

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 1369 (Ramos)
Version: June 23, 2025
Hearing Date: July 1, 2025
Fiscal: No
Urgency: No
AWM

SUBJECT

Pupil rights: school graduation ceremonies and related events: adornments

DIGEST

This bill strengthens and clarifies a student's existing right to wear traditional tribal regalia or recognized objects of religious or cultural significance at a school graduation ceremony.

EXECUTIVE SUMMARY

Under current law, students are permitted to wear traditional tribal regalia or recognized objects of religious or cultural significance at graduation ceremonies. An "adornment" is something attached to, or worn with, but not replacing, the cap and gown customarily worn at school graduation ceremonies. This right is not unlimited: a local educational agency (LEA) retains the discretion and authority to prohibit an item that is likely to cause a substantial disruption of, or material interference with, the graduation ceremony. Although the law expressly authorizing students to wear their tribal, cultural, and religious adornments was enacted in 2018, reports indicate that some LEAs continue to outright deny, or hamper to the point of denying, students their rights.

This bill is intended to strengthen and clarify students' rights to wear traditional tribal, or culturally or religiously significant, adornments at graduation ceremonies. To that end, the bill clarifies that the traditional or significant nature of an item is to be determined by the student and their family, rather than the LEA; prohibits an LEA from requiring a preapproval process for regalia and adornments; and provides that a student may wear an item of regalia or adornment in lieu of the traditional graduation cap.

This bill is sponsored by California Indian Legal Services and is supported by the California Indian Nations Gaming Association; CFT – A Union of Educators &

Classified Professionals, AFT, AFL-CIO; the Fresno Unified School District; Habematolel Pomo of Upper Lake; Julian Pathways; the Karuk Tribe; the Los Angeles County Office of Education; and Yuhaaviatam of San Manuel Nation.

The Committee has not received timely opposition to this bill. The Senate Education Committee passed this bill with a vote of 7-0.

PROPOSED CHANGES TO THE LAW

Existing constitutional law:

- 1) Provides that Congress shall make no law abridging the freedom of speech. (U.S. Const., 1st & 14th amends.; see *Gitlow v. People of State of New York* (1925) 268 U.S. 652, 666 (First Amendment guarantees apply to the states through the due process clause of the Fourteenth Amendment).)
- 2) Provides that every person may freely speak, write, and publish their sentiments on all subjects, and that a law may not restrain or abridge liberty of speech. (Cal. Const., art. I, § 2.)

Existing state law:

- 1) Provides that the governing board of any school district may adopt or rescind a reasonable dress code policy that requires pupils to wear a schoolwide uniform or prohibits pupils from wearing “gang-related apparel” if the governing board of the school district approves the plan; the governing board must provide a method whereby parents may choose not to have their children apply with an adopted school uniform policy. (Ed. Code, § 35183.)
- 2) Provides that a pupil may wear traditional tribal regalia or recognized objects of religious or cultural significance as an adornment at school graduation ceremonies, except that this provision does not limit an LEA’s discretion and authority to prohibit an item that is likely to cause a substantial disruption of, or material interference with, the ceremony.
 - a) “Adornment” means something attached to, or worn with, but not replacing, the cap and gown customarily worn at school graduation ceremonies.
 - b) “Cultural” means recognized practices and traditions of a certain group or people.
 - c) “Local educational agency” means a school district, county office of education, or charter school. (Ed. Code, § 35183.1.)
- 3) Provides that, notwithstanding any other law, a person shall have the right to wear a dress uniform issued to them by a branch of the United States Armed Forces while

participating in the graduation ceremony for their high school if the person meets both of the following requirements:

- a) They have fulfilled all of the statutory requirements for receiving a diploma of graduation from high school, and are otherwise eligible to participate in the graduation ceremony.
- b) They have completed basic training for, and are an active member in, a branch of the United States Armed Forces. (Ed. Code, § 35183.3.)

This bill:

- 1) Specifies that, in connection with a pupil's right to wear traditional tribal regalia or recognized objects of religious or cultural significance as an adornment at school graduation ceremonies or related school events, the traditional nature or significance of the adornment shall be determined by the pupil and the pupil's family.
- 2) Prohibits an LEA from doing the following in connection with the pupil's right to wear traditional tribal regalia or recognized objects of religious or cultural significance:
 - a) Requiring a preapproval process for a pupil to exercise their rights.
 - b) Requiring a pupil to wear a cap, if the cap is incompatible with the adornment.

COMMENTS

1. Author's statement

According to the author:

In 2018, the state passed legislation that recognized a student's right to wear traditional tribal regalia or recognized objects of religious or cultural significance at school graduation ceremonies. Despite the law and subsequent statutory reaffirmation of students' rights, they and their families continue to face obstacles to exercising this legal prerogative. For our tribal communities, high school graduations are times of great celebration. Eagle feathers and other symbols of Native American significance are often presented by a proud community to the student as a way to recognize personal achievement. It is a means for the tribe not only to honor the student but also to share in and express pride in the graduate's achievements. AB 1369 aims to add additional clarity in law to help reinforce all students' rights to freedom of expression.

2. Students do not shed their First Amendment rights at the schoolhouse gate

The federal and state Constitutions prohibit the government from abridging the freedom of speech and expressive conduct.¹ “The vitality of civil and political institutions in our society depends on free discussion...it is only through free debate and free exchange of ideas that government remains responsive to the will of the people and peaceful change is effective. The right to promote diversity of ideas and programs is therefore one of the chief distinctions that sets us apart from totalitarian regimes.”²

The mere fact that students are minors, or in a controlled educational environment, does not deprive them of their right to express themselves. “First Amendment rights, applied in light of the special characteristics of the school environment, are available to teachers and students. It can hardly be argued that either students or teachers shake their constitutional rights to freedom of speech or expression at the schoolhouse gate.”³ So while “the constitutional rights of students in public schools are not automatically coextensive with the rights of adults in other settings,”⁴ schools can limit only certain categories of speech: lewd, indecent, or vulgar speech during school events; speech promoting illegal drug use; speech that others may reasonably perceive as bearing the imprimatur of the school; and speech that materially disrupts classwork or involves substantial disorder or invasion of the rights of others.⁵

3. California expressly permits pupils to wear specific traditional, religious, and cultural adornments at graduation ceremonies

In 2018, the Legislature enacted AB 1248 (Gloria, Ch. 804, Stats. 2018), which permits students to wear traditional tribal regalia or recognized objects of religious or cultural significance at graduation ceremonies.⁶ An “adornment” is something attached to, or worn with, but not replacing, the cap and gown customarily worn at school graduation ceremonies.⁷ The law does not restrict an LEA’s discretion and authority to prohibit an item that is likely to cause a substantial disruption of, or material interference with, the graduation ceremony.⁸ While it is not clear that this law is actually necessary – the United States Supreme Court has held that the First Amendment extends to expressive conduct at graduation ceremonies⁹ – the law affirms California’s commitment to permitting students to express themselves and represent their heritage at graduation ceremonies.

¹ U.S. Const., 1st & 14th Amends.; Cal. Const., art. I, §§ 2, 3.

² *Terminiello v. City of Chicago* (1949) 337 U.S. 1, 4 (1949) (*Terminiello*).

³ *Tinker v. Des Moines Independent Community School Dist.* (1969) 393 U.S. 503, 506.

⁴ *Morse v. Frederick* (2007) 551 U.S. 393, 396-397 (internal quotation marks omitted).

⁵ See *Mahoney Area School Dist. v. B.L.* (2021) 594 U.S. 180, 187-188.

⁶ See Ed. Code, § 35183.1.

⁷ *Id.* at § 35183.1(b)(1).

⁸ *Id.* at § 35813.1(a).

⁹ *Tinker, supra*, 393 U.S. at pp. 508-509.

One example of adornments of cultural and religious significance is the eagle feather worn by members of many Tribal Nations. As explained by the Native American Rights Fund:

Many Tribal Nations recognize leadership achievements by bestowing the person who earned the honor an eagle feather or plume. While tribal religions and spiritual practices vary from each other, in general, a Native person who wears a plume or eagle feather at a public event has done something amazing to show that they have the maturity to pray and care for themselves and others. Some Native American students seek to express their religious beliefs and celebrate their academic achievements by wearing an eagle feather at their graduation ceremonies.¹⁰

This tradition, along with many other cultural and religious traditions, ought to be protected under AB 1248.

In 2021, the Legislature enacted AB 945 (Ramos, Ch. 285, Stats. 2021), which established the Native American Graduation Adornment Taskforce to develop recommendations for best practices, protocols, and other policies to address how to implement AB 1248's requirements uniformly across the state. According to the Senate Education Committee's analysis of this bill, however, the task force's timeline has been delayed, and it is unclear when the report will be forthcoming.

4. LEAs continue to deny pupils' right to wear adornments of tribal, cultural, or religious significance at graduation ceremonies

In 2024, California Indian Legal Services (the bill's sponsor) and the ACLU published a report finding that "schools repeatedly violate students' rights to wear tribal, religious, or cultural items at graduation."¹¹ The report included violations that took place in 2023 and 2024, i.e., long after AB 1248 was enacted.¹² Indeed, in 2024, the Clovis Unified School District denied two students their rights to wear tribal regalia; the school district ended up granting one student permission after the denial was publicized, while the other was denied his right entirely.¹³ In the case of the student who was ultimately permitted to wear a stole along with her gown, the school district did not

¹⁰ Native American Rights Fund, *Wearing Eagle Feathers at Graduation* (Mar. 28, 2025) <https://narf.org/resources/graduation/>. All links in this analysis are current as of June 26, 2025.

¹¹ ACLU & California Indian Legal Services, *Violations of Indigenous Students' Rights to Self-Determination and Cultural Preservation* (Sept. 2024) p. 10, *available at* https://www.aclunc.org/sites/default/files/Violations_of_Indigenous_Students_Rights_at_Graduation_Report.pdf.

¹² *Id.* at pp. 11-12.

¹³ *Id.* at pp. 11-12; Willis, *Clovis Unified student now able to wear tribal regalia at graduation* (May 30, 2025) *available at* <https://abc30.com/post/clovis-unified-student-denied-request-wear-tribal-regalia/14888894/>.

take her word for it that the stole was an item of tribal significance, but instead required her tribe (Comanche Nation) to confirm the stole's authenticity.¹⁴

The Clovis Unified School District is not the only district that requires preapproval for items of tribal, cultural, or religious significance: the report also found that 56 percent of schools require students to undergo a preapproval process to wear their regalia or adornments at graduation, which is not required by AB 1248.¹⁵ According to the report, a preapproval process "add[s] unnecessary barriers and often lead[s] students and families feeling too discouraged to seek approval to enjoy their rights."¹⁶ Additionally, many districts and schools "provide confusing or no information on preapproval processes for graduation adornments," including "little to no context on the required paperwork for approval, the timeline for approval, or the guidelines for approval or rejection of the adornments."¹⁷

The report also found instances in which school handbooks directly contradicted school graduation dress code policies, and instances in which guidance expressly states that a student may wear their military dress but does not indicate that students have the right to wear tribal, religious, or cultural items.¹⁸

5. This bill clarifies students' rights to wear traditional tribal regalia or recognized objects of cultural or religious significance at graduation

In light of the ongoing resistance by some schools and districts to permitting students to wear cultural regalia and items of cultural or religious significance at graduation, this bill clarifies students' rights to wear these items. Specifically, the bill:

- Clarifies that the traditional nature or significance of the items is determined by the student and their family, not school or district administrators.
- States that an LEA may not require a preapproval process for permitted items.
- Provides that a student may replace their cap entirely with traditional tribal regalia or cultural or religious adornments.

These provisions still remain subject to an LEA's discretion and authority to prohibit an item that is likely to cause a substantial disruption of, or material interference with, the graduation ceremony, so administrators can still use their discretion to prevent a student from wearing an item or adornment that will actually harm the ceremony.¹⁹ The Committee has not received any opposition arguing that the available discretion is

¹⁴ May, *supra*.

¹⁵ Violations of Indigenous Students' Rights to Self-Determination and Cultural Preservation, *supra*, at p. 16.

¹⁶ *Ibid*.

¹⁷ *Id.* at p. 17.

¹⁸ *Id.* at pp. 18, 20.

¹⁹ Of course, discretion is a double-edged sword; if administrators, due to conscious or unconscious bias, treat certain cultures' regalia as more inherently disruptive than others', that treatment could violate both the First Amendment and various antidiscrimination laws. But that's an issue for another day.

insufficient or that this bill will lead to chaos, sartorial or otherwise, at graduation ceremonies.

6. Arguments in support

According to California Indian Legal Services:

In the 2025 graduation cycle, our attorneys successfully vindicated the regalia freedoms of two Native students – freedoms secured to them outright under AB1248. One instance even involved the direct intervention of Assemblymember Ramos and California State Superintendent of Public Instruction Tony Thurmond. Regalia freedoms enshrined in existing law should not depend on legal advocacy from our attorneys or rely on the direct intervention of some of the most highly placed public officials in California. These kinds of interventions compellingly demonstrate the ongoing need for AB 1369.

Typical of a statewide trend, some school districts continue to exploit the discretionary language of AB 1248 to undermine its projections through their own crabbed interpretation of what is traditional and customary tribal regalia. Native students assert their sincerely held traditions and customs when they wear their regalia at their graduations. The law does not empower school officials to second-guess tribal customs and traditions. They are obliged to keep students safe and avoid unnecessary disruption of the graduation ceremony.

Also typical of a statewide trend among districts, is the pre-approval requirement. Students must submit their regalia to the districts for pre-approval, in what could be described as a certification process. No regalia is permitted without a pre-approval “certificate.” The process is usually poorly advertised, and the requirements are often unclear. While the pre-approval process is an implementation flaw, it is the pre-approval process itself, even without its flaws, that prevents or chills Native students from even attempting to benefit from their AB 1248 protections. This chilling effect undermines the whole purpose of the law and needs correction if its benefits are to be realized.

As the 2025 graduation cycle closes, we believe AB 1369 is now needed more than ever to help Native students exercise their full regalia freedoms. These freedoms help us all to honor their achievements together with their Tribes, communities, and families.

SUPPORT

California Indian Legal Services (sponsor)

California Indian Nations Gaming Association

CFT – A Union of Educators & Classified Professionals, AFT, AFL-CIO

Fresno Unified School District
Habematolel Pomo of Upper Lake
Julian Pathways
Karuk Tribe
Los Angeles County Office of Education
Yuhaaviatam of San Manuel Nation

OPPOSITION

None received

RELATED LEGISLATION

Pending legislation: None known.

Prior legislation:

AB 945 (Ramos, Ch. 285, Stats. 2021) established a task force, convened by the State Department of Education, to gather specified information and develop recommendations for best practices, protocols, proposed legislation, and other policies to address how to comprehensively implement all aspects of existing law related to wearing traditional tribal regalia or recognized objects of religious or cultural significance as an adornment at school graduation ceremonies.

AB 1248 (Gloria, Ch. 804, Stats. 2018) permitted a pupil to wear traditional tribal regalia or recognized objects of religious or cultural significance, as defined, at school graduation ceremonies, subject to the LEA's discretion and authority to prohibit an item that is likely to cause a substantial disruption of, or material interference with, the ceremony.

PRIOR VOTES:

Senate Education Committee (Ayes 7, Noes 0)
Assembly Floor (Ayes 77, Noes 0)
Assembly Judiciary Committee (Ayes 12, Noes 0)
Assembly Education Committee (Ayes 9, Noes 0)
