

[Date]

Superintendent [First and Last Name]

Principal [First and Last Name]

[School District Address]

### Re: Mississippi law protecting the right to wear tribal regalia at graduation

Dear Superintendent [Last Name] and Principal [Last Name]:

I am writing to let you know that my student, [Name], plans to wear [specify item(s) of tribal regalia] during this year's graduation ceremony. State law protects this right, and I respectfully ask that the school district follow the law regarding this matter.

[Student's Name] is an enrolled member [or descendant] of the federally recognized [fill in Tribe/Nation/Band/Etc]. Our Native American heritage and traditions are an important part of our family's history and identity. Mississippi law requires that public schools allow Native American students to wear tribal regalia during commencement ceremonies. Section 11-61-3(2) of the Mississippi Religious Freedom Restoration Act states: "A governmental entity may not prohibit an individual from wearing traditional tribal regalia or objects of cultural significance at a public event."

Under the statute, a public school district is a governmental entity, which is defined as "any branch, department, agency or instrumentality of state government, or any official or other person acting under color of state law, or any political subdivision of this state."<sup>1</sup> The statute defines an "individual" as "a human being, regardless of age, who is a member or descendant of a federally recognized Indian tribe."<sup>2</sup> Finally, the statute explicitly states that graduation ceremonies are among the "public event[s]" covered by the law.<sup>3</sup> Thus, Mississippi law requires the school district to allow [Student's Name] to wear [items(s) of tribal regalia].

Tribal regalia, such as eagle feathers and beadwork on graduation caps, plays an important role in graduation ceremonies for many Native American students. These items are typically gifted to graduating students by their families or tribal elders to recognize the student's success and academic achievements. Graduation ceremonies are especially meaningful for Native American students because they have long faced structural barriers and discrimination in the educational context and are less likely to graduate from high school than their peers.<sup>4</sup> Indeed, these students have suffered horrific persecution by the government and education system:

<sup>1</sup> Miss. Code. Ann. § 11-61-3(3)(b). "Political subdivision" has the meaning provided in Section 11-46-1 of the Mississippi Code, which includes public school districts. *Compare* Miss. Code. Ann. § 11-46-1(i) with Miss. Code. Ann. § 11-61-3(3)(c).

<sup>2</sup> Miss. Code. Ann. § 11-61-3(3)(a). Although the statute's introductory language honors the Mississippi Band of Choctaw Indians, the operative provisions of the law apply to *all* federally recognized Tribes.

<sup>3</sup> *Id.* § 11-61-3(3)(d).

<sup>4</sup> See, e.g., Jinghong Cai, *The Condition of Native American Students*, Nat'l Sch. Bds. Assoc. (Dec. 1, 2020), <https://www.nsba.org/ASBJ/2020/December/condition-native-american-students>.

**Commented [A1]:** This template letter is provided as a tool to assist Indigenous students and their families in self-advocating for the right to wear tribal regalia at graduation. It is not legal advice and does not create an attorney-client relationship with the ACLU, the ACLU of Mississippi, or any attorney.

This template letter was last updated in April of 2023.

**Commented [A2]:** Consider sending this letter via mail and email. Address the letter to the school district superintendent, the school principal, or both, depending on the situation. For example, if the principal has already stated that the student cannot wear tribal regalia, the letter might be better addressed to the superintendent. In addition, check district policies to see if there is a particular procedure that you should follow.

**Commented [A3]:** Mississippi law does not explicitly require that students provide any notice of their intent to wear tribal regalia at graduation, or otherwise seek approval to do so.

However, if school officials have suggested that you may not be allowed to wear tribal regalia, or if you are concerned that they will try to prevent you from doing so on graduation day, this letter may assist you in addressing any concerns and ensuring, in advance, that there will not be any problems during graduation.

**Commented [A4]:** For example: an eagle feather, beadwork, moccasins, or other "tribal regalia or objects of cultural significance."

**Commented [A5]:** Keep this reference to "descendant" only if the student is not a member of Tribe.

**Commented [A6]:** If the Tribe/Nation/Band in which the student is a member or descendant of is not federally recognized, the student's right to wear tribal regalia may still be protected under federal law or under Mississippi's religious-freedom law. Please check out our other self-advocacy templates to see if they might apply to your situation.

Beginning with the Indian Civilization Act of 1819 and running through the 1960s, the United States enacted laws and implemented policies establishing and supporting Indian boarding schools across the nation. During that time, the purpose of Indian boarding schools was to culturally assimilate Indigenous children by forcibly relocating them from their families and communities to distant residential facilities where their American Indian, Alaska Native, and Native Hawaiian identities, languages, and beliefs were to be forcibly suppressed. . . . [T]he legacy of Indian boarding schools remains, manifesting itself in Indigenous communities through intergenerational trauma, cycles of violence and abuse, disappearance, premature deaths, and other undocumented bodily and mental impacts.<sup>5</sup>

Denying students like [Student's Name] the right to wear tribal regalia during graduation further deprives us of our heritage and identity, perpetuating the destructive assimilation policies of the past and promoting harmful stereotypes and misunderstandings of Indigenous Peoples.<sup>6</sup> ***It also violates Mississippi law.***

This letter is my [first/second/third] communication with the school district regarding this matter. [In response to my previous communication(s), district officials have (fill in)] Because Mississippi law is clear, and because Native American students deserve to have their culture and heritage recognized in a manner that is meaningful to them and their families, I hope that there will be no need to pursue this matter further.

Please contact me as soon as possible at [cell phone / email address] to confirm that [Student's Name] will be allowed to wear [tribal regalia item(s)] at the upcoming graduation ceremony.

Sincerely,

[Signature of Parent/Guardian]

[Parent/Guardian Name]

<sup>5</sup> See Memo from Sec. of the Interior Deb Haaland Regarding Federal Indian Boarding School Initiative (June 22, 2021) 1, 3 <https://www.doi.gov/sites/doi.gov/files/seclint-memo-esb46-01914-federal-indian-boarding-school-truth-initiative-2021-06-22-final508-1.pdf> ("Over the course of the Program, thousands of Indigenous children were removed from their homes and placed in Federal boarding schools across the country. Many who survived the ordeal returned home changed in unimaginable ways, and their experiences still resonate across the generations."); see also *United States v. John*, 437 U.S. 634, 644 n.12 (1978) (detailing lack of educational opportunities for Native American children in Mississippi).

<sup>6</sup> See *Becoming Visible: A Landscape Analysis of State Efforts to Provide Native American Education for All*, Nat'l Congress of Am. Indians (Sept. 2019) 8-9 [https://www.ncai.org/policy-research-center/research-data/prc-publications/NCAI-Becoming\\_Visible\\_Report-Digital\\_FINAL\\_10\\_2019.pdf](https://www.ncai.org/policy-research-center/research-data/prc-publications/NCAI-Becoming_Visible_Report-Digital_FINAL_10_2019.pdf) ("A startling 72 percent of Americans rarely encounter or receive information about Native Americans... Invisibility, myths, and stereotypes about Native peoples perpetuated through K-12 education are reinforced across society, resulting in an enduring and damaging narrative regarding tribal nations and their citizens. The impact is profound. Native Americans live in a culture where they are often misunderstood, stereotyped, and experience racism on a daily basis. The lack of accurate knowledge about Native Americans contributes to these experiences and hinders the ability of all Americans to experience and celebrate the unique cultural identities, histories, and contributions of Native peoples.").

**Commented [A7]:** If you have previously communicated with school officials about this, use this green highlighted text, and add in any relevant details regarding whom you contacted, when, how, and what they said.

**Commented [A8]:** You may alter this template letter to come directly from the student.

**Commented [A9]:** Before sending this self-advocacy letter, check the following:

1. Did you delete all comments in the margins?
2. Did you fill in all the necessary information in the highlighted brackets AND delete the brackets and highlights?
3. Did you delete the alternate text [highlighted in green] if it does not apply to you?
4. Did you review any relevant school district policies to determine whether this letter includes all the information required, is addressed to the appropriate person, is submitted within the required timelines, and meets all other requirements of school district policy?