

Legislative Analysis



ALLOW STUDENTS TO POSSESS TRADITIONAL OBJECTS AND WEAR TRADITIONAL REGALIA

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<http://www.house.mi.gov/hfa>

House Bill 4853 as introduced
Sponsor: Rep. Samantha Steckloff

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4854 as introduced
Sponsor: Rep. Helena Scott

Committee: Higher Education
Complete to 9-13-23

SUMMARY:

House Bills 4853 and 4854 would amend the Elliott-Larsen Civil Rights Act (ELCRA) and the Revised School Code, respectively, to prohibit discrimination against individuals who possess traditional objects or wear traditional regalia and to require schools to allow individuals to possess or wear those items in school buildings and at graduation ceremonies.

House Bill 4853 would amend section 402¹ of ELCRA to prohibit an *educational institution* from discriminating against an individual in the full utilization of, or benefit from, the institution, or the services, activities, or programs provided by the institution, because the individual possesses *traditional objects* or is wearing *traditional regalia*.

Educational institution means a public or private institution, or a separate school or department thereof, and includes an academy, college, elementary or secondary school, extension course, kindergarten, nursery, local school system, university, or a business, nursing, professional, secretarial, technical, or vocational school; and includes an agent of an educational institution.

Traditional objects would mean any cultural, religious, or ceremonial items or objects that hold tribal or ancestral meaning, significance, or importance for an individual, including an *indigenous individual*.

Traditional regalia would mean any cultural, religious, or ceremonial clothing or wearable items representing an individual's tribal or ancestral traditions, including the tribal or ancestral traditions of an indigenous individual.

Indigenous individual would mean an individual who identifies as an original or first person of a region or country.

MCL 37.2402

¹ Section 402 was amended by 2023 PA 6 and will take effect 90 days after adjournment of the 2023 regular legislative session: <http://legislature.mi.gov/doc.aspx?mcl-37-2402-amended>

House Bill 4854 would add a new section, section 1300, to the Revised School Code, which would require that the board of a school district, intermediate school district, or public school academy ensure that each individual who is in a *school building* operated by that entity is not prohibited from, or punished for, wearing traditional regalia and bringing traditional objects in the school building. The boards of each entity would also be required to ensure that each indigenous individual is permitted to wear traditional regalia and to bring traditional objects to graduation ceremonies.

School building would mean either of the following:

- A building intended to be used to provide instruction to students.
- A recreational or athletic structure or field intended to be used by students.

The terms *traditional objects*, *traditional regalia*, and *indigenous individual* would be defined as in HB 4583, above.

Proposed MCL 380.1300

FISCAL IMPACT:

House Bill 4853 would have a minimal fiscal impact on public universities and community colleges. Policies, websites, documents, and trainings may have to be updated to include the new guidelines, but these costs should be absorbed under existing funding levels.

House Bill 4854 would have no impact on the state and would have a minimal fiscal impact on school districts, intermediate school districts (ISDs), or public school academies (PSAs). Districts, ISDs, and PSAs may need to update their policies, websites, documents, and trainings to include the new guidelines, but these costs would likely be absorbed using existing staff time.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.