

TRIBAL, CULTURAL & RELIGIOUS ITEMS AT GRADUATION

MY SCHOOL MY RIGHTS KNOW YOUR RIGHTS

Do I have the right to wear tribal regalia or other items of religious or cultural significance, like an eagle feather, at my graduation ceremony?

YES. California state law specifically protects students' right to wear "traditional tribal regalia or recognized objects of religious or cultural significance as an adornment at school graduation ceremonies."ⁱ This law went into effect on January 1, 2019. In addition, state and federal civil rights laws protect your rights to expressive and religious conduct, and your freedom of expression as a student.ⁱⁱ You have the right to wear an eagle feather, which is a recognized object of religious or cultural significance in many Indigenous communities, in your graduation cap at your graduation ceremony. Your school cannot limit or prohibit your participation in your graduation ceremony because you are asserting your right to wear an eagle feather.

What is an adornment?

An "adornment" is something that's worn attached to the cap and gown (or other graduation clothing required by your school), not in place of them.

So, does an object like an eagle feather count as an adornment?

YES. It would be worn attached to your cap and gown, rather than replacing them. Other examples of adornment could include beaded caps, necklaces, or tribal honor cords.

Is an eagle feather considered an object of religious or cultural significance?

YES. Federal law clearly recognizes the religious and cultural significance eagle feathers have in many Native American communities. Thus, eagle feathers are recognized as objects of religious and cultural significance, and students have the right to wear an eagle feather as an adornment at their graduation ceremony.

Can my school limit my right to wear regalia or objects with religious or culture significance at my graduation ceremony?

Rarely. The only time a school may be able to limit a student's right is if they can prove the item is likely to cause a substantial disruption or material interference with the graduation ceremony. Schools cannot use this exception to limit eagle feathers.ⁱⁱⁱ

Is an object, like an eagle feather, considered a substantial disruption or material interference?

NO. A substantial disruption or material interference encourages violations of school rules or illegal activities. Your school can't restrict your ability to wear tribal regalia, or any object of cultural or religious significance, because they are concerned the object *might* encourage students to violate school policies or engage in illegal activities.

Additionally, something like an eagle feather is a small object that merely adorns your graduation cap and gown and does not cause an interference to the graduation ceremony. Many schools allow students to wear sashes, pins, insignias or other school-sponsored objects on their graduation gowns, further suggesting that an adornment of small size does not materially interfere with graduation ceremonies.

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What can I do if a school district violates my rights to wear tribal regalia or an object of cultural or religious significance at my graduation?

Under California law, you have the right to wear tribal regalia such as an eagle feather at your school graduation ceremony. You can advocate for yourself or your student by informing your school of your rights and asking your school principal to respect them. Use this [letter template](#)^{iv} to send to your school. If you believe your rights have been violated, you can call the ACLU of Northern California's Intake Line at (415) 621-2488 or [submit your complaint online](#),^v and we'll see what we can do to help.

RESOURCES FOR MORE INFORMATION

- Northern California Indian Development Council, *Indigenous Education Advocate*: <http://www.ncidc.org/left/indigenous-education-advocate>
- Northern California Indian Development Council, *Del Norte Indian Education Center*: <http://www.ncidc.org/education-services>
- Northern California Indian Development Council, Education Program: <https://www.facebook.com/NCIDCIndianEducationProgram>



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ⁱ CAL. EDUC. CODE § 35183.1 (1998) (effective Jan. 1, 2019)
https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=35183.1&lawCode=EDC.

ⁱⁱ See *Titman v. Clovis USD* Plaintiff's Memo of P&A ISO Ex Parte App. for a TRO, 1.

ⁱⁱⁱ See *Titman v. Clovis USD* Plaintiff's Memo of P&A ISO Ex Parte App. for a TRO.

^{iv} https://www.myschoolmyrights.com/wp-content/uploads/2020/08/KYR_Indigenous-Justice_Letter_Template_20200811.docx

^v ACLU Foundation of Northern California, Intakes: <https://www.aclusocal.org/en/seeking-legal-help-aclu>