefs. When students of color experience a positive attitude toward diversity and equity there is a positive correlation with increased attendance and performance in school.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to: [HB194](#), Cultural Protections at Graduation and Promotion Ceremonies, which restricts public schools, private schools, and charter schools from prohibiting students from wearing objects of cultural significance at graduation or promotion ceremonies.

TECHNICAL ISSUES

The amendments proposed for Section 22-5-4.3 NMSA 1978 include a prohibition against charter school governing bodies from prohibiting students from wearing their tribal regalia. This language is inappropriately placed in Article 5 of the Public School Code, which addresses the powers and duties of traditional local school boards, school districts, and superintendents. It is also unnecessary, as the newly proposed section of the Charter Schools Act, contains identical language relative to charter schools and their governing bodies.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

The amendments proposed for Section 22-5-4.3 NMSA 1978 include a prohibition against charter school governing bodies from prohibiting students from wearing their tribal regalia. This language is unnecessary, as the newly proposed section of the Charter Schools Act, contains identical language relative to charter schools and their governing bodies. The sponsor may consider amending the bill to remove the redundant language from the proposed amendments to that section.