



SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA

*A Joint Powers Authority
serving school and college
districts throughout the
state.*

5350 Skylane Boulevard
Santa Rosa, CA 95403

Tel: (707) 524-2690
santarosa@scscal.org
www.scscal.org

General Counsel
Kaitlyn Schwendeman

Attorneys
Maureen Dahl
Harjit Kaur
Jennifer L. McIntosh
Steven P. Reiner
Debra I. Sanders
Frank Zotter, Jr.

Of Counsel
Nicollette M. Alvarado
Robert J. Henry
Loren W. Soukup

May 28, 2026

To: Superintendents, Member School Districts (K-12)

From: Harjit Kaur, Associate General Counsel *H.K.*

Subject: Graduation Reminders
Memo No. 06-2026

As we enter graduation season, a few reminders for site- and district-level administrators regarding graduation ceremonies:

Updates Regarding Tribal Regalia and Cultural or Religious Adornments

The California Department of Education (“CDE”) has also issued recent guidance regarding Assembly Bill 1369, which amended California Education Code section 35183.1 effective January 1, 2026.

As amended, Education Code section 35183.1 permits students to wear “traditional tribal regalia or recognized objects of religious or cultural significance, as determined by the pupil and the pupil’s family, as an adornment at school graduation ceremonies or related school events.” (Ed. Code, § 35183.1.)

Importantly, the amended statute now expressly prohibits local educational agencies (“LEA”) from:

1. Requiring a preapproval process for a student to exercise the right to wear an authorized adornment; or
 2. Requiring a student to wear a graduation cap if the cap is incompatible with the adornment.
- (Ed. Code, § 35183.1, subd. (b).)

The statute also expands the definition of “adornment” to include:

- “[S]omething attached to, worn with, or worn in place of, the cap customarily worn at school graduation ceremonies”; or
 - “[S]omething attached to or worn with, but not replacing, the gown customarily worn at school graduation ceremonies.”
- (Ed. Code, § 35183.1, subd. (d)(1)(A)-(B).)



Additionally, the statute defines “cultural” as the “recognized practices and traditions of a certain group of people.” (Ed. Code, § 35183.1, subd. (d)(2).)

While LEAs retain authority to prohibit an item that “is likely to cause a substantial disruption of, or material interference with, the ceremony,” restrictions must be narrowly tailored and consistent with the statute. (Ed. Code, § 35183.1, subd. (c).)

Given these recent amendments, LEAs should review and, where necessary, revise existing graduation policies and procedures to ensure compliance with current law, particularly with respect to any prior approval requirements or dress code practices implemented during prior graduation seasons.

Charging a Fee for Caps and Gowns is Not Permissible

The CDE has advised that a school district may not require students to purchase a cap and gown as a condition of participating in a graduation ceremony. According to the CDE, graduation ceremonies constitute an educational activity subject to California’s “free school guarantee” because such ceremonies are an integral and fundamental component of the educational process, recognizing students’ cumulative academic achievement.

Accordingly, if wearing a cap and gown is required to participate in the graduation ceremony, LEA may not require students to purchase or otherwise pay for those items as a condition of participation.

Please contact our office with questions regarding this Legal Update or any other legal matter.

The information in this Legal Update is provided as a summary of law and is not intended as legal advice. Application of the law may vary depending on the particular facts and circumstances at issue. We, therefore, recommend that you consult legal counsel to advise you on how the law applies to your specific situation.

© 2026 School and College Legal Services of California

All rights reserved. However, SCLS grants permission to any current SCLS client to use, reproduce, and distribute this Legal Update in its entirety for the client’s own non-commercial purposes.