

2019 HOUSE EDUCATION

HB 1335

2019 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau Room, State Capitol

HB 1335
1/21/2019
31123

- Subcommittee
 Conference Committee

Committee Clerk: Bev Monroe

Explanation or reason for introduction of bill/resolution:
Relating to student dress code policies

Minutes:

Attachment 1, 2, 3, 4, 5, 6, 7

Vice Chairman Cynthia Schreiber-Beck: Opened the hearing on HB 1335.

Chelsea Schmitt: (see attachment 1)
(7:30)

Rep. Daniel Johnston: Do you have any friends that were denied this ability within ND?

Ms. Schmitt: Not that I remember, but I know grand forks also passed that they were able to wear theirs.

Vice Chairman Cynthia Schreiber-Beck: The las line of the bill, I am trying to clarify is it an athletic event or what, and what might be traditional tribal options?

Ms. Schmitt: I was only asked to talk about graduation.

Rep. Ruth Buffalo: (See Attachment 2)

Rep. Heinert: It is shocking that we need a state law to allow our Native American population wear their traditional regalia for graduation.

Rep. Buffalo: Yes, it's shocking that we need to pass a bill for this, but we do need to.

Vice Chairman Cynthia Schreiber-Beck: SD law just takes care of graduation issues, graduation ceremony is where you would want this to occur, not at other athletic events?

Rep. Buffalo: Yes, exactly.

Scott Davis, Executive Director for the Indian Affairs Commission: I am in support of this bill. I believe that this is long overdue.

Rep. Hoverson: I like the idea of this especially knowing what the eagle feather represents. It sounds like it's already OK in ND, and there are no cases where a school has said no to an eagle feather?

Mr. Davis: There have been plenty of cases where a school has said no to an eagle feather.

Rep. Hoverson: Your desire is to the application process, or more so about?

Mr. Davis: There is a large Native American population in public schools, and you get an eagle feather when you earn it. Getting one is a huge honor, and not being able to wear one now is a big deal.

Rep. Hoverson: The schools, that do have the application process, are those just standard applications that anyone wants to wear something different, or are they special applications for tribal regalia?

Mr. Davis: I think that every school is different.

Rep. Dennis Johnson: Where do the eagle feathers come from?

Mr. Davis: We can apply to the federal game and fish to get a deceased eagle feather.

Rep. Andrew Marschall: If a spectator wanted to come and wear their regalia, they should be able to do that. I want to clarify that the players could get ripped off?

Mr. Davis: There is a time and place to wear the feathers, and during a sporting event wearing one is not that time.

Vice Chairman- Cynthia Schreiber-Beck: If the bill is changed graduation, that would be adequate?

Rep. Pat D. Heinert: There is no emergency clause in there for 2019 graduation ceremonies, would you want us to put in an emergency clause?

Mr. Davis: I think that putting one in would be very beneficial.

Rep Buffalo: Yes, I would support an emergency clause and the amendments to specify the graduation ceremony.

Rep. Hoverson: Can you name the schools that said no?

Rep. Buffalo: I will send you an email.

Alexis Baxley, Executive Director for the ND School Board Association: (See Attachment 3)

Rep. Ron Guggisberg: Have you shared this with the bill sponsor and is she ok with it?

Ms. Baxley: Yes.

Aimee Copas, Executive Director for ND Council of Education and Leaders: We are fully in support of this bill, based on the change of the last line.

Rep. Hoverson: Would you confirm as well that there are schools in ND that have said no.

Ms. Copas: It has not been brought to my attention, other than what Representative Buffalo has already corrected.

Cheryl Kary, Executive Director of Sacred Pipe Resource Center: (See Attachment 4)

Sheridan L. Seaboy-McNeil: (see attachment 5)

Nephew of Sheridan: Make a career of humanity. Commit yourself to a noble struggle of equal rights. You will make a greater person of yourself, a greater nation of your country, and a finer world to live in.

Ira High Elk: (see attachment 6)

Joseph McNeil Jr., President of the Standing Rock Development Corporation: (see attachment 7)

Brianna Tortulita: I want to say that it was mentioned as it was a graduation thing. I went to century high school and growing up on that side of town we had issues of people mocking us due to being Native American. I think that this bill can open the door for conversation about this. I do believe that this could be something that could go on beyond just graduation. My sister was denied the right to wear an eagle feather and moccasins at her graduation. The feather was from my grandma and my mother, so it is a very important thing. Having that right denied was tough for our family. Many kids want to move states so that they can wear their tribal regalia.

Vice Chairman Schreiber-Beck: You think that we should add more items?

Ms. Tortulita: Yes.

Nathan Davis: I am in support of this bill because the regalia is a part of who we are and our culture. It says a lot if we are able to show who we are. This would be a huge step to strengthen the government relationship between Native American government and state.

Dr. Lana Decoteau, Superintendent of Belcourt School District: I am in support of HB1335. This is an honor to allow our Native American students to wear their tribal regalia. It is a celebration of the heritage and culture.

Kirstin Baesler, State Superintendent for the ND Department of Public Instruction: When I took office in 2013 the graduation rate was under 57% for the Native American population. That did go well for the overall productiveness for the ND population. It was our mission that all students graduate either with a high school diploma or a GED. A large port

of that effort is making sure that they feel there is a purpose and that they as a person are honored and acknowledge.

Rep. Hoverson: Are you aware of any schools that have said no?

Ms. Baesler: Yes.

Representative Hoverson: Can you email those to me?

Ms. Baesler: I can share the minutes that include those names with you.

NO FURTHER TESTIMONY OR QUESTIONS. MEETING CLOSED.

2019 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau A Room, State Capitol

HB 1335
1/28/2019
31754

- Subcommittee
 Conference Committee

Committee Clerk: Bev Monroe By Donna Whetham

Explanation or reason for introduction of bill/resolution:

Relating to student dress code policies.

Minutes:

Attachment 1

Vice Chairman Schreiber-Beck: Opened the hearing on HB 1335. There was an amendment and it only addresses that you can use an eagle plume. There is some pictures which we received from Rep. Buffalo. There was some concern if we were eliminating every thing but the eagle plume that there are other items that are worn. I am not sure how detailed this committee wants to be or should we leave some of that to local control. We haven't adopted the amendment that was proposed at this point. We might need to change the amendment if we wanted to add other things. (See Attachment 1)

Rep. Johnston: I that is a good reason why we should leave this at the local level. In testimony we really didn't hear anything convincing that says it is not working. The question has been, have you ever been turned down at the local level. This should obviously be allowed and if a district determined that they shouldn't be allowed to wear something they would probably loose in the court of public opinion. I don't think we need a top down approach to it.

Vice Chairman Schreiber-Beck: Rep. Hoverson you asked for some minutes?

Rep. Hoverson: Yes I also followed up with Miss Baesler as well as Rep. Buffalo. Are there any schools that have actually said no. I would like more time to find out about this. It seems a little micro-managing. If it was up to me to wear it, I liked it. But I don't live there.

Rep. Hager: One of the reasons is specifically United Tribes brings people from Native American cultures from across the country so we are seeing many different types of regalia that is sacred in each of the tribes. You have heard the lengthy process to allow sacred things and maybe we are at a time where we do need a little more top down guidance to the local school districts. I was looking at the history of a tassel, maybe some of that history came from the eagle feather. The tassel was added within my lifetime. There are some

similarities there and us looking at this and validating this. I think this is the time for us to be doing this. This is a very significant thing for everyone who came in here.

Rep. Hoverson: I do appreciate those comments but once you write something into state law I could easily see it coming back next session and then other things being brought forth to be adding in.

Rep. Hager: When I signed onto the bill I thought it would be a little more encompassing than just the Native American culture. I think especially in the Fargo school system. We have many different cultures represented. This is a very narrow definition. I think this is the first place for us to start as what we as a state are validating for Native American students in the state.

Rep. Heinert: At first I thought this bill was too broad then the more I listened to testimony then I thought the bill was right on. But the only other thing that came up was the emergency clause so it would go into effect for the graduation in May 2019. It says the board of school districts or school. So I don't think we have to worry about the University systems or other private institutions like United Tribes.

Rep. Longmuir: When I was on the school board concerning baccalaureate and praying at the graduation ceremonies, those are done separately now for a separate group people. If they want to recognize their culture maybe they should be doing a baccalaureate service? I have a hard time separating that and this. I think once this starts where does this stop.

Rep. Pyle: We could amend to not violate the prohibited items, such as tobacco or weapons, just thinking of the different items from different cultures that are significant items.

Vice Chairman Schreiber-Beck: You are proposing a clarification on the amendment?

Rep. Pyle: Yes.

Rep. Johnston: Did anyone receive anything that specified that this is a problem in North Dakota?

Vice Chairman Schreiber-Beck: Superintendent Baesler said it was happening and there is an Indian Advisory Committee that has some notes. We need to follow up on this. We are not sure on how many schools this affected. There were 13 testimonies in support of this bill and no opposition to this bill.

Rep. Zubke: When we talk about objects of cultural significance, would that allow things that could be offensive, since maybe a hood or something like that? Just wondering what kind of door does this open?

Vice Chairman Schreiber-Beck: Yes that is a good point and we need to have some local control back into there.

Rep. Pyle: Central Cass allows the students to decorate their cap with different things. There is no true significance but it is personal to each graduate. I don't know if they regulate it or not.

Rep. Guggisberg: It seems like there is a lot of people who feel this is important enough to come and testify and change the law. There was no opposition to it. Sometimes we dig in to deep and get a little scared and something happens that was unintended. South Dakota just did this and I don't think we will run into any big issues by passing this law.

Rep. Owens: The only thing I see is how wide open it was and there is no definition of regalia and there has been a couple suggestions here that sound good and in a school sponsored activity or event, I understand the amendment will strike that and do just award ceremonies and graduation which limits this to those events.

Rep. M. Johnson: The governor has gone out of his way to repair some relationships. I'm not sure what a no vote would do.

Rep. Heinert: The point about wearing traditional tribal regalia, I think we are telling the school boards that they have to allow this but we are not defining what they consider tribal regalia. The students that appeared before us, if they would show up and show the school boards and it is traditional and here is my proof that it is traditional. I think it should be up to each individual school board's decision and to make that the way we have the bill written. That would be the proper way of doing it. I would be perfectly fine with going the way it is originally just adding the emergency clause.

Rep. D. Johnson: I can agree with those comments but how about sanctioned events, like football or basketball or do you just want to go with graduation?

Rep. Heinert: I have been to many games where I have seen the Native population wear regalia. There has never been an issue with this other than graduation ceremony which they had to get permission to wear the eagle plume.

Vice Chairman Schreiber-Beck: To clarify the sanctioned events, if you are a participant in the sanctioned events such as a football player versus an observer that is different. We have the South Dakota law and it is almost the same.

Rep. Hager: What was the proposed amendment and does it still include the eagle feather and eagle plume or is that eliminated?

Vice Chairman Schreiber-Beck: This is exactly like the South Dakota law it includes tribal regalia and eagle feather and eagle plume.

Appointed subcommittee to work on HB 1335 to include Rep. Hager, Rep. Pyle, and Rep. Guggisberg and if you want to include Rep. Buffalo please do. Bring forth and amendment. Hearing closed on HB 1335.

2019 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau A Room, State Capitol

HB 1335
1/28/2019
31741

Subcommittee
 Conference Committee

Committee Clerk: Bev Monroe By Donna Whetham

Explanation or reason for introduction of bill/resolution:

Relating to student dress code policies.

Minutes:

Attachment 1

Subcommittee hearing consisting of Rep. Pyle, Rep. Hager and Rep. Guggisberg. On HB 1335.

Rep Pyle: Opened the hearing. We want the amendment to be a school district or a school may not establish a dress code policy that includes prohibiting a student from wearing traditional tribal regalia or objects of cultural significance at a graduation ceremony. For the purposes of this section the term tribal regalia or object of cultural significance means and eagle feather or eagle plume. Went over a proposed amendment for HB 1335 and compared it to the current South Dakota law with the committee.

Rep Guggisberg: Made a motion to adopt the amendment (See Attachment 1).

Rep. Hager: Seconded.

Voice Vote taken: Motion carried to amend HB 1335.

Rep Pyle: made a motion to add emergency clause.

Rep. Hager: Seconded.

Rep Pyle: Any further discussion? Seeing none.

Voice vote taken: Motion carried to add Emergency clause to HB 1335.

Hearing closed.

2019 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau A Room, State Capitol

HB 1335
1/30/2019
31821

- Subcommittee
 Conference Committee

Committee Clerk: Bev Monroe By Donna Whetham
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Explanation or reason for introduction of bill/resolution:

Relating to student dress code policies.

Minutes:

Attachment 1

Chairman Owens: Opened the hearing on HB 1335. Do you have amendments?

Rep. Pyle: Explained the amendment for HB 1335. This is what we thought we could get through the chamber. The sponsor was okay with the graduation part. (See Attachment 1)

Chairman Owens: The way you have it written merely it says they cannot prohibit at a minimum this and it does not restrict them from creating a dress code that allows other things or restricting other things.

Rep. D. Johnson: Made a motion to adopt the proposed amendment to HB 1335.

Rep. Zubke: Seconded

Rep. M. Johnson: So far I have not heard that anyone of Native American decent has had input on this amendment and for all or us to define what is tribal regalia is not energy well spent. I oppose the amendment. I don't think we should have a problem with us saying traditional tribal regalia or objects of cultural significance as defined by the local school district.

Rep. Johnston: I will support the amendment but I will not support the bill. I don't think we should be in this business. Let's keep it at the local level.

Rep. D. Johnson: I was reading Mr. Davis's amendments and they mirror what he brought to us and he is representing everyone concerned with this bill I think. I have no problem with these amendments.

Rep. Guggisberg: I asked Mr. Davis if he shared the amendment with the bill sponsor and he said yes and she was okay with it at that time.

Vice Chairman Schreiber- Beck: If someone came in with a jingle dress and that is considered tribal regalia, I don't think we should be the ones to determine that. We did not receive a clarification how many schools have a problem with this. That was supposed to come from some Tribal association that meets.

Chairman Owens: With this bill we are not defining what it is we are telling the local school board at a minimum what it is. They can still authorize anything that they want. We didn't hear any opposition to this. My problem with it was where it said "while participating school sanctioned or sponsored or events" seemed very broad to me. From the state standpoint I just wanted to say "award ceremonies and graduation". Where if we leave it to the local district they could restrict everything as they can do now. We are recognizing there is a right to a minimum amount.

Rep. D. Johnson: That is why I support this amendment because my main concern was the eagle feather and the plume and graduation. Leave the rest of it back to the local districts if we want local control.

Chairman Owens: With this amendment they will still have local control of every little thing but they will not be able to restrict those two items at a graduation.

Voice vote: taken to adopt the amendment to HB 1335. Motion carried.

Chairman Owens: Do we want to wait and get more information? Any further discussion? Seeing none.

Rep D. Johnson: I move a Do Pass as amended on HB 1335.

Rep. Zubke: Seconded.

Chairman Owens: Any further discussion? Seeing none. The clerk will call the roll.

Roll call vote taken: Yes 11 No 1 Absent 2.

Rep. Pyle: Will carry the bill.

DA 1/30/19

19.0899.02001
Title.03000

Adopted by the Education Committee

January 30, 2019

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1335

Page 1, line 2, after "policies" insert "; and to declare an emergency"

Page 1, line 9, replace "while participating in a school sanctioned or sponsored activity or event" with "at a graduation ceremony. For purposes of this section "tribal regalia" or "object of cultural significance" means an eagle feather or eagle plume"

Page 1, after line 9, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Re-number accordingly

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. HB 1335**

House Education Committee

Subcommittee

Amendment LC# or Description: pg 1 line 9 remove "while participating in a school sanctioned event; page 1 line 9 insert "at graduation ceremony" add section 2: emergency

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Rep. Guggisberg Seconded By Rep. Hager

Representatives	Yes	No	Representatives	Yes	No
Rep. Pyle			Rep. Guggisberg		
			Rep. Hager		

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Voice Vote: Motion Carried.

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1335**

House Education Committee

Subcommittee

Amendment LC# or Description: pg 1 line 9 remove "while participating in a school sanctioned or sponsored event and insert "at graduation ceremony" declare an emergency

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Rep. D. Johnson Seconded By Rep. D. Zubke

Representatives	Yes	No	Representatives	Yes	No
Chairman M. Owens			Rep. Guggisberg		
V. Chair. Schreiber-Beck			Rep. Hager		
Rep. Heinert					
Rep. Hoverson					
Rep. D. Johnson					
Rep. M. Johnson					
Rep. Johnston					
Rep. Longmuir					
Rep. Marschall					
Rep. Pyle					
Rep. Strinden					
Rep. Zubke					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Motion carried.

Date: 1-30-19
 Roll Call Vote #: 2

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1335**

House Education Committee

Subcommittee

Amendment LC# or Description: 19.0899.02001 Title: 03000

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Rep. D Johnson Seconded By Rep D. Zubke

Representatives	Yes	No	Representatives	Yes	No
Chairman M. Owens	✓		Rep. Guggisberg	✓	
V. Chair. Schreiber-Beck	✓		Rep. Hager	✓	
Rep. Heinert	A				
Rep. Hoverson	A				
Rep. D. Johnson	✓				
Rep. M. Johnson	✓				
Rep. Johnston		✓			
Rep. Longmuir	✓				
Rep. Marschall	✓				
Rep. Pyle	✓				
Rep. Strinden	✓				
Rep. Zubke	✓				

Total (Yes) 11 No 1

Absent 2

Floor Assignment Rep. Pyle

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1335: Education Committee (Rep. Owens, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAYS, 2 ABSENT AND NOT VOTING). HB 1335 was placed on the Sixth order on the calendar.

Page 1, line 2, after "policies" insert "; and to declare an emergency"

Page 1, line 9, replace "while participating in a school sanctioned or sponsored activity or event" with "at a graduation ceremony. For purposes of this section "tribal regalia" or "object of cultural significance" means an eagle feather or eagle plume"

Page 1, after line 9, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

2019 SENATE EDUCATION

HB 1335

2019 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

HB 1335
3/4/2019
33080 (28:47)

- Subcommittee
 Conference Committee

Committee Clerk: Lynn Wolf

Explanation or reason for introduction of bill/resolution:

A bill relating to student dress code policies; and to declare an emergency.

Minutes:

Att. #1-Buffalo; Att. #2-Hall; Att. #3-DeKok; Att. #4-Two-Eagle

Chairman Schaible: The hearing for HB 1335 is open. Representative Buffalo.

(0:00:23) **Representative Buffalo, Dist. 27: See Att. #1.**

Chairman Schaible: Are there any questions? Senator Oban.

Senator Oban: I think it would be good for all of us to learn the importance of the eagle feather or the plume. Could you explain to us what that means?

(3:13) **Representative Buffalo:** The importance and significance of eagle feathers and eagle plumes is the eagle is very important to our Native American traditions. Although we have over 500 different tribes, the eagle has been consistently universal across tribes, across borders. The eagle feather is primarily worn by the men and boys. The eagle plume is more of a fluffy, softer plume that is generally worn by women and girls. These items are given to individuals if they have done great deeds. I first received my eagle plume when I was a high school senior and it was given to me by a member of Gripping Earth clan that I belong to. I am a member of the Mandan, Hidatsa and Arikara (MHA) Nation. Elders, people that have that right within your community, veterans provide that honor to people that have done great deeds in their communities. In this case, it would be crossing a big – huge – milestone, life event, such as high school graduation.

Chairman Schaible: Other questions.

(5:05) **Willow Hall,** Lives in Dist. 47: **See Att. #2.**

(6:33) **Melanie Angel Moniz:** See tape for Native Language spoken. My name is Butterfly Woman, my English name is Melanie Angel Moniz. I come to you this morning to support HB 1335. As an auntie, I have a nephew who will be graduating in two years and these are

milestones for us and it is an honor. I urge you to pass this bill. It is going to bring the community together. It is much needed for us learn to get together and unite. Thank you.

Chairman Schaible: Any questions? Thank you. Other testimony for the bill.

(7:26) **Carel Two Eagles:** I stand in favor of 1335. The rate of graduation from high school amongst our youth is extremely low. The rate of suicide and kinds of self-abuse is pretty high. In addition to our cultural heritage recognition, we are citizens of the United States, as well as of our own nations. We have dual citizenship courtesy of the Schneider act of 1924. This is only appropriate since it was our land first. Our people have volunteered for the military at far higher rates of all other races on turtle island combined. Granting us the vote was recognition of that. As citizens of this nation, then we have first amendment rights and to not be allowed to express our cultural heritage through wearing eagle feathers and regalia is to violate our first amendment rights - freedom of speech, freedom of expression, freedom of religion. Our youth need all the help they can get. We get a tremendous amount of static – for lack of a better word – to deny our traditions. I am a great grandmother and I still get it. If I had a dollar for every time somebody in ND said, “If you would drop treaty rights and traditionalism, we’d make you really rich.” I would already be really rich. That’s terrible. I mean I have put up with this for a lifetime. These kids are not as tough as I am – yet. I keep hoping, but you know. But I think this is certainly a worthy bill. We are not going to go away and we are not going to become extinct. Recommending Do Pass on this bill will provide a lot more power to the individual – a feeling of power. That is what keeps us going. It keeps anybody going when times are tough. Senator Oban asked about the significance of eagle – (Native language spoken.) I walk with a pipe. The pipe is holy. The reason we use eagle is because eagle flies higher than any other bird and carries our prayers to the spirits more directly and more quickly. If there is a prayer that is unanimous throughout Indian country, it is that we have more kids that graduate in high school and go on to college. I have a sister who was fostered out and she was battered. She didn’t graduate high school. She hung out with a bunch of people who were eventually somehow motivated and they went and got two-year degrees and they kind of dragged her along. After she had her two-year degree, they decided they were going to go for a four-year degree and dragged her along again. She really didn’t go that willingly, she kept saying “I can’t, I can’t” and I am in the background saying “Of course you can. Go do it, I did it – you can do it.” Well, she got a four-year degree in Special Education and people from the state came to her. By then she had learned to talk back. They said to her “We need more people with advanced degrees.”. She said. “We need more people with high school diplomas.” They said, “we will pay you a stipend to go on.” Today she has two of them – one in intellectual development and the other in Special Education. I am so proud of her, I could just pop. She was a poster child for something out of UND called “Not Beads and Feathers Anymore” We need more like that, we really do. I am asking that you recommend Do Pass.

Chairman Schaible: Thank you.

(12:14) **Sheridan McNeil:** See tape for Native Language spoken. My Dakota name is Respects the People Woman. My English name is Sheridan McNeil. I am from Bismarck and from Standing Rock. Today, I stand here in support of HB 1335. I want to share a little story – we are story tellers – I was given my Dakota name by my grandmother. She watched me at one of our sacred ceremonies interacting with people and things. She saw me through her

eyes as respecting all the people that were there. For me, that is a big responsibility and a reminder for me every day in how I need to interact to honor my grandmother, to honor my family, and to honor my people. When I was given that name, I was also given an eagle plume in honor of that name and in honor of my grandmother. I brought my plume here today to show what a plume looks like and what we are discussing. I wear this at our sacred ceremonies and anytime I am in prayer. I wear this as a reminder of who I am and how my grandmother seen me and how I want to make her and my family proud. I wear this so my kids know who we are and where we come from. I also brought with today my son's eagle feathers. My son was given his eagle feather for his name – one of them was given for his name – that he received. His name was passed down – our family comes from Inkpaduta (Scarlet Tip). That is our ancestor. He was given his name from one of Inkpaduta's sons. When we are given a name in our culture, we are usually given an eagle feather or another item of significance depending on where your culture is from. That helps create driving with in our culture, within our youth to empower them and give them that sense of belonging and so they always know where we are from. The other eagle feather he received was from his father who has passed away from colon cancer. His father graduated from the UND School of Law. He was a barred attorney. He was the attorney for Standing Rock. His grandmother and grandfather on his father's side wanted my son to have it. He is his only son. So, my son also carries his father's eagle feather with him. I share these stories with you that through a part of education, so we are learning about one and other's cultures and so that you don't think it is just something randomly that we are asking – for the committee to pass so that we are not prohibited from wearing things like this when we have a great accomplishment such as graduations. There are other items of cultural significance, but as the bill stands right now, it is for eagle feathers and eagle plumes. Inclusion of our cultures in schools creates healthier and stronger communities. Inclusion in anything helps when we stand together united – helps create healthier, stronger communities. In ND, we want that for all of our youth. We want to send that message to all of youth. We had some youth here in the room earlier, and it also send a positive message to thjem. If we say that we are prohibiting anything for any of our students to wear that is of cultural significance, what kind of message is that sending to them? We want to keep the message – the message is positive and show our youth that we are proud of ND – all of ND and who we are and we stand united with everyone regardless of your race, religion or color. Just kind of a comparison – there is a lot of – when we talk about things that are sacred to us – they are so prescious to us it is sacred and maybe in the Christian world it is something that is holy. That is exactly what these are to us. They are sacred and holy to us and we hold them very dear to our hearts.

Chairman Schaible: You mentioned that the one feather was given by his father. Who else gives these feathers? Can you explain that a little bit?

Sheridan McNeil: Right – I think Representative Buffalo had touched on that briefly and so like I had said earlier, my grandmother gave them to me. My grandfather gave the feathers to my sons. It can be anyone of our elders that can give a feather. Dreams are really significant in our culture. If someone has a dream to give a person a name or for one of their accomplishments that person is allowed to give them a feather. Veterans are held in high regard within our culture as they are anywhere and veterans also can give a feather. Feathers can be given in the form of appreciation, an accomplishment, - it is a very sacred gift when someone gives you a feather and it is a great reminder of who we are as a people and everything our culture stands for.

Chairman Schaible: Seeing no other questions, thank you. Other testimony in favor of the bill.

(18:39) **Lisa Casarez:** I testify in favor of 1335. See tape for Native Language spoken. Good morning everybody, my relatives. My Hidatsa name is Pink Blossom. I work and teach at the same school I graduated from in Mandaree, ND on the Fort Berthold Reservation. It would be with tremendous gratitude to have you support this bill in support of indigenous children and people in ND. Symbolism and ceremony are important in every culture with tribal cultures being no exception. To introduce this section in the ND Century Code would be a positive and more inclusive amendment and the honor child practices that are practiced even before the century code. There is one story I would like to share with you. A few years ago, the Grand Forks Public School System granted the use of eagle feathers and eagle plumes after it was brought to light that teachers and admin at the Grand Forks Central High School tried to prohibit graduating seniors from using beadwork and an eagle feather during graduation. He was able to walk with his feather only after changing at the last minute without permission. I applaud this young man's actions who is now a student at Arizona State University. He did not allow admin to prohibit his freedom of expression, his culture identity and pride. With the passing of this bill, many more youth should not have to resort to breaking school policy to assert their culture identity and pride during an educational milestone. As a teacher, especially on the reservation, we don't have many things – laundry mat or even a grocery store. We do have our culture, our – this is encouraged, but I also think it would be great for schools everywhere to honor this for all of our indigenous students and perhaps also culture expression for other students who come from different backgrounds.

Chairman Schaible: Thank you. Other testimony in favor of the bill.

(21:16) **Barbara Vilella:** I am here as an Italian American woman. My name is Barbara Vilella in support of my neighbors and all of the communities that reside in the United States. I am never told that I can wear a cross necklace, but not a cross headband. I am never told that I can wear earrings, but not something else. I feel that I want to support my neighbors and I also know that as a daughter of – a great granddaughter of an immigrant from Ellis Island, we had to go through some things that no one should have to go through as far as – toning down your culture to fit in. I think that in celebration, in times of sadness, in times of where certain things we may not understand, I don't think it is anyone's right to say that you can't wear something so significant as well as I would love this bill to include all regalia that is culturally appropriate. It is a great start – eagle plume and eagle feathers – my neighbors, I support them and I support their quest for more justice in all realms of social relevance. I would like to be here to show that I think that this is a great step in the right direction. We have a long way to go for our neighbors and I think that this conversation is an excellent one to begin, but it is definitely not the end. I want to make sure my neighbors feel supported and so I am here today to show that support. Thank you.

Chairman Schaible: Other testimony in favor of the bill.

(23:09) **Janessa Thompson:** I live in New Salem, but I grew up in Rugby, ND. I have a lot of friends that grew up on the reservation. Although I didn't experience it, I got to see a lot of the additional challenges that they go through. I think this bill – I support this bill in that it allows for them to fully express their culture in something that is important to them and that

is a really big milestone and they may have to face more challenges than other people do. I would like to see some of those challenges become less in the future. I think it is important to remember that all cultures bring really valuable perspectives to the table and different perspectives and that by allowing them to express their cultures in the way that is meaningful to them allows them to be more confident and able to share that perspective with us.

Chairman Schaible: Other testimony in favor of the bill.

Amy DeKok, ND School Boards Association: **See Att. #3.**

Chairman Schaible: Other testimony in favor of the bill. Agency testimony. Any testimony in opposition to the bill. Seeing none, we will close the hearing.

Additional testimony was submitted via email after the hearing by Carel Two-Eagle. **See Att. #4.**

2019 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

HB 1335
3/5/2019
33191 (5:14)

- Subcommittee
 Conference Committee

Committee Clerk: Lynn Wolf

Explanation or reason for introduction of bill/resolution:

A bill relating to student dress code policies; and to declare an emergency.

Minutes:

No Attachments.

Chairman Schaible: Committee we are looking at HB 1335.

Motion by Marcellais to Do Pass HB 1335.

Second by Oban.

Roll Call Vote: 7 Yeas; 0 Nays; 0 Absent.

Motion Carries.

Senator Marcellais will carry the bill.

REPORT OF STANDING COMMITTEE

HB 1335: Education Committee (Sen. Schaible, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1335 was placed on the Fourteenth order on the calendar.

2019 TESTIMONY

HB 1335

Hello. My name is Chelsea Schmitt. I am the lineal descendant of Turtle Mountain Band of Chippewa enrolled member, Barbara Schmitt. I graduated from Bismarck High School in Bismarck, ND in 2015. I am here to speak about why wearing Native American regalia, like the eagle feather or plume, to school events, specifically graduation, is important to Native American students and their culture.

In December 2013, my mom was getting ready to graduate from North Dakota State University with her Doctorate Degree in Education. Part of her getting ready for graduation was to take out her eagle feather and have a family friend bless it with a Native American prayer. She began telling me all about the importance of the eagle feather and plumes and why they are so important to the Native American culture. How the eagle feather and plumes are given as a gift to Native Americans when they reach a milestone in their lives, like high school graduation. I remember that I immediately started planning what color beads I wanted on the base of my eagle feather when I was to graduate.

In the fall of 2014 I started my senior year. Of course like all other high school seniors, graduation and other senior events were at the very center of all of the conversations that my friends and I had. I was speaking with another Native American student about graduation when I asked if they would also be wearing their eagle feather or plume. Their reply was that to their understanding that we could NOT wear our eagle feathers or plumes to graduation. To say I was upset was an understatement. I went home and asked my mom what we were going to do. She told me that it was not up to her to help me. That if I really wanted to wear my eagle feather at graduation, I needed to do this on my own. The only help I received from my mom was that I should get in contact with the Student Parent Liaison at Bismarck High School.

When I first met with the Student Parent Liaison, they told me that there were several Native American students that had come to them with the concern of the eagle feathers or plumes. From that year and years prior. I told them that I was willing to go to the school board to fight for myself and other Native American students so that we would be allowed to wear eagle feathers and plumes at our high school graduation.

With help from the Student Parent Liaison, and six other Native American students, we went to work on the issue at hand. We did our research, we made slideshow presentations, and we requested a meeting with the school board and the principals from all four high schools in Bismarck. We all took our turns explaining why wearing an eagle feather or plume to our high school graduation would be important to us as Native Americans and to all of the Native American students that would come after us.

Approximately two month prior to graduation, each of us received a hand written letter from the superintendent of Bismarck schools letting us know that we achieved our goal. We got to wear our eagle feather or plume to graduation. Like my Native American family members have in the past, I got to wear a piece of my culture, a part of who I am, on a very important day in my life. A year later, my younger sister graduated from Bismarck High School. Per the request from the school board and principals during the presentation meeting, my sister and other Native American students that planned to wear an eagle feather or plume were required to fill out a form

stating if they would be wearing an eagle feather or plume or not since there was a concern about other students taking advantage of the added adornment.

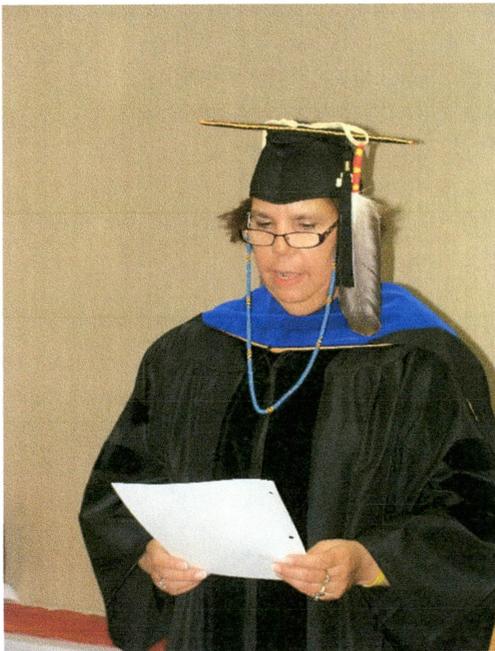
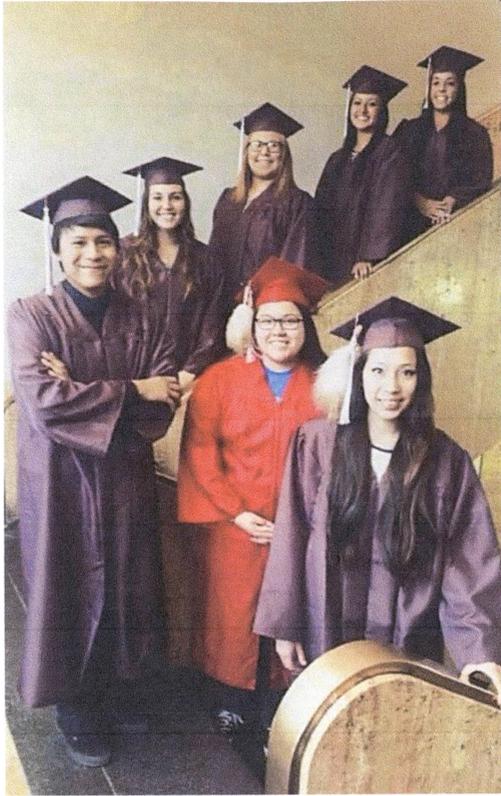
In Fredrick, South Dakota, a family friend transferred to Aberdeen, South Dakota for school in her last semester of her senior year just so she would be able to wear her eagle feather at graduation.

Eagle feathers are not taken lightly in the Native American culture. They must have a special blessing before they are to be worn or displayed in any way. And an elder must perform a small prayer or ceremony before it is picked up off the ground if it has fallen. They are a symbol that indicates strength and honor. It is not just a decoration. Eagles and their feathers are held sacred by tribal nations. As I stated before, they are only given as gifts during important times in a person's life.

In the Native American culture, receiving an eagle feather is as important as receiving a diploma. It signifies the achievement of an important educational journey, and the honor that the student has brought to themselves, their family, and their entire tribal community.

Wearing an eagle feather or plume to high school graduation was not just important for me. It is important for all Native American students around the state of North Dakota. Past and present. By voting on and passing this bill, it means that our Native American culture is becoming more recognized. That what is important to us is not just being swept under the rug.

At the end of my presentation, I have included photos of myself, my classmates, my mom, and my younger sister for a visual of that the eagle feathers and plumes will possibly look like. Thank you



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1-21-19
#2

January 21, 2019



North Dakota House of Representatives

State Capitol
600 East Boulevard Avenue
Bismarck, ND 58505-0360

Representative
Ruth Buffalo
District 27
P.O. Box 9763
Fargo, ND 58106-9763

C: 701-491-8175
rbuffalo@nd.gov

Committees:
Agriculture
Judiciary

Chair Owens and House Education Committee Members,

My name is Ruth Buffalo and I represent District 27 in south Fargo.

HB 1335: Dress code - Inclusion of traditional tribal regalia and objects of cultural significance. *The board of a school district or a school may not establish a dress code policy that includes prohibiting a student from wearing traditional tribal regalia or objects of cultural significance while participating in a school sanctioned or sponsored activity or event.*

HB 1335 would allow high school students to wear their eagle feathers and eagle plumes during the celebration of their academic achievements and milestones such as a high school graduation ceremony.

Every year, Native high school graduates seek to express their academic achievement and cultural beliefs by wearing eagle feathers as a part of their graduation ceremonies. Although most high schools recognize the academic and sacred importance associated with wearing eagle feathers at graduation, there still are a few schools and districts that do not allow this tradition. <https://www.narf.org/graduation/>

"The principal said I have to make sure that [my eagle feather] is hidden and that nobody can see it and it is out of sight. It makes me feel like I have to hide who I am."—Waverly Wilson (Fort Belknap Indian Community)

This bill will not only provide information to students of what is allowed, but also guidance for school boards. Each year students and family's have to advocate and navigate through the educational system which causes anxiety and stress while seeking permission to wear their tribal regalia which includes eagle feathers and eagle plumes at a school sanctioned event such as a high school graduation ceremony.

Students and family's should not have to worry whether or not they will be allowed to celebrate their heritage by wearing their tribal regalia which includes eagle feathers and eagle plumes during a school sanctioned event such as a high school graduation ceremony.

It's important to allow students to celebrate such achievements while being allowed to wear sacred items such as eagle feathers and eagle plumes. Our young people thrive while being able to embrace their Native American heritage. Our young people have high rates of suicide and low rates of graduation, please help up us celebrate our Native

①

American students' very existence and achievements by allowing them to wear their tribal regalia such as eagle feathers and eagle plumes during a school sanctioned event such as a high school graduation.

"Graduation from high school is an especially significant occasion for Native students and families, considering that the American Indian and Alaska Native high school graduation rate is 67 percent, the lowest of any racial or ethnic demographic across all schools." 1 Exec. Office of the President, Native Youth Report, at 16 (December 2014),
2'<https://www.whitehouse.gov/sites/default/files/docs/>

There is great importance of sacred items, but as a parent with a public health background, there are protective factors within embracing our indigenous culture and identity which in turn will help contribute to student success.

I urge you to vote yes on the passage of HB 1335. Mr. Chair and members of the House Education Committee, I would be happy to answer any questions. Thank you.

this Administration has undertaken policy and procedural changes to facilitate the collection and distribution of scarce eagle bodies and parts for this purpose.”

– President Clinton, Executive Memorandum ⁶

Federal law and policy has long recognized the religious and ceremonial significance of eagle feathers to Native peoples. The Bald and Golden Eagle Protection Act of 1962 allows tribal members to continue to include eagle parts in their religious ceremonies by providing special exemptions to American Indians and Alaska Natives.⁷ Also, for more than twenty years, the federal government has followed an established system for distributing eagle feathers to Native peoples for religious and ceremonial purposes.⁷ Additionally, U.S. Department of Justice policies are guided by the recognition that “[f]rom time immemorial, many Native Americans have viewed eagle feathers and other bird parts as sacred elements of their religious and cultural traditions.”⁸

Most Schools Allow Native Students to Wear Eagle Feathers

Given the Native American reverence for eagles and the high honor represented by graduation, most schools recognize that commencement ceremonies are an appropriate setting for Native students to wear an eagle feather with dignity. Most schools that have faced this question in the past few decades have understood that permitting Native students to wear eagle feathers is not only good policy, but the right

thing to do. While many schools approve Native students’ requests to wear an eagle feather on a case-by-case basis, some districts have adopted policies allowing all Native graduates to have this distinct honor. These policies range from specifically accommodating Native students, to permitting student organizations that represent certain cultural groups to approve and/or distribute culturally-appropriate honor chords, which include eagle feathers for Native students.

“It’s my belief it is our responsibility to be respectful of each student’s spiritual and cultural beliefs. Not just to enable [cultural expression] but to respect and honor their heritage. [This Assiniboine/Lakota Sioux graduate] will become an example to other Native American students. Her wearing the eagle feather will say, ‘This is a goal you can reach and be a member of your tribe at the same time.’”

–Superintendent Joyce Henstrand, Reynolds School District, Fairview, OR ⁹

“I’m so excited to get to embrace my culture and that it gets to be part of my graduation day . . . I’m so thankful that our superintendent allowed us to wear our feathers. It is a big deal to us to be able to do this and wear them proudly.”

–Allison Turner (Cherokee) ¹⁰

¹ Exec. Office of the President, *Native Youth Report*, at 16 (December 2014), https://www.whitehouse.gov/sites/default/files/does/20141129nativeyouthreport_final.pdf.

² Dec. of Isidro Gali at ¶ 5-6, *Titman v. Clovis Unified Sch. Dist.*, No. 15CECG01717 (Cal. Super. Ct. 2015).

³ Vincent Schilling, *Principal Tells Graduating Native: Hide Your Eagle Feather Under Your Gown*, Indian Country Today, May 13, 2015.

⁴ Katherine Saltzstein, *Students win right to traditional dress under cap & gown*, Indian Country Today, May 26, 1997.

⁵ Dec. of Christian Titman at ¶ 5, *Titman v. Clovis Unified Sch. Dist.*, No. 15CECG01717 (Cal. Super. Ct. 2015).

⁶ Policy Concerning Distribution of Eagle Feathers for Native American Religious Purposes, 59 Fed. Reg. 22953 (Apr. 29, 1994).

⁷ *Id.*

⁸ Press Release, Dep’t of Justice Office of Pub. Affairs, Justice Dep’t Announces Policy on Tribal Member Use of Eagle Feathers (Oct. 12, 2012), <http://www.justice.gov/opa/pr/justice-department-announces-policy-tribal-member-use-eagle-feathers>.

⁹ Tanya Lee, *High Schooler First Not Allowed, Then Allowed, to Wear Eagle Feather in Graduation Cap*, Indian Country Today, November 28, 2011.

¹⁰ Lenzy Krehbiel-Burton, *Native Verdigris seniors to wear eagle feathers at graduation*, Cherokee Phoenix, May 11, 2015.

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Wearing Eagle Feathers at Graduation

Information for Schools

HB1335
1-21-19
#2

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Source: *Eagle Feathers First Banned, Then Allowed at California Graduation*, Indian Country Today, June 16, 2014.

Every year, Native high school students from across the country seek to express their individual and tribal religious beliefs and celebrate their personal academic achievements by wearing an eagle feather at graduation. Graduation from high school is an especially significant occasion for Native students and families, considering that the American Indian and Alaska Native high school graduation rate is 67 percent, the lowest of any racial or ethnic demographic across all schools.¹ While most public school districts permit Native students to wear eagle feathers during commencement ceremonies, some school districts do not allow it. This guide seeks to educate schools about why it is culturally and religiously important for Native students to be allowed to wear eagle feathers during graduation.

Religious Significance

“Both bald and golden eagles (and their feathers) are revered and considered sacred in our cultural and religious tradition . . . The gift of an eagle feather to wear at a ceremony is a great honor given in recognition of an important transition and has great spiritual meaning. When given in honor of a graduation ceremony, the eagle feather also recognizes academic achievement and school-related success. Eagle feathers are worn with pride and respect.”

– Isidro Gali, Vice Chairperson of the Pit River Tribe²

From time immemorial, many tribal nations have viewed eagles and their feathers as sacred elements of their religious traditions. In many Native cultures, eagle feathers are equal to the cross or the Bible in western religions. Eagle feathers represent honesty, truth, majesty, strength, courage, wisdom, power and freedom. Native peoples believe that as eagles roam the sky, they have a special connection with and are messengers to God.

“The principal said I have to make sure that [my eagle feather] is hidden and that nobody can see it and it is out of sight. It makes me feel like I have to hide who I am.”

**– Waverly Wilson
(Fort Belknap Indian Community)³**

Ceremonial Significance

“As a Native American, the eagle feather is a symbol given only for important milestones in one’s life and [is] worn to signify high achievements. I had

not only worked tirelessly to ensure that I would graduate with my peers, but I secured an apprenticeship after graduation and received the master Councilor position . . . I wish to wear and display the feather on the tassel on my cap during graduation as a symbol of my hard work, and to convey my [t]ribe’s recognition of my academic achievements and the deep appreciation I have for my Native American cultural and spiritual traditions.”

– Christian Titman (Pit River Tribe)⁵

Eagle feathers are given only in times of great honor. Many tribes present their young people with eagle feathers upon graduation from high school to signify the achievement of this important educational journey and the honor the graduate brings to his or her family, community, and tribal nation. For many Native students, receiving an eagle feather in recognition of graduation is as significant as earning the diploma or akin to an honor society stole. When a person is given an eagle feather for a certain occasion, it is often seen as a sign of disrespect or dishonor to not wear the feather for that occasion

Federal Law Recognizes the Sacredness of Eagle Feathers to Tribal Nations

“Eagle feathers hold a sacred place in Native American culture and religious practices. Because of the feathers’ significance to Native American heritage and consistent with due respect for the government-to-government relationship between the Federal and Native American tribal governments,

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Native Verdigris seniors to wear eagle feathers at graduation

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BY LENZY KREHBIEL-BURTON
Special Correspondent
05/11/2015 08:00 AM



VERDIGRIS, Okla. – When Verdigris High School hosts its 2015 graduation on May 15, a few extra items will be mixed in among the caps, gowns and tassels.

For the first time since the high school was re-established in the late 1990s, Native American seniors at Verdigris will be allowed to wear an eagle feather with their graduation regalia. Of the 100 students slated to graduate, 26 are Native, including Cherokee Nation citizens.

“This is a great opportunity for our kids to remember their

Some Verdigris High School seniors American hold the cedar boxes that feathers. The seniors get to wear the graduation on May 15. LENZY KREH BURTON/SPECIAL CORRESPONDEN

heritage,” the school’s Johnson-O’Malley coordinator Charles Nadal said. “Most of us are Cherokee. We have some other tribes, including Pawnee, Shawnee, Osage and Kiowa. When it all comes down to it, we’re all brothers and sisters and this gives just a moment’s worth of unification.”

The district’s JOM Program has been distributing eagle feathers to Verdigris seniors for five years. Several of the program’s active Parent Committee members have a senior at home and reached out to administrators almost six months before commencement exercises.

“We saw the stories about the pushback at Seminole and Kingfisher

Education

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(high schools) last year when their students wanted to wear feathers and we didn't want to have to deal with that right before graduation," JOM Parent Committee Chairwoman Jennifer Ayers said. "So we printed off the stories, took them with us and asked if it would be a problem."

When Verdigris officials gave the green light, Ayers and other JOM parents spent the spring semester practicing on turkey feathers before preparing the eagle feathers, including hand-sewing the beads and buckskin fringe on each quill.

Their handiwork was presented to the seniors on May 2, along with a cedar box to protect the feather and a letter from Nadal, explaining the feather's significance.

"I'm so excited to get to embrace my culture and that it gets to be part of my graduation day," senior Alison Turner said. "It was so meaningful and awesome to see one of my (substitute) teachers working on the beadwork. She was so excited to do it for us because she knew how excited and happy we were that we get the chance to do this. I'm so thankful that our superintendent allowed us to wear our feathers. It is a big deal to us to be able to do this and wear them proudly."

The seniors also each received an application for a permit to obtain their own eagle feathers as way to keep the tradition going for future classes at Verdigris. Under federal law, citizens of federally recognized tribes who are 18 and older may apply to receive and keep eagle feathers and parts for religious reasons from the National Wildlife Service's National Eagle Repository.

"It's important to me that you all want to be a part of this," Nadal told the seniors. "I hope that you all consider applying for a permit and help us continue this tradition."

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Kansas

Tribal Regalia and Objects of Cultural Significance; prohibits state agencies and municipalities from prohibiting individuals from wearing tribal regalia or objects of cultural significance at public events.

The bill defines the following terms:

- “Municipality” means any county, township, city, school district, or other political or taxing subdivision of the state, or any agency, authority, institution, or other instrumentality thereof;
- “Public event” means an event held or sponsored by a state agency or municipality, including, but not limited to, an award ceremony, a graduation ceremony, or a meeting of a governing body; and
- “State agency” means the State of Kansas and any department or branch of state government, or any agency, authority, institution, or other instrumentality thereof. The bill requires the Secretary of State to send a copy of the bill to each tribal government on the four reservations in Kansas on the effective date of the bill. The bill states the Kansas Legislature declares the purpose of the bill is to help further the State’s recognition of the distinct and unique cultural heritage of Native Americans and the State’s commitment to preserving Native Americans’ cultural integrity.

South Dakota

FOR AN ACT ENTITLED, An Act to prohibit certain government entities from restricting the wearing of tribal regalia during certain events.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That the code be amended by adding a NEW SECTION to read:

The state, any of its political subdivisions, municipalities or subdivisions thereof shall not prohibit any person from wearing traditional tribal regalia or objects of cultural significance at a school honoring or graduation ceremony.

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1-21-19
#3



NDSBA
NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION

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Bismarck ND 58507-7128
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HB 1335
Testimony of Alexis Baxley
House Education
January 21, 2019

Chairman Owens and members of the House Education committee, my name is Alexis Baxley. I am the executive director of the North Dakota School Boards Association. NDSBA represents all 178 North Dakota public school districts and their boards. I am here today in opposition to HB 1335.

We support what we believe is the intent of Representative Buffalo's bill. We believe students should be able to express themselves and their cultural identity during important events. However, the broad nature of this bill has us concerned.

First, the terms "tribal regalia or objects of cultural significance" leave a lot of room for interpretation. Our main concerns center around the possibility of someone using the broad-nature of this term to take advantage of the provision, and in turn, become a distraction. Recently, the Bismarck Public School District adopted a policy that allows for an eagle feather to be worn during graduation by students of Native American ancestry. Identifying specific pieces of tribal regalia would allow students to honor their culture and make for clearer policy.

We are also concerned with the language "a school sanctioned or sponsored activity or event." Again, the broad nature of this language is troublesome. Sporting events would be included in this language. The wearing of anything outside of the approved uniform could be a safety hazard, and may result in forfeiture of the competition. Last year, South Dakota adopted similar legislation and referenced "graduation or awards ceremonies" instead. We believe this is a better approach.

Attached to my testimony you will find suggested language for an amendment. Further defining the aforementioned terms and language in the same or a similar way would create less opportunity for conflict, confusion, or distraction. We'd be happy to work with Representative Buffalo and the committee on this language.

NDSBA urges the committee to consider amending this bill or give it a do not pass. I would be happy to answer any questions the committee may have.

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#3

HB 1335 – Proposed amendment

SECTION 1. A new section to chapter 15.1-19 of the North Dakota Century Code is created and enacted as follows:

Dress code - Inclusion of traditional tribal regalia and objects of cultural significance.

The board of a school district or a school may not establish a dress code policy that includes prohibiting a student from wearing traditional tribal regalia or objects of cultural significance~~while participating in a school sanctioned or sponsored activity or event.~~ at a school honoring or graduation ceremony. For purposes of this section the term, tribal regalia or object of cultural significance, means an eagle feather or eagle plume.

HB 1335
1-21-19
#4

**Testimony in Support of HB 1335
Submitted by Cheryl Kary, Ph.D.
Sacred Pipe Resource Center**

My name is Cheryl Kary and I am the Director of the Sacred Pipe Resource Center, a local non-profit serving the American Indian population in Bismarck and Mandan.

I am here to offer my support for HB 1335, a bill for inclusion of traditional tribal regalia and objects of cultural significance. I believe this bill is an excellent opportunity to build bridges between human beings who call North Dakota home.

Today, in Mandan, the Five Nations Art is hosting a grand re-opening of the store under new ownership. A group of local Native American women has formed a Native cooperative and has taken over operation from the Fort Lincoln Foundation. I mention this because this group – Native Artists United (NAU) – has a mission that goes beyond a retail store.

NAU was formed to promote Native art, foster new Native artists, and – pertinent to this issue – provide education to the general public about Native art. The hallmark of Native art is that is inextricably intertwined with who we are as a people. Native art is as diverse as Native people because it is a reflection of our cultural ways, the symbols that represent our beliefs and traditional knowledge, and the meanings that we make of the natural world. Native art does not exist separately as something to be simply admired. If you think back in history, we never had paintings that hung on our tipi walls. Because of the close connection between art and identity, Native art has always been primarily functional. It is why, historically, you saw us paint our tipis, paint our horses, put quillwork on our moccasins and dresses, our containers, our cradleboards, and even our children's toys. It is why, in our contemporary world, you see us wear beaded and quilled jewelry, have Native designs on our clothing, wear ribbon skirts and shirts. It is why we bead things like drumsticks for singing, writing pens, salt and pepper shakers, even bingo dabbers! These things are common place, functional items that we make ours by attaching our art to them. Native art is an outward reflection of our cultural understandings and ways. Each color and each design have meaning and purpose.

It is important to understand the principle of functionality of Native art because it is what is at the heart of this bill.

We understand the desire for uniformity in school-based functions such as graduations. However, we must also recognize that not every culture values complete conformity in these occasions. And making room for that recognition is the hallmark of an educated, informed, and culturally competent representative body. It is possible for these two, competing value systems to co-exist – cultural individuality expressed within an occasion for uniformity. If you’ve ever been to a graduation ceremony at a Tribal College, you will see that the freedom to culturally self-express does **not** impede on the solemnity or uniformity of the graduation ceremony or any other formal event.

This is why I urge you each to support HB 1335 in the spirit of respect and recognition of different cultural ways of doing things. In the early days of formal education, American Indian youth were forced to cut their hair and take English names. They were forced to wear clothing unfamiliar to them and speak only English. All of this was done in the name of conformity, the belief that one way of doing things was superior to another, and the misuse of power to destroy that which was different. Today, we know better. Or I’d like to think we know better.

To those who would say, “We shouldn’t mandate this on a State level. Let the local schools decide”, I say: Do not evade this important issue. You mandate many things. You mandate achievement tests because you know it is important to demonstrate school and student progress. You mandate curriculum because you know it is important to teach certain things and it is important for students to reach certain levels of understanding. This is no different. It is important – I would even say critical in this day and age – for you to mandate acceptance of others, and recognition and respect of other ways of being.

HB 1335
1-21-19
#5

January 21, 2019

House Education Committee

600 E. Boulevard

Bismarck, ND 58505

Dear Education Committee Members,

I am in support of House Bill 1335, Dress Code – Inclusion of traditional tribal regalia and objects of cultural significance. Below are some of the reasons I am in support of this bill.

Passing this bill will...

- Teach all students of North Dakota the power of inclusion and unity. Governor Burgum and other representatives have taken action and moving North Dakota in a positive direction to provide a more united North Dakota. Let's keep this momentum and message going in our schools to create an inclusive, diverse, and safe environment in our educational system.
- Create a safe learning environment that encourages discussion and learning about other cultures, which will also help reduce stereotyping and bullying.
- Encourage create a message of strength and unity within all of North Dakota. If we allow schools to prohibit students wearing tribal regalia or items of cultural significance, we are sending a message of oppression and division.
- Send a message to students of diverse backgrounds about the importance of their cultures and the educational system's support and respect of them.

I am asking you, the House Education Committee, to please pass this bill. We are all citizens and human beings of North Dakota, including our students. Our educational institutions have a responsibility to create unity and encourage acceptance of all diverse cultures. We should be making decisions that would inspire and create positive environments for all students. By doing this, we would create a more unified and safer learning environments in North Dakota for all our future generations.

Respectfully,



Sheridan L. Seaboy-McNeil

Oyate Ohowicada Win (Respects the People Woman)

Citizen of Standing Rock Sioux Tribe

Career & Technical Education Director

United Tribes Technical College

smcneil@uttc.edu

(701) 471-5735

HB1335
1-21-19
#6

**Testimony in Support of HB 1335
Submitted by Ira (Hankinson) High Elk
January 21, 2019**

My name is Ira High Elk and I am here to support HB 1335, a bill for inclusion of traditional tribal regalia and objects of cultural significance.

The American Indian culture has been under assault since the time of first contact. To many of us, our cultural ways have been taken away and many of our ceremonies, as well as our languages, are dying. Our ancestors proudly fought against this and even held ceremonies and traditions underground so they could protect them for the generations ahead. They made the ultimate sacrifice so that their following generations and descendants could live through what they died for. They had so much pride in being the original people of this land and they wished that we would be the same way.

In our schools today, not allowing us to represent our culture in one of the most important stages and points in our life takes away from that hope of our ancestors. Graduating is an important part in the lives of those that are luckily able to do so. As a Native student who is proud of my heritage and cultural ways, I want to be able to express my identity when I go through this important moment in my life. Being able to wear an eagle feather, a symbol of accomplishment in my Tribe, means more to me than a simple tassel. Being able to express my identity with beadwork or other regalia is more than a decoration. It is an expression of my ancestors who believed in our ways so much that they were willing to die for them.

I know that the fear is that if you give us Native people the ability to wear our cultural regalia, it will open the door for everyone to do something crazy or unique. I say this an unfounded fear. This is not about beads and feathers. We are more than beads and feathers. We are the dream that our ancestors had to live in a society that welcomes and respects us.

HB 1335
1-21-19
#7

January 21, 2019

House Education Committee

600 E. Boulevard

Bismarck ND 58505

To House Education Committee Members,

I am in support of House Bill 1335 a new section to chapter 15.1-19 of the ND Century Code, relating to dress code policies.

The Inclusion of traditional tribal regalia and objects of cultural significance.

As a member of the Standing Rock Sioux Tribe I am intimately aware of the pride, sense of achievement and recognition that allowing a Native student wear an eagle plume (female) or feather (male) brings. For a great many students this graduation ceremony may very be the only such recognized achievement attained in their life to publicly earn such an honor. This practice for the citizens of the State of North Dakota should not only exist within the borders of the Tribal Nations of North Dakota, but its citizens that live and contribute greatly to off reservation communities, townships and cities therein.

The opportunity to share, learn and communicate should be encouraged, as well as the cultures of non-native students who should also be allowed to display their own measure of achievement on par with their cultural norms. Be that Native American, Norwegian, Swedish, German and others that make this great State of North Dakota such a great place to live.

Let us not diminish what makes us unique, we will lose that beautiful cultural tapestry that makes life incredible in North Dakota. This will build and weave an understanding in a school setting to learn history, respect and mutual understanding that we are all part of a wonderful humanity that relies on each other in tough times. Counts on one another when crisis arises, respecting that we all are different and the very same. You are a different version of me and we live together in North Dakota.

This is a step in the right direction to unify through education and awareness as we celebrate the achievements of our children for whom all are citizens of North Dakota.

Sincerely,



Joseph McNeil Jr.

Tatanka Wanjila (*One Bull from Where the Buffalo Come*)

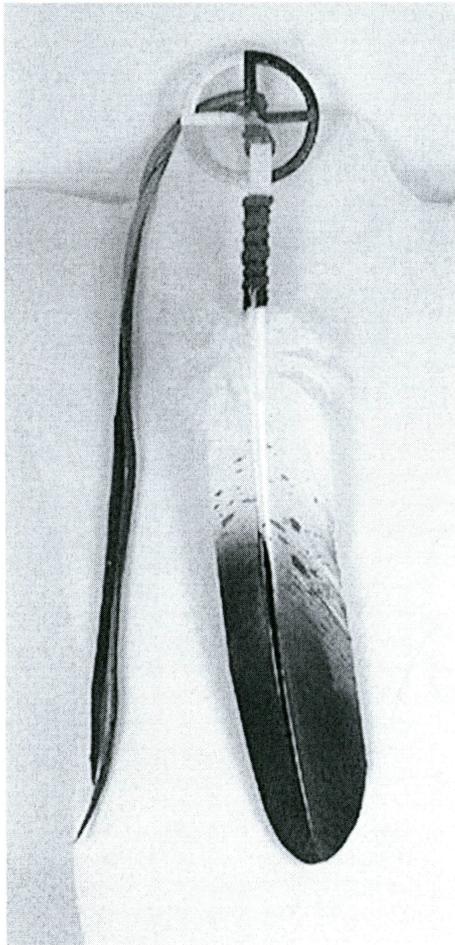
President- Standing Rock Development Corporation

102 1st Ave, Fort Yates ND 58538

joemcneilsrst@gmail.com

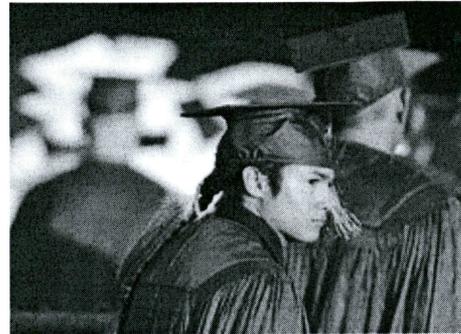
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#1 HB 1335
1-28-19
pl.



Picture of medicine wheel accessory with the eagle feather.

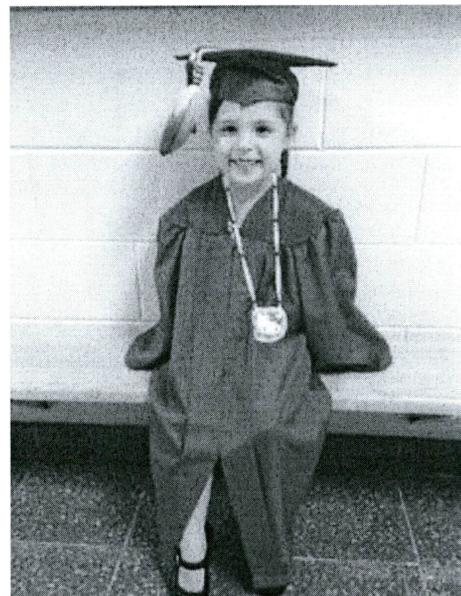
Tribal Regalia: includes the following, but not limited to an eagle feather/plume, accessories; ie; quillwork and beadwork, moccasins, ribbon shirts, and traditional dresses. It is important to honor the diverse regalia and customs of all tribal cultures.



Eagle feather worn by graduate



Eagle feather worn by graduate



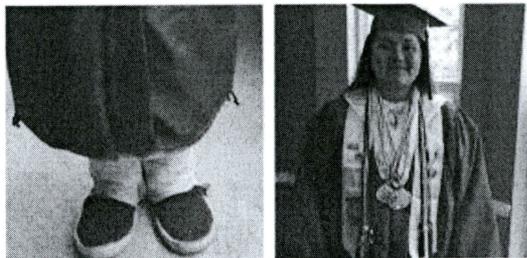
Kindergarten graduate wearing accessory (beaded medallion) with beaded eagle feather.

#1

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P. 2.



Dine' (Navajo) traditional dress and traditional footwear



#1 HB 1335
1-28-19
p.1

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1335

Page 1, line 9, remove, "while participating in a school sanctioned or sponsored event"

Page 1, line 9, before the period, insert

"at a graduation ceremony. For purposes of this section the term tribal regalia or object of cultural significance, means an eagle feather or eagle plume"

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure. "

Renumber accordingly

#1 HB 1335
1-30-2019
pl

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1335

Page 1, line 9, remove, "while participating in a school sanctioned or sponsored event"

Page 1, line 9, before the period, insert

"at a graduation ceremony. For purposes of this section the term tribal regalia or object of cultural significance, means an eagle feather or eagle plume"

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

HB 1335
3-4-19
AH #1
p 1 of 1

TESTIMONY
Senate Education Committee
HB 1335
March 4, 2019
Representative Ruth Buffalo

Chairman Schaible and members of the House Education Committee, my name is Ruth Buffalo and I represent District 27 in south Fargo.

HB 1335 would allow high school students to wear their eagle feathers and eagle plumes during the celebration of their academic achievements and milestones such as a high school graduation ceremony.

Every year, Native high school graduates seek to express their academic achievement and religious beliefs by wearing eagle feathers as a part of their graduation ceremonies. Although most high schools recognize the academic and sacred importance associated with wearing eagle feathers at graduation, there still are a few schools and districts that do not allow this tradition.

"The principal said I have to make sure that [my eagle feather] is hidden and that nobody can see it and it is out of sight. It makes me feel like I have to hide who I am."
—Waverly Wilson (Fort Belknap Indian Community)

While some schools allow students to wear their tribal regalia which includes eagle feathers and eagle plumes, other schools do not. Rather than have each student navigate through a system of advocacy which causes anxiety and stress to our young people, we want to be proactive by passing this bill to where all schools cannot prohibit the use of ...

Students should not have to worry whether they will be allowed to celebrate their heritage by wearing their tribal regalia which includes eagle feathers and eagle plumes during a school sanctioned event such as a high school graduation ceremony.

As a member of a federally recognized tribe and someone who grew up on an Indian reservation in North Dakota, I not only understand the importance of our sacred items such as eagle feathers and eagle plumes, but I also know just how important it is for our young people to thrive while embracing their Native American heritage. Our young people have high rates of suicide and low rates of graduation, please help us celebrate our Native American students very existence and achievements by allowing them to wear their tribal regalia such as eagle feathers and eagle plumes during a school sanctioned event such as a high school graduation.

There is great importance of sacred items, but as a parent with a public health background, the protective factors of embracing our indigenous culture and identity. I urge you to vote yes on the passage of HB 1335. Mr. Chairman I would be happy to answer any questions.

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3-4-19
Att # 2
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NDLA, S EDU - Wolf, Lynn

From: Willow Hall <judahs.mamma@gmail.com>
Sent: Monday, March 04, 2019 9:07 AM
To: NDLA, S EDU - Wolf, Lynn
Subject: Do pass testimony HB1335

***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

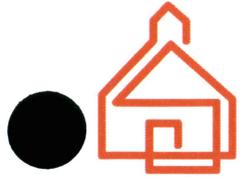
Good afternoon Chairman Schaible and members of the senate Education Committee.

My name is Willow Hall, and I'm from District 47 in Bismarck, and I am here today to testify in favor of HB1335 in regards to the dress code at graduation ceremonies.

I believe that it is well past time that we created space for our First Nations friends and neighbors to exist in our spaces in a full representation of themselves including cultural regalia that had significance to the individual. Graduations are such a special time in a young persons life it's natural that they would want to express that during these significant events.

Thank you for your support of this issue,

Willow Hall
District 47, Bismarck ND



NDSBA
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BOARDS ASSOCIATION

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HB 1335
Testimony of Amy De Kok
Senate Education
March 4, 2019

Chairman Schaible and members of the Senate Education committee, my name is Amy De Kok. I am in-house legal counsel for the North Dakota School Boards Association. NDSBA represents all 178 North Dakota public school districts and their boards. I am here today in support of HB 1335.

We recognize the importance of student's being able to express themselves and their cultural identity during important events. HB 1335, as amended in the House, appropriately strikes a balance between the student's right of expression and the school district's right to regulate school events, particularly graduation. Indeed, some school districts already have similar language included within their dress code policy (i.e. the Bismarck Public School District) Also, last year, South Dakota adopted similar legislation and allowed the wearing of similar tribal regalia at "graduation or awards ceremonies."

NDSBA asks the committee to issue a do pass recommendation on HB 1335. I would be happy to answer any questions the committee may have.

TESTIMONY OF CAREL TWO-EAGLE ON HB 1335

March 4, 2019

Hanh Chairman Schaible and members of the Committee. For the record, my name is Carel Two-Eagle. I stand in support of HB 1335.

Various people will have already spoken on our cultural ways and values and the need for every available tool to help strengthen Indigenous youth and get them to graduate from high school. The suicide rates of our youth are very high, while the graduation rates from high school are very low. The amount of racism we face, along with seemingly never-ending assaults on our cultural and spiritual Ways to destroy them, place a very heavy burden on all Natives, but especially on our youth.

I'm a great-grandmother, and I still get a lot of "static" about our spiritual and cultural Ways. If I had a dollar for every time someone in North Dakota has told me, "If you would just drop Treaty Rights and Traditionalism, we'd make you very rich" – I would already BE very rich.

I have rhino hide, and I developed it early. I have spent my life striving to teach others to have the same thick skin about racism and associated remarks such as "You need to learn your place." My reply has always been, "I already know my place. It's wherever I can get to without stepping on anyone else. Which is what makes people like you so nervous about people like me."

We Indigenous are citizens of both the United States and of our own Nations. Reservations are Nations. Dual citizenship is not uncommon, so we have as much right to vote in "U.S." elections as anyone does. We got the right to vote courtesy of the Snyder Act of 1924. It came to us mainly as a "thank you" for the services of our veterans, since our People enlist in the military in larger numbers than all other U.S. races combined.

I have striven for decades to get Indians to vote, because your governmental form has caused us so much grief. Many times, it has been intentional. Other times, it has been the result of good-intentioned ignorance. But I come here to testify because of the Holy Pipe I walk with. "Ch'annunpa yuha wamani ye" – "I Walk with a Pipe". "Ch'annunpa wakhan ye" – "The Pipe is Holy". I'm not here because of a hobby; I come here because the Spirits told me to do this. I have an ability to speak well, so I have an obligation to use it to help the People - To help heal the Sacred Hoop. This is in our Indian Way. By testifying, I can educate you so you pass fewer laws that cause us grief and we have to go to court to set things right. After all, we are not going away and we are not going to become extinct. This is our original home. We have a right to our Ways.

Because of our citizenship in the U.S., I believe that school districts trying to disallow our Indigenous students their rights to wear cultural garb, including but not limited to eagle feathers, are violating our First Amendment Rights. Those are the Rights to Freedom of Speech, Freedom of Expression, and Freedom of Religion. Thus to recommend Do Pass on this bill is to make a start to correct the violations that have already occurred.

Nothing in our heritage regalia is accidental. Every part has a meaning. Color, design, icons, materials – everything has meaning in our Ways. These meanings are not the same from one Native Nation to another. There is not and has never been “an Indian culture”. There are more than 500 Indigenous cultures here. 527 years ago, there were more than 2,000 individual Indigenous cultures. Therefore, this bill is a good start, to the work of restoring the right to wear our cultural garb to our youth when they have a milestone to celebrate, such as graduation from high school.

I have a sister who exemplifies this. She was fostered out like so many of us have been. She was battered by her fosterers. She did not graduate high school as a result. But she hung out with some other people from our Reservation who not only hadn't graduated, but they decided to get their GED's as a group, and they dragged her along.

After she (and they) got their GED's, they decided to get 2-year degrees. She hung back, but again they dragged her along, and she got a 2-year degree in education. Then they decided to get their 4-year degrees – and they dragged her along and she got a 4-year degree in Special Education.

The state came to her one day and said, “We don't have enough Indian people with advanced degrees. We want you to work on a Master's degree.” She replied, “We don't have enough Indians with high school degrees! But what is your offer?”

They paid her a stipend to go to school and get an advanced degree. She did so well, she now has a double Master's – in Intellectual Development and Special Education. I'm extremely proud of her. She was a poster woman for “Not Beads and Feathers Any More”. She is Traditional. A person does not “have” to stop being Traditional in order to get a degree or a job or to have a career. Indeed, we have a right to remain Traditional and to exercise our Traditional Ways while doing our jobs or working in our careers.

In 2005, the U.S. Supreme Court decreed that we have a right to speak our heritage languages anywhere without restrictions. It seems strange that we should have to fight for this, but we did, and we won. Since we have the right to speak our languages, we have the right to wear our heritage regalia too, especially at milestones such as graduations.

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So I hope you will give HB 1335 a unanimous Do Pass recommendation and help heal the Sacred Hoop in so doing. If anyone has any questions, I'm always available. Thank you for hearing me in a good way now.

<<>>

P.S. Today after I testified before you, I was walking along the hall and an elderly white woman was walking toward me. She saw that I'm an Indian and she walked over so she was directly in front of me and told me to go around her. I put a crutch tip on her toes gently and said, "I'm the one on crutches. You walk around me." And I smiled at her. She told me I need to learn my place. I laughed. She walked around me.

Think about how this is likely to have impacted a high school-age Indian if it had happened to one of ours. Few have the toughness I developed early.. That young person's day would probably have been considerably darkened.

A unanimous Do Pass recommendation will help prevent such things. Thank you!