Tribal Regalia Advocacy Toolkit: Students' Rights to Tribal Regalia and Cultural and Religious Items at California Graduations

California Indian Legal Services

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Table of Contents

I. Introduction 3

II. Students' Rights to Tribal Regalia and Cultural and Religious Objects at Graduation Under California Law 4

Frequently Asked Questions 5

Send a Letter to Your School 6

III. Why the Right to Tribal Regalia Matters 8

IV. How to Defend Students' Rights to Tribal Regalia and Educate Others: What Can I Do? 10

I. Introduction

California Education Code Section 35183.1 protects Native students' right to wear "traditional tribal regalia or recognized objects of religious or cultural significance as an adornment at school graduation ceremonies." Schools cannot limit or prohibit student participation in graduation ceremonies because a student asserts their right to wear regalia or recognized objects of cultural significance. But even so, they sometimes do. So, California Indian Legal Services has put together this toolkit. We include background on the importance of protecting students' rights to wear culturally significant items, share resources we've created to defend and exercise this right, and provide social media assets to spread the word. Please share this toolkit and the resources with students, advocates, and community members who might benefit from this information.

If you have any questions or need further guidance, please contact California Indian Legal Services at info@calindian.org or (916) 978-0960.

If you believe your school is violating your rights and you want to talk to a lawyer, you can reach out to a field office that serves your county:

II. Students' Rights to Tribal Regalia and Cultural and Religious Objects at Graduation Under California Law

Education Code Section 35183.1 states:

(a) A pupil may wear traditional tribal regalia or recognized objects of religious or cultural significance, as determined by the pupil and the pupil's family, as an adornment at school graduation ceremonies or related school events.
(b) A local educational agency shall not require either of the following:
(1) A preapproval process for a pupil to exercise the pupil's rights pursuant to subdivision (a).
(2) A pupil to wear a cap if the cap is incompatible with the adornment.

(c) This section does not limit a local educational agency's discretion and authority to prohibit an item that is likely to cause a substantial disruption of, or material interference with, the ceremony.
(d) For purposes of this section, the following definitions apply:
(1) "Adornment" means either of the following:
(A) Something attached to, worn with, or worn in place of, the cap customarily worn at school graduation ceremonies.
(B) Something attached to or worn with, but not replacing, the gown customarily worn at school graduation ceremonies.
(2) "Cultural" means recognized practices and traditions of a certain group of people.
(3) "Local educational agency" means a school district, county office of education, or charter school.[1]

In 2018, California Indian Legal Services (CILS) and California tribes worked with Assemblymember Todd Gloria to pass AB 1248, adding section 35183.1 to the California Education Code and specifically providing that: "A pupil may wear traditional tribal regalia or recognized objects of religious or cultural significance as an adornment at school graduation ceremonies." A school can only prohibit the wearing of traditional or cultural adornment (regalia) if it: "… is likely to cause a substantial disruption of, or material interference with, the ceremony." For purposes of this right, the statute further defines the terms "adornment" to mean "something attached to, or worn with, but not replacing, the cap and gown customarily worn at school graduation ceremonies" and "cultural" to mean "recognized practices and traditions of a certain group of people." This law went into effect on January 1, 2019.

In 2021, Assemblymember James C. Ramos responded to ongoing concerns following the enactment of Education Code section 35183.1 by introducing AB 945. Rather than rewriting section 35183.1, AB 945 added Education Code section 35183.2 and created a California Department of Education-convened task force to gather public comments from people impacted by noncompliance and to develop best practices, protocols, and policy recommendations so schools would implement the law consistently.

In 2025, Native students and their families continued to face violations of and pushback against the Education Code. In response, Assemblymember James C. Ramos introduced AB1369 in co-sponsorship with California Indian Legal Services and the Tule River Indian Tribe. This bill was intended to reduce

[1] Cal. Educ. Code §35183.1 (1998) (effective Jan. 1, 2026)

schools' opposition to regalia rights and to make the protections in Education Code section 35183.1 clearer, easier to understand, and more comprehensive.

Effective January 1, 2026, the amended Education Code section 35183.1 now explicitly states that these protections apply to graduation ceremonies and related school events, that the determination of what constitutes traditional tribal regalia or recognized objects of religious or cultural significance is made by the pupil and the pupil's family, and that a local educational agency cannot require a preapproval process for a pupil to exercise this right. The amended law also addresses cap conflicts by prohibiting a school from requiring a pupil to wear a cap if the cap is incompatible with the adornment, and it updates the definition of adornment to allow it to be worn in place of the cap when needed.

Frequently Asked Questions

What counts as "tribal regalia" under Education Code Section 35183.1?
Under the Education Code, Tribal regalia means objects that are part of a recognized custom, practice, or tradition. It is the Native student's decision to determine what regalia is significant, traditional, or recognized. School officials are not qualified to evaluate traditional and cultural regalia and are not empowered to make these decisions. Regalia decisions are reserved for Native students, their families, and Tribal communities. A school official's "second-guessing" a student's decision to wear regalia is just another impermissible form of regalia screening.

Do I need my school's permission to wear my tribal regalia?
No. School pre-approval and pre-screening requirements are not allowed. These requirements discourage full participation by Native students in graduation ceremonies and invite school officials to "second-guess" regalia-wearing decisions. Native students cannot be limited to wearing only officially approved regalia.

Should I notify my school officials in advance that I will be wearing traditional or cultural regalia at graduation?
Not required, but good practice. A Native student does not need pre-approval from the school to wear regalia. However, to avoid any misunderstandings or problems at the graduation ceremony, it may be to your benefit to inform school officials that you intend to wear traditional or cultural regalia at the graduation ceremony. It can be made clear that you are not seeking the school's pre-approval but are doing so as a courtesy so that there are no unanticipated issues or problems on the day of graduation. See a formatted template for you to fill in your information here: **"Send a Letter to Your School."** If your school officials seem unaware of the new law, please notify CILS at info@calindian.org.

Can school officials prohibit regalia wearing?
Extremely rare. School officials can only stop a student from wearing regalia if it "is likely to cause a substantial disruption of or material interference with a graduation ceremony." This is a high standard for a school to meet and would require some showing that the regalia is basically incompatible with the conduct of a graduation ceremony. The regalia would have to be obscene or represent a clear and present danger of violence or unlawful activity. Abstract fears of material disturbance will not support a school's ban on traditional or cultural regalia. A school's prohibition must be based on specific facts that reasonably lead school officials to predict material interference or substantial disruption. A school's

goal of presenting a graduating class as a unified, uniform group cannot be the basis for banning Native regalia.
Students make their decision to wear regalia with their families and communities in good faith based on their sincere beliefs. Decisions made under these conditions cannot be disruptive or interfere with the conduct of a graduation ceremony.

Does Education Code 35183.1 apply if I go to a private school?
It does not apply to private schools. However, the value of expressing Native culture at graduation is the same whether the school is public or private. We encourage all Native students to participate in cultural expressions that enhance, enliven, and enrich graduation ceremonies and help the whole community acknowledge the outstanding achievements of our Native students, whether they are graduating from public or private schools.

Does Education Code 35183.1 apply to college graduation ceremonies?
The code does not apply to college graduations. However, the principles of the code extend to college graduations. All college students, whether in public or private colleges, should be able to express and honor their unique Native cultures consistent with Education Code 35183.1.

Does Education Code 35183.1 apply if I'm not enrolled in a tribe?
There are no enrollment or official membership requirements in the Education Code. All Native students are protected by Education Code 35183.1.

Does Education Code Section 35183.1 apply if my tribe isn't federally recognized?

There are no federally recognized Tribe requirements in the Education Code. All Tribes and their students enjoy the law's protections

Visit Tribal Regalia at Graduation Webpage for more information.

Send a Letter to Your School

[School Principal/School District Superintendent/Graduation Coordinator]
[School District Address]

Re: [Student's name]'s right under California Education Code Section 35183.1 to wear Tribal regalia at [Name of School]'s graduation ceremony

Dear Superintendent/Principal/Graduation Coordinator [Name(s)],

I am the parent/guardian of [Student's name], a graduating student at [Name of school]. [Add sentence here regarding your child's tribal membership or affiliation.] [Student's name] intends to wear [Tribal regalia or a recognized object of religious or cultural significance] as an adornment at the 2026 graduation ceremony of [Name of school], consistent with Education Code Section 35183.1.

Effective January 1, 2026, the amended law states (new amendments in bold):

> (a) A pupil may wear traditional tribal regalia or recognized objects of religious or cultural significance, **as determined by the pupil and the pupil's family**, as an adornment at school graduation ceremonies or related school events.

(b) A local educational agency shall not require either of the following:

(1) A preapproval process for a pupil to exercise the pupil's rights pursuant to subdivision (a).

(2) A pupil to wear a cap if the cap is incompatible with the adornment.

(c) This section does not limit a local educational agency's discretion and authority to prohibit an item that is likely to cause a substantial disruption of, or material interference with, the ceremony.

(d) For purposes of this section, the following definitions apply:

(1) "Adornment" means either of the following:

(A) Something attached to, worn with, or worn in place of, the cap customarily worn at school graduation ceremonies.

(B) Something attached to or worn with, but not replacing, the gown customarily worn at school graduation ceremonies.

(2) "Cultural" means recognized practices and traditions of a certain group of people.

(3) "Local educational agency" means a school district, county office of education, or charter school.[2]

Refusing to allow [Student's name] to wear [Tribal regalia or recognized object of religious or cultural significance] at [Name of school]'s graduation ceremony violates [Student's Name] rights under California Education Code Section 35183.1. I am available for contact at [parent/guardian cell phone/email address] to discuss [Student's name]'s plans to wear [object/regalia] at [his/her/their] graduation ceremony. Thank you.

Sincerely,

[Signature of parent/guardian]

[Parent/guardian name]

Cc:[Name of principal or superintendent]

[Name of school or district]

[2] CAL. EDUC. CODE §35183.1 (1998) (effective Jan. 1, 2026)

III. Why the Right to Tribal Regalia Matters

Excerpt from the Tribal Regalia Advocacy Toolkit: Students' Rights To Tribal Regalia and Cultural and Religious Items At California Graduations, by Ana Mendoza, released in April 2025 with the ACLU of Southern and Northern California and California Indian Legal Services:

> Whether an eagle feather or plume, beadwork, basket cap, tribal sash, or other object, tribal regalia plays a unique role, spiritually and culturally, for graduating Indigenous students. Students who wear tribal regalia at commencement are a symbol of resistance, resilience, and reclamation of their right to an education that honors their culture and heritage.
>
> After centuries of attempted genocide and the attempted erasure of Indigenous culture and tradition, the ability to celebrate commencement in a culturally appropriate way is deeply important. Through federal Indian boarding schools, thousands of Indigenous children and youth across California were violently torn from their homes and communities and sent to institutions where they faced brutal punishment and abuse for speaking their Indigenous languages or engaging in any cultural or religious practices.[3] For over a century, Indigenous spiritual and religious practices were against the law, punishable by imprisonment or withholding of subsistence food rations. It was not until 1978, with the passage of the American Indian Religious Freedom Act, that the rights of Indigenous people to "believe, express, and exercise their traditional religions" were protected under federal law.[4]
>
> Sadly, this legacy continues, as schools across our state are still unwelcoming places for Indigenous students. As a result, Indigenous students face disproportionate educational outcomes across a range of educational statistics, including high rates of exclusionary discipline and the lowest graduation rates. According to the California School Dashboard, for 2022, Native American students across California were rated at the "low" performance level in English Language Arts, Mathematics, and graduation rate; "very high" in the chronic absenteeism indicator; and "high" in the suspension rate category.[5] For 2018-19 (the last full year before the pandemic), only 20% of Native American students met or exceeded English Language Arts standards; Native American students met or exceeded grade-level math standards at less than half the rate of all California students; and Native

[3] See generally, National Native American Boarding School Healing Coalition, Healing Voices Volume 1: A Primer on American Indian and Alaska Native Boarding Schools in the U.S., 2d ed. (June 2020), available at Healing Voices Volume 1: A Primer on American Indian and Alaska Native Boarding Schools in the U.S.

[4] H.R. Exec. Doc. No. 1-48 (1883), available at: https://digitalcommons.law.ou.edu/cgi/viewcontent.cgi?article=6725&context=indianserialset; See also, Dennis Zotigh, Native Perspectives on the 40th Anniversary of the American Indian Religious Freedom Act, Smithsonian Magazine, Nov. 30, 2018, https://www.smithsonianmag.com/blogs/national-museum-american-indian/2018/11/30/native-perspectives-american-indian-religious-freedom-act/ David Martínez, Life of the Indigenous Mind: Vine Deloria Jr. and the Birth of the Red Power Movement (2019); and Stephen L. Pevar, The Rights of Indians and Tribes: The Authoritative Guide to Indian and Tribal Rights, 4th ed., 225-226 (2012).

[5] California School Dashboard, State of California: Conditions and Climate 2022, available at https://www.caschooldashboard.org/reports/ca/2022/conditions-and-climate#suspension-rate

American students experienced chronic absenteeism at more than double the rate of all California students.[6]

Policies or practices that strip Indigenous students of their cultural and religious heritage – such as preventing Indigenous students from wearing regalia during important celebrations – compound the violence and oppression that these students and their communities have suffered. Students and communities face many barriers to overcoming the legacy of federal Indian boarding schools and the history of abuse and exclusion of Indigenous students in schools, making commencement all the more special a time for celebration

View the 2025 toolkit here: Tribal Regalia Toolkit ACLU CA & CILS 2025

[6] Failing Grade: The Status Of Native American Education in Humboldt County. October 2020. ACLU Northern California. Available at: https://www.aclunc.org/publications/failing-grade-status-native-american-education-humboldt-county

IV. How to Defend Students' Rights to Tribal Regalia and Educate Others: What Can I Do?

Although the California Education Code is clear, schools don't always comply. Every year, CILS hears from students and community members that their schools have told them they cannot wear tribal regalia at commencement. We've created the following materials to help students and advocates defend students' rights, educate school administrators, and spread the word about this important right through social media channels.

If you are a ...

- **School Administrator,** update your board policies to ensure that they are consistent with Education Code Section 35183.1 and reflect best practices in creating safe, welcoming, and affirming schools for all students. For more information, please see our 2026 Letter from Heather Hostler and Attorney General Bonta's Reminder of Rights to Schools.

- **Teacher,** make sure your school district's policies reflect the law and tell your students about their rights. You can direct them to Tribal Regalia at Graduation Webpage for more information.

- **Student,** defend your rights and educate your school. You can use this self-advocacy letter as a template. If your school is not allowing you to wear your cultural, tribal, or religious regalia and adornments at graduation and you would like legal aid, please contact CILS at info@calindian.org or (916)978-0960. Read a story from a student here: Native Student Fights to Walk in Regalia at Her High School Graduation - Native News Online

- **Parents, Community Members, or Advocates,** share these resources with your graduating students and support them in defending their rights. You or your students can also contact CILS at info@calindian.org or (916)978-0960.

California Indian Legal Services is here to help you fully celebrate your graduation. If you encounter any issues, we urge you to contact us. We will represent Native students facing discrimination in violation of Education Code section 35183.1, regardless of income eligibility. Our team of experienced attorneys has fought tirelessly for Native students from this law's earliest development through its implementation, and we remain committed to making sure its promises are upheld in practice.

We also encourage high schools across California to support Native students in celebrating this important milestone in the manner they believe is most meaningful and culturally appropriate. CILS envisions a future in which every Native student can wear tribal regalia or a recognized object of cultural significance at graduation freely, proudly, and without barriers.