

NOTE TO STUDENTS/FAMILIES:

Mississippi law protects public-school students’ right to wear tribal regalia at graduation. The law does not explicitly require that students provide any notice of their plan to do so or otherwise seek approval.

However, if school officials have suggested that students may not be allowed to wear tribal regalia, or if you are concerned that they will try to prevent a student 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.

(To ensure that you see all instructional comments in the margin of this document, turn on “show comments” in Microsoft Word.)

[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]:

Mississippi law protects the right of students to wear tribal regalia at graduation. While the law does not require students to notify schools of their intent to do so, because some school officials have indicated that they are not aware of these legal protections, 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. 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.”¹ The statute defines an “individual” as “a human being, regardless of age, who is a member or descendant of a federally recognized Indian tribe.”²

¹ 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).

² *Id.* § 11-61-3(3)(a). Although the law’s introductory language honors the Mississippi Band of Choctaw Indians, the operative provisions of the law apply to *all* federally recognized Tribes.

Finally, the statute explicitly states that graduation ceremonies are among the “public event[s]” covered by the law.³ 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, as a result, may be less likely to graduate from high school than their peers.⁴ Indeed, these students have suffered horrific persecution by the government and education system:

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.⁵

As U.S. Supreme Court Justice Neil Gorsuch recently explained, “[u]pon the children’s arrival, the boarding schools would often . . . cut their hair . . . and confiscate their traditional clothes.”⁶ The schools also “frequently prohibited children from speaking their native language or engaging in customary cultural or religious practice.”⁷

The appalling legacy of Indian boarding schools remains today, “manifesting itself in Indigenous communities through intergenerational trauma, cycles of violence and abuse, disappearance, premature deaths, and other undocumented bodily and mental impacts.”⁸ Denying students like [Student’s Name] the right to wear tribal regalia during graduation further deprives them of their heritage and identity,

³ *Id.* § 11-61-3(3)(d).

⁴ 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>.

⁵ Memo from Sec. of the Interior Deb Haaland Regarding Fed. Indian Boarding Sch. Initiative (June 22, 2021) 1 <https://www.doi.gov/sites/doi.gov/files/secint-memo-esb46-01914-federal-indian-boarding-school-truth-initiative-2021-06-22-final508-1.pdf>.

⁶ *Haaland v. Brackeen*, 599 U.S. 255, 300 (2023) (Gorsuch, J., concurring) (internal citations omitted).

⁷ *Id.*

⁸ Memo from Sec. of the Interior, *supra* n.5, at 1, 3 (“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.”).

perpetuating the destructive assimilation policies of the past and promoting harmful stereotypes and misunderstandings of Indigenous Peoples.⁹ *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]

⁹ 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://archive.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.”).