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AB-945 Pupils: adornments at school graduation ceremonies: task force. (2021-2022)

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Date Published: 09/27/2021 02:00 PM

Assembly Bill No. 945

CHAPTER 285

An act to add and repeal Section 35183.2 of the Education Code, relating to pupils.

[Approved by Governor September 24, 2021. Filed with Secretary of State September 24, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 945, Ramos. Pupils: adornments at school graduation ceremonies: task force.

Existing law authorizes a pupil to wear traditional tribal regalia or recognized objects of religious or cultural significance as an adornment at school graduation ceremonies. Existing law prohibits that authorization from limiting a local educational agency's discretion and authority to prohibit an item that is likely to cause a substantial disruption of, or material interference with, the ceremony.

This bill would establish a 10-member task force, convened by the State Department of Education, to gather certain information and develop recommendations for best practices, protocols, proposed legislation, and other policies that will 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. The bill would require the task force, on or before April 1, 2023, to submit a report to the Legislature on that information and those recommendations. The bill would repeal these provisions on January 1, 2024.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 35183.2 is added to the Education Code, to read:

35183.2. (a) For purposes of this section, "task force" means the Task Force to Study and Develop Best Practices to Protect Pupil Rights to Wear Traditional Tribal Regalia or Recognized Objects of Religious or Cultural Significance as an Adornment at School Graduation Ceremonies established pursuant to subdivision (c).

(b) The Legislature finds and declares all of the following:

(1) According to the 2010 United States Census, California is home to approximately 720,000 individuals who identify as Native American, representing the largest statewide population of Native Americans in the United States. There are over 150 tribal communities in California, including 109 tribal communities that are federally recognized.

(2) Over 300,000 Native American or Alaska Native pupils attended California public schools during the 2019–20 school year.

(3) Wearing traditional tribal regalia or recognized items of religious or cultural significance as an adornment at graduation ceremonies is a protected civil right under the United States Constitution, the California Constitution, and Section 35183.1.

(4) High school graduation is a joyful and important ceremony for pupils, families, and tribal nations. It is a time for celebration, not only of the individual pupil and what they have accomplished, but one shared by all those who supported the pupil along their way. It also marks an important transition, and pupils marking that transition should, consistent with their constitutional rights, be free to honor and celebrate their heritage by wearing the tribal regalia central to their cultural identity.

(5) Despite the clear language of Section 35183.1, civil rights organizations continue to receive complaints from Native American pupils and their families about school districts that refuse to allow Native American pupils to wear traditional tribal regalia at school graduation ceremonies. Tribal nations, and the tribally affiliated organizations that work with them, also consistently receive concerns from pupils who are told by school administrators that they may not wear traditional tribal regalia or recognized objects of religious or cultural significance such as sashes with traditional designs, basket caps, beading, and feathers during their graduation ceremonies.

(c) The Task Force to Study and Develop Best Practices to Protect Pupil Rights to Wear Traditional Tribal Regalia or Recognized Objects of Religious or Cultural Significance as an Adornment at School Graduation Ceremonies is hereby established to do all of the following:

(1) Gather public comments from people impacted by noncompliance with Section 35183.1, and develop information and report findings to the department and to the Legislature regarding continuing violations of the rights of pupils to wear traditional tribal regalia or recognized items of religious or cultural significance as an adornment at graduation ceremonies.

(2) Develop recommendations for best practices, protocols, proposed legislation, and other policies that will address how to comprehensively implement all aspects of Section 35183.1.

(3) Pursuant to subdivision (h), submit a report to the Legislature that includes the information described in paragraph (1) and the recommendations described in paragraph (2).

(d) The department shall convene the task force and provide staff support for the meetings described in subdivision (f) and the creation of the report pursuant to subdivision (h).

(e) The task force shall consist of 10 members, appointed on or before March 1, 2022, as follows:

(1) Nine task force members shall be representatives of California Native American tribes and shall be appointed by the Governor's Tribal Advisor as follows:

(A) Two task force members each shall be from the southern, central, northern, and eastern geographical areas of the state.

(B) For each of the four geographical areas described in subparagraph (A), one representative shall be from a nonfederally recognized California Native American tribe on the list maintained by the Native American Heritage Commission.

(C) One task force member shall be a representative of a California Native American tribe who may be from any geographical area in the state.

(2) One task force member shall be appointed by the Superintendent.

(f) The task force shall hold its first meeting on or before April 1, 2022. After the first meeting, the task force shall conduct at least four public meetings annually at geographically diverse sites across the state. Task force meetings shall be conducted in accordance with all of the following:

(1) The Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code). Time shall be allowed for public comment.

(2) Members of the public may also submit written comments for consideration by the task force.

(3) Six members of the task force shall constitute a quorum.

(g) Notwithstanding any other law, the members of the task force shall not receive compensation or any other payment for their service on the task force, but they may be reimbursed for their actual and necessary expenses incurred in connection with attending task force meetings.

(h) On or before April 1, 2023, the task force shall submit a report to the Legislature that includes its findings and policy recommendations to ensure full implementation of Section 35183.1. The report shall be submitted to the Legislature in compliance with Section 9795 of the Government Code.

(i) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.