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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
57th Legislature, 1st Session, 2025

Bill Number	<u>*SB163</u>	Sponsor	<u>Shendo/Johnson/Charley/Nava</u>
Tracking Number	<u>.229661.1SA</u>	Committee Referrals	<u>SIRC/SEC</u>
Short Title	<u>Tribal Regalia at School Events</u>		
Analyst	<u>Davalos</u>	Original Date	<u>2/9/2025</u>
		Last Updated	<u>2/18/2025</u>

BILL SUMMARY

Synopsis of SEC Amendment

The Senate Education Committee amendment to SB163 (*SB163/aSEC) would add an emergency clause. *SB163/aSEC would also require students or parents to notify school leadership at least 14 days in advance if they intend to wear tribal regalia or objects of cultural significance at school events.

Synopsis of Original Bill

Senate Bill 163 (SB163) would amend Section 22-5-4.3 NMSA 1978 to explicitly state that local school boards and charter school governing bodies cannot prohibit students who are enrolled in, or eligible for enrollment in a federally recognized Indian nation, tribe, or pueblo, from wearing tribal regalia or objects of cultural significance at graduation ceremonies or public school events.

Additionally, SB163 would add a new section to the Charter Schools Act establishing a policy of nondiscrimination. This policy would affirm charter schools are subject to all federal and state laws and constitutional provisions prohibiting discrimination. It would also prohibit the imposition of discipline, discrimination, or disparate treatment and reinforce the right of Native American students to wear tribal regalia or objects of cultural significance at graduation ceremonies or public school events.

FISCAL IMPACT

*SB163/aSEC does not contain an appropriation.

SUBSTANTIVE ISSUES

According to the Public Education Department's (PED) [2023-2024 Tribal Education Status Report](#), 36.4 thousand Native American students attended public schools in the state in the 2023-2024 school year. Graduation is recognized as a significant milestone, and the New Mexico Indian Affairs Department notes students often wish to wear items of cultural significance during their

graduation ceremonies, as these items represent achievement, respect, and celebration. SB163 would provide legal protection for this right by recognizing tribal regalia as traditional dresses, footwear, or objects of religious or cultural significance, including tribal symbols, jewelry, beading, and feathers.

Cultural Identity Protection as a School Safety Policy. LESC presented a policy brief on [Fostering Comprehensive School Safety](#) in November 2024, including a discussion of the importance of implementing cultural parameters into school safety protocols, emphasizing that when educational environments permit cultural- and racial-based expressions, there is a noticeable reduction in incidents involving discrimination and harassment. Fostering an atmosphere where all students feel safe expressing their identities without fear of punitive actions or marginalization positively impacts students' psychological well-being and sense of belonging. Policies that protect cultural and racial expressions, such as traditional hairstyles and culturally significant items, reinforce an inclusive environment that respects and validates students' diverse backgrounds.

Current State Law. In 2021, the Legislature passed [Laws 2021, Chapter 19 \(SB80\)](#), No School Discrimination for Hair, amending [Section 22-5-4.3 NMSA 1978](#) to address race and cultural protections in educational settings. The law prohibits discipline, discrimination, or disparate treatment in schools based on race, cultural identity, and specific physical characteristics associated with cultural or racial heritage. It explicitly protects students from disciplinary action related to hairstyles and cultural headdresses commonly associated with their racial or cultural identities, such as braids, locs, twists, tight coils or curls, cornrows, Bantu knots, afros, weaves, wigs, and various headdresses, including burkas and head wraps. Laws 2021, Chapter 19 also amended the Human Rights Act ([Section 28-1-2 NMSA 1978](#)) to incorporate definitions of "cultural headdresses," "protective hairstyles," and "race." These additions aimed to prevent racial or cultural bias in school discipline policies by codifying protections for students' personal appearance choices as expressions of cultural identity.

While Laws 2021, Chapter 19, broadly ensures students are not penalized for cultural attire in everyday school settings, *SB163/aSEC would ensure students can wear traditional tribal regalia and culturally significant items at graduation ceremonies and public school events, provided they notify school leadership at least 14 days in advance.

Tribal Regalia at Graduation Ceremonies in Other States. Across the United States, several states have enacted laws to protect Native American students' right to wear tribal regalia at graduation ceremonies. These laws recognize the cultural and spiritual significance of traditional attire, ensuring that students can celebrate their academic achievements while honoring their heritage. As of 2024, at least 15 states have established legal protections for the wearing of tribal regalia at school ceremonies, including:

- [Alaska](#)
- [Arizona](#)
- [California](#)
- [Colorado](#)
- [Kansas](#)
- [Michigan](#)
- [Minnesota](#)
- [Montana](#)
- [Nevada](#)
- [North Dakota](#)

- [Oklahoma](#)
- [Oregon](#)
- [South Dakota](#)
- [Utah](#)
- [Washington](#)

OTHER SIGNIFICANT ISSUES

In 2019, Congress passed the [CROWN Act \(Create a Respectful and Open World for Natural Hair\)](#) to prevent workplace and school discrimination based on hairstyles linked to racial identity. This law protects natural hair textures and protective styles like braids, locs, twists, and knots. Under the act, “natural hair” refers to hair in its unaltered kinky, curly, or coily form, while a “protective hairstyle” is defined as one that shields hair ends from damage caused by sun, heat, and frequent styling. 27 states, including New Mexico, adopted the CROWN Act to prohibit racial discrimination based on hairstyles. Additionally, 54 cities, including Albuquerque, have incorporated the act into their anti-discrimination laws, protecting citizens against biases tied to hair textures and styles often associated with specific races or ethnic backgrounds.

Federal Indian Education Acts (1972 and 1975). Under the [Indian Education Act of 1972](#), the U.S. Department of Education allocated funds for the unique needs of Native students in public schools with 10 or more Native students, now known as Title IX Indian Education. Priority funding was given to Native American tribes and organizations for discretionary programs. The act established the National Advisory Council on Indian Education to oversee its provisions, set program priorities, and assess education for Native students. It also enabled the Department of Education to work with Native American community colleges and authorized set-asides for training teachers of Native children. The [Indian Self-Determination and Education Assistance Act of 1975](#) further addressed Native American education in public schools and led to the creation of the Indian Education Division at the state level, though it relied on existing resources within the State Department of Education.

New Mexico’s Indian Education Act (2003). The Indian Education Act mandates PED to collaborate with tribes in creating educational programs that respect cultural differences and promote academic success for Native students. The act requires public and charter schools to provide equitable, culturally, and linguistically relevant education.

RELATED BILLS

Conflicts with House Bill 194 (HB194), Cultural Expression at Graduation Ceremonies, which would amend the Public School Code by adding a new provision to prohibit public, private, and charter schools from restricting students who are enrolled or eligible for enrollment in a federally recognized Indian nation, tribe, or pueblo from the right to wear culturally significant items during graduation or promotion ceremonies.

SOURCES OF INFORMATION

- LESC Files
- New Mexico Department of Health, Office of Tribal Liaison
- New Mexico Indian Affairs Department (IAD)
- New Mexico Public Education Department (PED)

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