



Brigham Young University–Hawaii
Office of Compliance & Ethics Research Memo
Constitution Day Educational Program Requirement

Law/Act:	Constitution Day Educational Program Requirement	
U.S. Code Citation:	36 U.S.C. § 106	
Public Law Citation:	Consolidated Appropriations Act, 2005, Pub. L. 108-447, § 111, 118 Stat. 2809, 3344 (2004)	
Federal Register:	Notice of Implementation of Constitution Day and Citizenship Day on Sept. 17 of Each Year, 70 Fed. Reg. 29,727 (May 24, 2005)	
Responsible Regulator:	U.S. Department of Education, Office of Innovation and Improvement	
BYU–Hawaii Responsible Officer:	Academic Vice President	
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Version 1.0		Effective Date: December 8, 2004

PURPOSE

Constitution Day requirements for educational institutions are intended to enhance observation of Constitution Day and Citizenship Day and provide “complete instruction of citizens in their responsibilities and opportunities as citizens of the United States and of the State and locality in which they reside.”¹

HISTORY

The U.S. Constitution was signed on September 17, 1787.² In 1998, Congress passed a law designating September 17 as a day to recognize those who had attained American citizenship and to commemorate the signing of the Constitution.³ In 2004, September 17 became known as Constitution and Citizenship Day and the law was revised to require that certain educational institutions hold educational programs on September 17 for their students.⁴ In May 2005, the federal government published additional instruction for educational institutions about holding their Constitution Day educational programs.⁵

APPLICABILITY TO BYU–HAWAII

Educational institutions in the United States that receive federal funding must hold annual educational programs centered on the U.S. Constitution for the students they serve.⁶ BYU–Hawaii receives federal funding and, thus, must comply with this requirement.⁷

¹ 36 U.S.C. § 106(d) (2015).

² *Constitution FAQs*, NAT’L CONSTITUTION CTR., <http://constitutioncenter.org/learn/educational-resources/constitution-faqs/> (last visited Jan. 27, 2016).

³ Patriotic and National Observances (Title 36) Codification, Pub. L. 105-225, 112 Stat. 1253 (1998) (codified as amended at 36 U.S.C. §§ 101 to 144).

⁴ Consolidated Appropriations Act, 2005, Pub. L. 108-447, § 111, 118 Stat. 2809, 3344 (2004).

⁵ Notice of Implementation of Constitution Day and Citizenship Day on Sept. 17 of Each Year, 70 Fed. Reg. 29,727 (May 24, 2005).

⁶ See Consolidated Appropriations Act, 2005 § 111(b) (requiring educational institutions that receive federal funds to hold an annual educational program on Sept. 17 for students); see Notice of Implementation of Constitution Day and Citizenship Day on Sept. 17 of Each Year, 70 Fed. Reg. at 29,727 (clarifying that “educational institution” includes institutions of higher education receiving federal funding from the U.S. Department of Education).

⁷ At BYU–Hawaii, the Political Science Department generally provides a presentation for the university regarding the Constitution.



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REQUIREMENTS

Each year on September 17, each federally funded educational institution must hold an educational program to communicate to its students the significance of the U.S. Constitution and the rights explained therein.⁸ If September 17 falls on a weekend or holiday, an institution may hold its Constitution Day program either the week prior to September 17 or the week after.⁹ The U.S. Department of Education has not made specific regulations or requirements as to what should be included in such a program; however, the department does provide several resources to help educational institutions effectively fulfill the Constitution Day program requirement.¹⁰

COMPLIANCE CALENDAR

An educational program regarding the U.S. Constitution must be held annually on September 17.¹¹

STAYING UP-TO-DATE

The following websites provide valuable resources in conjunction with this law.

RESOURCE	DESCRIPTION
National Archives	Simple ideas for observing Constitution Day with lesson plans and documents
Constitution and Citizenship Day Website	Information from the Library of Congress regarding this holiday and relevant links
Constitution Day Website	A plethora of Constitution Day resources
Notice of Implementation of Constitution Day and Citizenship Day on September 17 of Each Year	Department of Education notice published in the Federal Register
Commemorating Constitution Day and Citizenship Day	Resources provided by the U.S. Department of Education for planning Constitution Day programs

⁸ Consolidated Appropriations Act, 2005, § 111(b).

⁹ Notice of Implementation of Constitution Day and Citizenship Day on Sept. 17 of Each Year, 70 Fed. Reg. at 29,727; *see also* Scott Jaschik, *Few Rules for New Constitution Day Requirement*, INSIDE HIGHER ED, <https://www.insidehighered.com/news/2005/05/25/constitution> (May 25, 2005) (noting the flexibility in holding Constitution Day programs).

¹⁰ Notice of Implementation of Constitution Day and Citizenship Day on Sept. 17 of Each Year, 70 Fed. Reg. at 29,727 (listing websites to help institutions develop Constitution Day programs); *see also* *Commemorating Constitution Day and Citizenship Day*, U.S. DEP'T OF EDUC., <http://www2.ed.gov/policy/fund/guid/constitutionday.html> (last modified Sept. 9, 2014) (setting forth additional resources).

¹¹ Consolidated Appropriations Act, 2005, § 111(b).