

LFC Requester:

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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO****[AgencyAnalysis.nmlegis.gov](https://www.legis.nm.gov/AgencyAnalysis) and email to billanalysis@dfa.nm.gov****(Analysis must be uploaded as a PDF)****SECTION I: GENERAL INFORMATION***{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}***Date Prepared:** 1/30/25*Check all that apply:***Bill Number:** HB194Original ☐ Correction ☐Amendment ☐ Substitute ☒

Sponsor: Johnson, Anyanonu, Little, Hernandez

Short Title: Cultural Expression at Graduation Ceremonies

Agency Name**and Code****Number:** NM Indian Affairs Dept 60900**Person Writing** Amanda Nezzie**Phone:** 5056993354 **Email** Amanda.nezzie@iad.nm.gov**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
\$0	\$0	NA	NA

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
\$0	\$0	\$0	NA	NA

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$0	\$0	\$0	\$0	NA	NA

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: ORIGINAL: The bill ensures that public, private, and charter schools may not prohibit students who are enrolled in or eligible for enrollment in a federally recognized Nation, Pueblo, or Tribe from wearing culturally significant items at graduation or promotional ceremonies. These items include tribal clothing, jewelry, moccasins, decorated graduation caps, and feathers.

SUBSTITUTE BILL: The bill amends NMSA 22-5-4.3 School Discipline Policies and 22-8b-4. Charter Schools' Rights and Responsibilities. The relevant portion is to ensure local school boards and governing bodies of charter schools cannot prohibit a student, who is a member or is eligible to become a member of a federally recognized tribe, from wearing traditional tribal regalia or objects of cultural significance at a graduation or promotional ceremony.

The bill also pulls out language and adds language to a newly created section, Policy of Non-Discrimination under 22-8b-4. Charter Schools' Rights and Responsibilities. This clean up does not have any bearing on the tribal regalia at school events bill.

FISCAL IMPLICATIONS

The bill does not contain any appropriations. There is no fiscal impact to the New Mexico Indian Affairs Department.

SIGNIFICANT ISSUES

In May 2024, a local school district removed a beaded cap and feather from a Native American student graduating from a Public School in New Mexico. Across the country, Native American students have sought to wear their tribal regalia at graduation ceremonies.

According to the New Mexico Public Education Department (SY 2023-2024), there are 41,905 tribally enrolled students attending New Mexico public and charter schools. Native American students and families often wish to wear items of cultural significance during their graduation ceremonies because such items are often worn as a representation of honoring a major accomplishment and celebrating success. Native students could be put into a position of having to forgo wearing their regalia in honor of their achievement if not protected.

Currently, New Mexico does not have legislation explicitly protecting a Native American students' right to wear tribal regalia at graduation. However, eighteen other states already have similar legislation on their books. New Mexico is a state which celebrates its Native American history, the Nations, Pueblos, Tribes, and Native American citizens, and this bill will show the importance of honoring cultural heritage and creating respectful educational environments.

PERFORMANCE IMPLICATIONS

None

ADMINISTRATIVE IMPLICATIONS

None

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

ORIGINAL FIR: SB163 Tribal Regalia at School Events. SB163 bill does not mention private schools. Additionally, SB163 amends NMSA 22-5-4.3 School Discipline Policies and 22-8b-4.

SUBSTITUTE BILL: This is a duplicate bill to SB163, Tribal Regalia at School Events. Please note that HB 194 does not have an amendment at this time, whereas SB163 includes an emergency clause to include this year's graduation students.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If this bill fails to pass, New Mexico risks allowing schools to prohibit Native American students from wearing culturally significant items at graduation or even removing them from the ceremony for doing so. It is also possible that such actions could lead to some other legal suit, as seen in other states.

In 2024, the Broken Arrow School District in Oklahoma reached a settlement due to a court case filed by the parents of a student and the Native American Rights Fund (NARF). High school student Lena' Black, an enrolled tribal member of the Otoe-Missouria Tribe, had her eagle feather forcibly removed from her cap during graduation. Another case, brought by the American Civil Liberties Union (ACLU) in Fresno, California, against Clovis Unified School District in 2015 resulted in the courts requiring the school district to comply with allowing the student to wear a feather during graduation.

AMENDMENTS