

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 20, 2023
Date

Committee on Education.

After consideration on the merits, the Committee recommends the following:

SB23-202 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend the reengrossed bill, page 3, line 13, strike "Is A" and substitute
2 "A".

3 Page 3, line 23, strike "PRE-KINDERGARTEN,".

4 Page 5, line 13, strike "Is A" and substitute "A".

5 Page 5, after line 21, insert:

6 "SECTION 2. In Colorado Revised Statutes, add 26.5-1-114 as
7 follows:

8 **26.5-1-114. Tribal regalia at preschool graduation ceremonies**
9 **- definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
10 OTHERWISE REQUIRES:

11 (a) "GRADUATION ATTIRE" MEANS ATTIRE THAT A PRESCHOOL
12 REQUIRES A STUDENT TO WEAR AS PART OF THE DRESS CODE FOR A
13 GRADUATION CEREMONY.

14 (b) "QUALIFYING STUDENT" MEANS A STUDENT THAT IS A
15 DESCENDANT OF PEOPLE WHO WERE LIVING IN NORTH AMERICA PRIOR TO
16 THE TIME PEOPLE FROM EUROPE BEGAN SETTLING IN NORTH AMERICA, IS
17 AN ENROLLED MEMBER OF A FEDERALLY RECOGNIZED OR
18 STATE-RECOGNIZED INDIAN TRIBE, OR IS A LINEAL DESCENDANT OF A
19 TRIBALLY ENROLLED PARENT OR GRANDPARENT.

20 (c) "TRIBAL REGALIA" MEANS A TRIBE'S TRADITIONAL DRESS OR
21 RECOGNIZED OBJECTS OF RELIGIOUS OR CULTURAL SIGNIFICANCE AND
22 INCLUDES THE FOLLOWING ITEMS OF CULTURAL SIGNIFICANCE:

23 (I) TRIBAL SYMBOLS;

24 (II) BEADS; AND

25 (III) FEATHERS, IN LINE WITH THE MIGRATORY BIRD TREATY ACT

1 OF 1918.

2 (d) "TRIBE" MEANS A TRIBE, BAND, NATION, OR ALASKAN NATIVE
3 VILLAGE THAT IS RECOGNIZED BY FEDERAL LAW OR THAT A STATE
4 FORMALLY ACKNOWLEDGES.

5 (2) A QUALIFYING STUDENT MAY WEAR TRIBAL REGALIA DURING
6 A GRADUATION CEREMONY; EXCEPT THAT A QUALIFYING STUDENT WHO IS
7 NOT AN ENROLLED MEMBER OF A TRIBE SHALL NOT WEAR EAGLE
8 FEATHERS. WEARING TRIBAL REGALIA INCLUDES DECORATING
9 GRADUATION ATTIRE WITH TRIBAL REGALIA; EXCEPT THAT A QUALIFYING
10 STUDENT WHO IS NOT AN ENROLLED MEMBER OF A TRIBE SHALL NOT
11 DECORATE WITH EAGLE FEATHERS.

12 (3)(a) AN IMMEDIATE FAMILY MEMBER OF A QUALIFYING STUDENT
13 MAY WEAR AND DISPLAY TRIBAL REGALIA DURING THE QUALIFYING
14 STUDENT'S GRADUATION CEREMONY IF THE IMMEDIATE FAMILY MEMBER
15 IS:

- 16 (I) AN ENROLLED MEMBER OF A TRIBE;
- 17 (II) ELIGIBLE TO BE ENROLLED AS A MEMBER OF A TRIBE; OR
- 18 (III) A LINEAL DESCENDANT OF A TRIBALLY ENROLLED PARENT OR
19 GRANDPARENT.

20 (b) NOTWITHSTANDING SUBSECTION (3)(a) OF THIS SECTION, AN
21 IMMEDIATE FAMILY MEMBER WHO IS NOT AN ENROLLED MEMBER OF A
22 TRIBE SHALL NOT WEAR EAGLE FEATHERS.

23 (4) A PRESCHOOL SHALL NOT PROHIBIT A QUALIFYING STUDENT OR
24 THE QUALIFYING STUDENT'S IMMEDIATE FAMILY FROM WEARING AND
25 DISPLAYING TRIBAL REGALIA AT A GRADUATION CEREMONY.

26 (5) THIS SECTION APPLIES TO ALL PRESCHOOL GRADUATIONS."

27 Renumber succeeding section accordingly.

** ** ** ** **