

DRAFT CONFIDENTIAL-DO NOT CIRCULATE ONLINE

NOTE TO STUDENTS/FAMILIES:

Oregon 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, under the law, school officials may prohibit a student from wearing tribal regalia if the item “[r]eplaces a cap or gown customarily worn at a graduation ceremony.”

If school officials have suggested that students may not be allowed to wear an eagle feather or plume, 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: Oregon law protecting the right to wear Native American items of cultural significance at graduation

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

Oregon 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 that my student, [Name], plans to wear [specify tribal regalia item(s)] during this year’s graduation ceremony. I respectfully ask that the school district follow the law regarding this matter.

[Student’s Name] is [Tribal affiliation/Native American.] Our Native American heritage and traditions are an important part of our family’s history and identity. Under Oregon law, public schools “may not prohibit a student from wearing Native American items of cultural significance at a public school event.”¹ Items of “cultural significance” are defined by the statute as “items or objects that are traditionally associated with a Native American or that have religious or cultural significance to a Native American.”² The statute further defines a “public school event” to include “a graduation ceremony, an award ceremony, a public meeting or any other public event held or

¹ Or. Rev. Stat. Ann. § 332.112(2) (2021).

² *Id.* § 332.112(1)(a).

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sponsored by a school district.”³ Thus, Oregon law requires the school district to allow [Student’s Name] to wear [item(s) of tribal regalia].

Wearing tribal regalia plays an important role in graduation ceremonies for many Native American students. Items such as eagle feathers or beadwork for graduation caps are typically gifted to graduating students by their families or tribal elders to recognize the students’ success and academic achievements. Graduation ceremonies are especially meaningful for these students because they have long faced structural barriers and discrimination in the educational context and are, as a result, may be less likely to graduate from high school than their peers.⁴ Indeed, Native American 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, perpetuating the destructive assimilation policies of the past

³ *Id.* § 332.112(1)(b).

⁴ See, e.g., Jinghong Cai, *The Condition of Native American Students*, Nat’l Sch. Bds. Ass’n. (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.”).

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and promoting harmful stereotypes and misunderstandings of Indigenous Peoples.⁹ *It also violates Oregon law.*

This letter is my [first/second/third] communication with the school district regarding this matter. [In response to my communications, District officials (fill in).] Because Oregon 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 [item(s) of tribal regalia] 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) 8-9B, 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.”).