

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:** 1/29/25*Check all that apply:***Bill Number:** SB 163Original ☒ Correction ☐Amendment ☐ Substitute ☐**Agency Name
and Code****Sponsor:** Senator Shendo**Number:** NM Indian Affairs Dept 60900**Short****Person Writing** Amanda Nezzie**Title:** Tribal Regalia at School Events**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:

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

There are no appropriations in this bill; as a result, 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.

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 respectful educational environments.

IAD supports the amendment for the emergency clause.

PERFORMANCE IMPLICATIONS

None

ADMINISTRATIVE IMPLICATIONS

None

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB194 – Cultural Protections at Graduation and Promotion Ceremonies.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

The Tribal Regalia at school events could also be a stand alone law.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If this bill fails to pass, New Mexico risks allowing public and charter 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.

If this amendment is not added, students may not be allowed to wear regalia this school year.

AMENDMENTS