

Okla. Bill Represents Restorative Justice For Tribal Students

By **Bree Black Horse** (June 15, 2023)

Oklahoma law will soon **confer** on Native American students the right to wear traditional regalia during graduation ceremonies.

The tribal regalia bill, S.B. 429, vests students enrolled in a public school district or in an institution within the Oklahoma State System of Higher Education with the right to "wear tribal regalia during the institution's official graduation ceremonies, whether held at a public or private location."



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Oklahoma is home to 39 federally recognized Native American tribes, and over 156,000 Native American students. The Oklahoma Legislature, the Native American tribes and tribal advocacy organizations that championed S.B. 429 should be commended for ensuring that Native American students in Oklahoma now unquestionably possess the right to proudly express their cultural heritage while celebrating their academic achievements.

More importantly, S.B. 429 represents a clear rejection of the cultural assimilation policy once championed by the U.S. and educational establishments, and long-overdue restorative justice in the relationship between Native Americans and educational institutions.

During the 2023 legislative session, the Oklahoma House of Representatives passed S.B. 429 by a vote of 80 to 11, and the Oklahoma State Senate passed S.B. 429 by a similar margin of 42 to 3.

Upon receiving the S.B. 429 bill with overwhelming support from the Oklahoma Legislature, however, Gov. Kevin Stitt vetoed the tribal regalia bill. Stitt — himself a citizen of the Cherokee Nation — claimed the legislation would open "the proverbial Pandora's box ... for other groups to go over the heads of local superintendents and demand special favor to wear whatever they please at a formal ceremony."

Stitt believes the issue of wearing tribal regalia at a graduation ceremony should be left to individual school districts to address. Following receipt of the governor's veto, the Oklahoma House and Senate without hesitation cleared the two-thirds threshold needed to uphold the tribal regalia bill. S.B. 429 takes effect July 1.

Oklahoma is not breaking any new ground with the enactment of S.B. 429 into law. Oklahoma now joins a growing number of states with significant Native American populations that have codified the right of Native Americans to wear traditional regalia at graduation ceremonies.

At least 11 other states have passed laws similar to S.B. 429 since 2017. The states that expressly empower Native American students to wear traditional regalia during a graduation ceremony include: Alaska, Arizona, California, Kansas, Mississippi, Montana, North Dakota, Oregon, South Dakota, Utah, Washington and most recently, Colorado.

Although Native American students possess a constitutional right to wear eagle feathers at graduation ceremonies and many individual school districts in Oklahoma already permit Native American students to wear traditional regalia during these events, some school

districts in Oklahoma have continued to resist or outright prohibit the attempts of Native American students to wear traditional regalia during their graduation ceremonies.

For example, an Otoe-Missouria and Osage student, Lena' Black, recently filed a lawsuit against the Broken Arrow Public School District and two school district employees based on their removal of an eagle feather from her cap prior to a high school graduation ceremony.

The lawsuit alleges that two Broken Arrow Public School District employees attempted to physically remove the eagle feather from the student's graduation cap — damaging this sacred object in the process — and following the altercation, prevented the student from wearing the eagle feather during the ceremony.

The alleged actions of the Broken Arrow Public School District and its employees perfectly illustrate why S.B. 429 is vital and timely legislation for Native American students in Oklahoma.

Schools that don't allow for wearing of regalia force Native American students and their families to make a difficult choice at what should be a time of celebration and joy: to either abandon their efforts to mark the unique significance of their academic achievements by wearing traditional regalia during a graduation ceremony or contest the school district's decision.

Native American students and their families who find themselves in this position may not have the time or resources necessary to successfully challenge the decision of a school district prohibiting the student from wearing traditional regalia during a graduation ceremony.

S.B. 429 removes the uncertainty Native American students and their families may face when deciding whether to wear traditional items during a graduation ceremony.

With the enactment of S.B. 429 into Oklahoma law, Native American students will no longer have to unnecessarily worry about whether they will be able to freely display traditional items signifying their heritage during a graduation ceremony.

Native American people have a complicated history with educational institutions in the U.S. and Canada, particularly when it comes to the expression of traditional practices and cultural beliefs.

Although many Native American people have been well aware of this dark chapter in our nation's history for generations, the U.S. Department of the Interior's very public acknowledgment and investigation of Native American boarding schools has educated the larger public on the atrocities the U.S. government, in concert with various educational and religious institutions, perpetrated against tribal nations and Native American people in the 19th and 20th centuries.

The federal government utilized Native American boarding schools to effectuate its official policy of cultural assimilation, which may be best reflected in the infamous words of Lt. Col. Richard Henry Pratt, headmaster of the Carlisle Indian Industrial School in Pennsylvania: "Kill the Indian, Save the Man."

Although Native American boarding schools were discontinued in the mid-20th century, the policy of cultural assimilation lingers on within some institutions.

In this era of acknowledgment and reconciliation ushered in by the Department of the Interior's Road to Healing tour, officials representing state governmental and educational institutions should follow the federal example by explicitly permitting Native American students to proudly display traditional cultural items during their graduation ceremonies.

By codifying in state law the right of Native American students to wear traditional items during a graduation ceremony, state officials can provide for long-overdue restorative justice in the relationship between Native Americans and educational institutions.

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