

REQUIRING THE STUDY OF AMERICA’S FIRST PRINCIPLES IN PUBLIC HIGHER EDUCATION: A
NATIONAL COMPARATIVE SURVEY

Jameson C. Broggi*

On April 28, 2021, South Carolina Governor Henry McMaster signed into law the Reinforcing College Education on America’s Constitutional Heritage Act (REACH Act). The REACH Act updated a previous 100-year-old South Carolina law. Nationally, at least eight states have similar laws. Presented here is a national survey of the seven other states with similar laws.

National Survey

In addition to South Carolina, at least seven other states have similar laws that require a college class(es) on America’s founding documents or American government.¹ These states are Texas, Nevada, Wyoming, Georgia, Utah, Arkansas, and Missouri.² Further, as is detailed in Table 2, the public colleges in all seven of these states comply with their states’ respective laws. These various state laws vary in the length of instruction required. For example, the Texas law requires the longest amount of study out of all state laws. The Texas law requires twelve college credit hours total—six credit hours required in the study of the U.S. and Texas Constitutions and six credit hours of study in American history.³ The length of instruction required by the Wyoming and Nevada laws is “one year” of instruction.⁴ The Georgia law requires that a

* J.D., George Mason University Antonin Scalia Law School, 2020; B.A. Political Science, University of South Carolina, 2014.

¹ Texas, Nevada, Wyoming, Georgia, Utah, Arkansas, Missouri: TEX. EDUC. CODE § 51.301; TEX. EDUC. CODE § 51.302; NEV. REV. STAT. § 396.500; WYO. STAT. § 21-9-102; GA. CODE ANN. § 20-3-68; UTAH CODE ANN. § 53B-16-103; ARK CODE ANN. § 6-61-105; MO. REV. STAT. § 170-011 and MO. REV. STAT. § 170.013.

² *Id.*

³ TEX. EDUC. CODE § 51.301; TEX. EDUC. CODE § 51.302.

⁴ WYO. STAT. § 21-9-102; NEV. REV. STAT. § 396.500.

student complete a class *or* pass an exam on the U.S. and Georgia Constitutions.⁵ The Utah, Arkansas, and Missouri laws leave the length of instruction unspecified,⁶ but the colleges in these three states then interpret this unstated length as a three credit hour minimum.⁷

Table 1 describes the requirements of the eight states’ laws and explains how their respective public colleges comply with those laws.

Table 1		
State	What Law Requires	How Colleges Comply
TX	Twelve credit hours <ul style="list-style-type: none"> • six hours in American government • six hours in American history. 	The Texas Higher Education Coordinating Board is the state agency which designs a 42-semester credit hour core curriculum for all Texas public colleges. The Coordinating Board core curriculum requires: ⁸ <ul style="list-style-type: none"> • Six hours in American government • Six hours in American history.
WY	“one year” <ul style="list-style-type: none"> • US Constitution; • NV Constitution; and • including the study of and devotion to American institutions and ideals. 	There is one public four-year college in Wyoming. <ul style="list-style-type: none"> • University of Wyoming: <ul style="list-style-type: none"> ○ Requires three credit hours on the US and WY Constitutions.⁹
NV	“one year” <ul style="list-style-type: none"> • US Constitution; • NV Constitution; and 	There are three public four-year colleges in NV. All three follow the law by requiring a minimum of three credit hours in the US and NV Constitutions. <ul style="list-style-type: none"> • Nevada State College (NSC):

⁵ GA. CODE ANN. § 20-3-68.

⁶ UTAH CODE ANN. § 53B-16-103; ARK CODE ANN. § 6-61-105; MO. REV. STAT. § 170.013.

⁷ Utah’s statute requires colleges students to have a “reasonable understanding,” of the principles in American government. The Utah state agency—the Utah System of Higher Education—interprets this statute for all state colleges through regulation R470-3.2.3. This Utah state regulation requires a minimum of three credit hours, and then the public colleges accordingly follow that regulation. The Arkansas statute requires a “course” covering the U.S. Constitution, and then prescribes that the Department of Higher Education “shall see to the strict carrying out” of this provision. The Department, in turn, mandates a three-credit hour course on all Arkansas public colleges, and the public colleges comply with this requirement. Code Ark. R. 008.03.2. The Missouri statute does not specify the length of instruction, rather it states the length shall be “determined by the state commissioner of higher education.” The Missouri Coordinating Board of Higher Education oversees the Department of Higher Education.⁷ The Board appoints the Commissioner for the Department.⁷ While the statute prescribes the Commissioner to determine the length of instruction in the U.S. Constitution, the Board itself (the entity that appoints the Commissioner) has directly prescribed a core curriculum for all Missouri public colleges which includes a required three credit hour course on American civics.

⁸ TEXAS HIGHER EDUCATION COORDINATING BOARD, Texas General Education Core Curriculum WebCenter, <http://www.theccb.state.tx.us/apps/tcc/> (last visited Nov. 3, 2018)

⁹ UNIVERSITY OF WYOMING, University Studies Checklist http://www.uwyo.edu/unst/usp2015/_files/usp2015_checklist.pdf ((last visited Nov. 9, 2018)

	<ul style="list-style-type: none"> “including the origin and history of the Constitutions and the study of and devotion to American institutions and ideals.” 	<ul style="list-style-type: none"> requires a 3-6 credit hours on the US and NV Constitutions.¹⁰ University of Nevada, Las Vegas (UNLV): <ul style="list-style-type: none"> requires a 4-6 credit hours on the US and NV Constitutions.¹¹ University of Nevada, Reno (UNR): <ul style="list-style-type: none"> requires 3 credit hours on the US and NV Constitutions.¹²
GA	“course work;” <i>or</i> satisfactorily passing an exemption exam on: <ul style="list-style-type: none"> US Constitution GA Constitution American history Georgia history. 	The public colleges of Georgia follow the law by requiring students to complete at least three credit hours on the US Constitution, GA Constitution, American history, and Georgia history <i>or</i> pass an exemption exam. ¹³ The state public colleges are within University System of Georgia and are governed by the state Board of Regents. ¹⁴ The Board of Regents mandates the course or placement exam in its policy manual. The Policy Manual uses the same language as the GA founding documents statute. ¹⁵
UT	“reasonable understanding” of the principles of American government.	The state agency—the Utah System of Higher Education—interprets “reasonable understanding” by its regulation as three credits and requires this on all public colleges in the state system. ¹⁶
AR	A “course” on the US Constitution <ul style="list-style-type: none"> Prescribes the Department of Higher Education “shall see to the strict 	The Arkansas Department of Higher Education is the agency that implements the policies of the Arkansas Higher Education Coordinating Board. ¹⁷ The Coordinating Board governs all Arkansas public colleges. The Board, through its policy manual, creates a core curriculum for all

¹⁰ NEVADA STATE COLLEGE, Curriculum Requirements and the Number of Credits, <http://nsc.smartcatalogiq.com/en/2018-2019/Catalog/College-Core-Curriculum/Curriculum> (last visited Nov. 3, 2018).

¹¹ UNIVERSITY OF NEVADA, LAS VEGAS, General Education: Constitutions Requirement, https://catalog.unlv.edu/content.php?catoid=4&navoid=165#Univ_Neva_Las (last visited Nov. 3, 2018).

¹² UNIVERSITY OF NEVADA, RENO, Core Curriculum, https://catalog.unr.edu/preview_program.php?catoid=25&pooid=19652#The%20University%20Core%20Curriculum (last visited Nov. 3, 2018); UNIVERSITY OF NEVADA, RENO, Core Objective 8: Constitution, <https://catalog.unr.edu/content.php?catoid=25&navoid=10989> (last visited Nov. 3, 2018); UNIVERSITY OF NEVADA, RENO, Courses Verified For CO8, [https://catalog.unr.edu/search_advanced.php?cur_cat_oid=25&location=&filter\[keyword\]=CO8&filter\[3\]=1&filter\[1\]=&filter\[28\]=&filter\[30\]=&filter\[exact_match\]=1&navoid=11130](https://catalog.unr.edu/search_advanced.php?cur_cat_oid=25&location=&filter[keyword]=CO8&filter[3]=1&filter[1]=&filter[28]=&filter[30]=&filter[exact_match]=1&navoid=11130) (last visited Nov. 3, 2018).

¹³ UNIVERSITY OF GEORGIA, General Education Core Curriculum, <http://www.bulletin.uga.edu/GenEdCoreBulletin.aspx> (last visited Nov. 3, 2018); GEORGIA TECH, Core Curriculum: Core Area E, <http://catalog.gatech.edu/academics/undergraduate/core-curriculum/core-area-e/> (last visited Nov. 3, 2018).

¹⁴ GA. CODE ANN. § 20-3-50 and GA. CODE ANN. § 20-3-21.

¹⁵ UNIVERSITY SYSTEM OF GEORGIA, Board of Regents Policy Manual: 3.3.4 United States and Georgia History and Constitutions, <https://www.usg.edu/policymanual/section3/C338> (last visited Nov. 3, 2018); UNIVERSITY SYSTEM OF GEORGIA, Academic & Student Affairs Handbook: Procedural guide for implementing BoR policies related to Academic Affairs: 2.4.4, https://www.usg.edu/academic_affairs_handbook/section2/C738 (last visited Nov. 3, 2018).

¹⁶ UTAH SYSTEM OF HIGHER EDUCATION, General Education, Section R470-3.2.3

¹⁷ ARKANSAS DEPARTMENT OF HIGHER EDUCATION, About the Agency, <https://www.adhe.edu/about-adhe/about-the-agency/> (last visited Dec. 16, 2018).

	carrying out” of the statute.	public colleges. This core curriculum complies with the Arkansas statute by requiring all students to complete at least three credit hours in U.S. government or history. ¹⁸
MO	<p>“Regular courses of instruction” to an “extent determined by the by the state commissioner of higher education.”</p> <ul style="list-style-type: none"> • US Constitution • MO Constitution • American history • American institutions. 	<p>The Missouri Coordinating Board of Higher Education oversees the Department of Higher Education.¹⁹ The Board appoints the Commissioner for the Department.²⁰ While the statute prescribes the Commissioner to determine the length of instruction in the U.S. Constitution, the Board itself (the entity that appoints the Commissioner) has directly prescribed a core curriculum for all Missouri public colleges which includes a required three credit hour course on American civics.²¹</p>

¹⁸ ARKANSAS HIGHER EDUCATION COORDINATING BOARD, Policy Manual: 3.10.24 Appendix C – Minimum General Education and Technical Cores, https://static.ark.org/eeuploads/adhe/ADHE_Policy_-_8-14-18_for_WEB.pdf (last visited Dec. 16, 2018).

¹⁹ MISSOURI DEPARTMENT OF HIGHER EDUCATION, Home Coordinating Board for Higher Education Members, <https://dhe.mo.gov/cbhe/members.php>. (last visited Dec. 16, 2018).

²⁰ MISSOURI DEPARTMENT OF HIGHER EDUCATION, Commissioner of Higher Education, <https://dhe.mo.gov/cbhe/commissioner.php> (last visited Dec. 16, 2018).

²¹ MISSOURI DEPARTMENT OF HIGHER EDUCATION, CORE 42: The Higher Education Core Transfer Curriculum, <https://dhe.mo.gov/cbhe/boardbook/documents/tab0318.pdf> (last visited Dec. 16, 2018).