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Allison G. Jones
Assistant Vice Chancellor
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Office of the Chancellor

June 24, 2005
Code: AA-2005-13

To: CSU Presidents
From: Allison G. Jones 
Subject: Constitution Day Program Requirements

The Consolidated Appropriations Act, 2005, P.L. 108-447, incorporated a provision (Section 111) requiring each university that receives Federal funds to hold an educational program for its students on the United States Constitution on September 17 (See Attachment A). In the May 24, 2005 *Federal Register*, the U.S. Department of Education published a "Notice of Implementation of Constitution Day and Citizenship Day on September 17 of Each Year" (included as Attachment B to this memorandum). The Notice confirmed that the requirement applies to postsecondary education institutions that receive Federal funds from the Department. The Notice also indicates that when September 17 falls on a Saturday, Sunday, or holiday, the required Constitution Day program shall be held during the preceding or the following week. The requirement is effective for the current fiscal year and all subsequent years.

Campuses are encouraged to designate an official on campus with responsibility for ensuring that an appropriate Constitution Day program is developed and scheduled in accordance with the Notice from the Department of Education. Campuses are also encouraged to ensure that information regarding the Constitution Day program is widely available to students. There are a variety of options a campus might consider to comply with this requirement, e.g., scheduling a series of campus events, encouraging students to attend a public debate on the U.S. Constitution, organizing a campus rally addressing the importance of the U.S. Constitution, or offering special lectures.

Please feel free to contact me if you have any questions about this requirement.

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Attachments

cc: CSU Provosts/Vice Presidents of Academic Affairs
CSU Vice Presidents of Administration
CSU Vice Presidents of Student Affairs
CSU Directors of Admission, Records, and Enrollment Management
CSU Directors of Financial Aid
Chancellor Charles B. Reed
Mr. Jim Gelb

Consolidated Appropriations Act, 2005
P.L. 108-447
(Excerpt)

- SEC. 111. (a) The head of each Federal agency or department shall--
- (1) provide each new employee of the agency or department with educational and training materials concerning the United States Constitution as part of the orientation materials provided to the new employee; and
 - (2) provide educational and training materials concerning the United States Constitution to each employee of the agency or department on September 17 of each year.
- (b) Each educational institution that receives Federal funds for a fiscal year shall hold an educational program on the United States Constitution on September 17 of such year for the students served by the educational institution.
- (c) Title 36 of the United States Code, is amended--
- (1) in section 106--
 - (A) in the heading, by inserting 'Constitution Day and' before 'Citizenship Day';
 - (B) in subsection (a), by striking 'is Citizenship Day.' and inserting 'is designated as Constitution Day and Citizenship Day.';
 - (C) in subsection (b)--
 - (i) by inserting 'Constitution Day and' before 'Citizenship Day';
 - (ii) by striking 'commemorates' and inserting 'commemorate'; and
 - (iii) by striking 'recognizes' and inserting 'recognize';
 - (D) in subsection (c), by inserting 'Constitution Day and' before 'Citizenship Day' both places such term appears; and
 - (E) in subsection (d), by inserting 'Constitution Day and' before 'Citizenship Day'; and
 - (2) in the item relating to section 106 of the table of contents, by inserting 'Constitution Day and' before 'Citizenship Day'.
- (d) This section shall be without fiscal year limitation.

you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202-4700. Requests may also be electronically mailed to the Internet address OCIO_RIMG@ed.gov or faxed to 202-245-6621. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Katrina Ingalls at her e-mail address Katrina.Ingalls@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

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DEPARTMENT OF EDUCATION

Notice of Implementation of Constitution Day and Citizenship Day on September 17 of Each Year

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Notice of implementation of Constitution Day and Citizenship Day.

SUMMARY: The Assistant Deputy Secretary for Innovation and Improvement announces that, pursuant to legislation passed by Congress, educational institutions receiving Federal funding are required to hold an educational program pertaining to the United States Constitution on September 17 of each year. This notice implements this provision as it applies to educational institutions receiving Federal funding from the Department.

FOR FURTHER INFORMATION CONTACT: Alex Stein, U.S. Department of Education, 400 Maryland Avenue, SW., room 4W218, Washington, DC 20202-5910. Telephone: (202) 895-9085 or via Internet: Alex.Stein@ed.gov.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1-800-877-8339. Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in section.

SUPPLEMENTARY INFORMATION: This notice informs educational institutions receiving Federal funds from the U.S. Department of Education (Department) of a new statutory requirement for implementation of an educational

program pertaining to the United States Constitution, on a date designated by statute as Constitution Day and Citizenship Day ("Constitution Day"). This Congressional initiative is authorized by Section 111 of Division J of Pub. L. 108-447, the "Consolidated Appropriations Act, 2005," Dec. 8, 2004; 118 Stat. 2809, 3344-45 (Section 111). The Assistant Deputy Secretary for Innovation and Improvement (Assistant Deputy Secretary) takes this action in order to implement this provision as it applies to educational institutions receiving Federal funding from the Department.

Section 111(b) states "[e]ach educational institution that receives Federal funds for a fiscal year shall hold an educational program on the United States Constitution on September 17 of such year for the students served by the educational institution." For purposes of the Department's implementation of this requirement, "educational institutions" includes but is not limited to "local educational agencies" and "institutions of higher education" receiving Federal funding from the Department.

Section 111 applies to all educational institutions receiving Federal funding, not only those receiving Federal funding from the Department. However, the Department's authority only extends to those educational institutions receiving funding from the Department, and consequently the Department can only regulate with regard to those institutions.

Section 111 requires that Constitution Day be held on September 17 of each year, commemorating the September 17, 1787 signing of the Constitution. However, when September 17 falls on a Saturday, Sunday, or holiday, Constitution Day shall be held during the preceding or following week.

Section 111 does not authorize funds to carry out this requirement, and Section 111(d) indicates that this section shall apply "without fiscal year limitation." Accordingly, the Assistant Deputy Secretary intends that this notice pertain to this fiscal year and all subsequent years.

Some informational resources pertaining to the Constitution are listed below. In addition to these, the Department is aware that there may be other public and private resources available that may be helpful to educational institutions implementing Constitution Day. While the Department does not endorse any particular program or Web site, this information is provided because it may be of use to educational institutions

developing their Constitution Day programs.

One of the Library of Congress' repositories for Constitutional documents and information may be accessed at: <http://memory.loc.gov/ammem/bdsds/bdsdhome.html>.

The National Archives also has a Web site with a scan of the U.S. Constitution available online at: http://www.archives.gov/national_archives_experience/charters/constitution.html. In addition, the National Archives has a nationwide network of research facilities, including presidential libraries that welcome students as young as 14 years of age. Information about the facilities (by region and state) can be located online at: <http://www.archives.gov/facilities/index.html>.

In addition to the resources mentioned above, it is our understanding that the U.S. Office of Personnel Management will be making available to all Federal agencies, information to help train and educate Federal employees on the Constitution and, in particular, its relationship to the Oath of Office Federal employees take. This information will be posted shortly on the OPM Web site, at: <http://www.opm.gov/>. We expect that educational institutions may find this material useful in planning their Constitution Day activities.

Electronic Access to This Document: You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: <http://www.ed.gov/news/fedregister>.

To use PDF, you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.gpoaccess.gov/nara/index.html>.

Dated: May 19, 2005.

Nina Shokrai Rees,

Assistant Deputy Secretary for Innovation and Improvement.

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