

Constitution Day Commemoration Requirement

Section 111(b) of Public Law 108-447, enacted in late 2004, requires an educational institution receiving federal funds to hold an education program on the United States Constitution on September 17 (Constitution Day) for its students. If Constitution Day falls on a Saturday, Sunday, or holiday, it shall be held during the proceeding or following week.

In its May 2005 notice of implementation for the Constitution Day commemoration, the U.S. Department of Education (DOE) has listed a number of on-line resources for use in developing commemoration programs. The DOE notice is extremely vague and leaves a great deal of latitude in meeting the commemoration requirement. It appears that a university would be compliant if it sponsored, for example, web sites, student forums, workshops, fairs, mock constitutional conventions, constitution “lock-ins,” and appropriate fraternity and sorority activities. The National Association of Student Personnel Administrators has assembled a guide for developing Constitution Day programs that may be found at <http://www.naspa.org/policy/constitutionday.cfm>.

The notice of implementation is silent regarding enforcement of the requirement for Constitution Day programs. However, the connection of Public Law 108-447 to federal funds would seem to carry with it an implicit threat of the possible loss of funds administered by that agency for those institutions that fail to comply.