



HOUSE BILL 166: American Indians Graduating with Honors Act.

2023-2024 General Assembly

Committee:	House Federal Relations and American Indian Affairs. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	March 2, 2023
Introduced by:	Reps. Lowery, Gillespie, B. Jones, Clampitt	Prepared by:	Debbie Griffiths*
Analysis of:	PCS to First Edition H166-CSCI-4		Staff Attorney

OVERVIEW: *House Bill 166 would allow any student who is enrolled, or is eligible to be enrolled, in a State or federally recognized Indian Tribe to wear objects of cultural significance as part of the graduation regalia to the student's graduation ceremony from any public school.*

The Proposed Committee Substitute (PCS) would define objects of cultural significance as bird feathers and plumes and make other conforming changes.

CURRENT LAW: G.S. 115C-390.2 requires local school boards to establish a Code of Student Conduct that notifies students of the standards of behavior expected of them, conduct that may subject them to discipline, and the range of disciplinary measures that may be used by school officials. The Code of Student Conduct may include a policy on student dress. A principal or local school board's authority to establish a dress code and prohibit a student from participating in a school activity, such as a graduation, has been upheld by the North Carolina Court of Appeals. See *Fowler v. Williamson*, 39 N.C. App. 715 (1979)

BILL ANALYSIS: The PCS to House Bill 166 would allow students of any public school unit who are enrolled, or eligible to be enrolled, in a State or federally recognized Indian Tribe to wear objects of cultural significance to their graduation ceremony as part of their graduation regalia. Objects of cultural significance would be defined as bird feathers and plumes. This requirement would extend to all public school units including charter schools, regional schools, laboratory schools, and the renewal school system.¹

EFFECTIVE DATE: The act would become effective when it becomes law.

**Samantha Yarborough, Staff Attorney, substantially contributed to this summary.*

¹ The extent to which authorizing students of a State or federally recognized Indian Tribe to wear specific regalia at graduation may give rise to an equal protection claim without similar authorization for students of other cultural groups would be a matter for courts to decide.

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578