

# Relationship Between Private Catholic and Independent Schools and the Local Ordinary

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\*Appendices are available online

## I. GENERAL INFORMATION:

- A. The Call
- B. Reasons for Starting a School
- C. Prayer

### A. The Call

Pope John Paul II issued a call to the laity:

- First: Grow in the Lord, because the fruitfulness of the lay apostolate depends on our living union with Christ;
- Second: Restore vitality to our ecclesial lay movement. Organizing into various apostolic groups will be decisive in the years to come, but we must be able to count on sufficient formation, on a sense of ecclesial unity, and on a profound spirituality; and
- Third: Make the Church present with a new consistency and originality in our society in its spiritual, economic, and cultural progress.<sup>1</sup>

This call to the laity is rooted in the teachings of the Second Vatican Council and the 1983 Code of Canon Law.

The Second Vatican Council Dogmatic Constitution on the Church, *Lumen Gentium*, states clearly and emphatically that the laity have the right and responsibility to participate in the Church's work of salvation and that Bishops and pastors must be a source of encouragement for the laity "to undertake works *on their own initiative*..."<sup>2</sup> (emphasis added) "All the laity...have the exalted duty of working for the ever greater spread of the divine plan of salvation to all men...Therefore *may the way be clear for them*(emphasis added) to share diligently in the salvific work of the Church..."<sup>3</sup>

In its Decree on the Laity, *Apostolicam Actuositatem*, the Council restates that "the laity may not be deprived of the possibility of *acting on their own accord*..."<sup>4</sup> (emphasis added) and identifies the Lord Himself as the one who assigns the laity the right and responsibility to participate in the work of the Church, "The laity derive the right and duty to the apostolate from their union with Christ the head; incorporated into Christ's Mystical Body through Baptism and strengthened by the power of the Holy Spirit through Confirmation, they are assigned to the apostolate by the Lord Himself."<sup>5</sup>

*Apostolicam Actuositatem* also recognizes that "...in the Church there are many apostolic undertakings which are established by the free choice of the laity and regulated by their prudent judgment. The mission of the Church can be better accomplished in certain circumstances by undertakings of this kind..."<sup>6</sup>

These statements are foundational to the 1983 Code of Canon Law's recognition of the obligations and rights of all Christ's faithful to participate in the salvific work of the Church. Canon 204.1 states, "They are called, each according to his or her particular condition, to exercise the mission which God entrusted to the Church to fulfill in the world."

Canon 215 speaks to the rights of the faithful to associate. "Christ's faithful may freely establish and direct associations which serve charitable or pious purposes..."

Home schooling and the formation of independent schools have been a response by many Catholics to Pope John Paul's call to the laity for the last 25 years, and the response is growing in both movements every year. Together they are the most exciting signs of the hope-filled activity of the Holy Spirit in the Church today.

## **B. REASONS FOR STARTING A SCHOOL<sup>7</sup>**

The primary question to answer when thinking of starting a school is, "What is the purpose of the school?" Is it an apostolate,<sup>8</sup> whose primary purpose is the spiritual development of the students? If it is for the spiritual first, then trust that you are on safe ground, and everything else – curriculum, staffing, funding, etc.- will fall into place.

If the school is to be for the spiritual development of the student, then it is essential Divine Providence be totally embraced by all involved in the formation of the school. The Holy Spirit has to be the Guiding Presence in the work of the founders.

The founders must have a love for the things of God. His Church, His priests and sacraments are all essential, if the fabric of education is to be imbued with the Faith. Added to these essentials are strength of character, a balanced view of life, professional abilities, a vision, and, most importantly, a prayer life.

## **C. PRAYER<sup>9</sup>**

Prayer should precede the founders coming together as a formal organization. Seek the help of contemplative religious and ask them to pray for the intentions of the members of the board as part of the spiritual preparation for your work. Time, as the founding board, spent in adoration of the Blessed Sacrament, novenas to St. Joseph and to the Sacred Heart of Jesus, are especially recommended.

This spiritual activity and request for guidance is to assist the founders to proceed with a predisposition regarding the purpose of the school and individual views of each member. Starting a school can only be about Thy will be done, not my will be done. The following "Prayer to the Holy Spirit" is recommended:

*"Holy Spirit, Beloved of my soul, I adore you. Enlighten me, guide me, Strengthen me, console me. Tell me what I should say and do. Give me your orders. I promise to submit myself to all that you desire of me and to accept all that you permit to happen to me. Let me only know your will. Amen." (Prayer by Cardinal Mercier)*

Most who start schools are not education professionals. Backgrounds are varied, but the motivation is the same: all are answering the call of the Holy Spirit to preserve and teach the Catholic Faith and to pass on to the next generation the full Treasury of the Faith and prepare the future leaders of the Church and society. No small task, but all doable with His grace. Having given your assent, albeit, "Why me?!" assent, you proceed with responsibility and professionalism. Through prayer, study, research and association, you learn and grow in this apostolate to provide for salvation of souls and academic excellence.

It is your job to do the work of the Holy Spirit; it is Satan's job to see that you don't. He will be very active in his work to destroy your efforts.

## KEEP AT YOUR WORK\*

The Lord has given to every man his work. It is his business to do it, and the devil's business to hinder him if he can. So sure as God has given you work to do, Satan will try to hinder you. He may present other things more promising. He may allure you by worldly prospects. He may assault you with slander, torment you with false accusations, set you to work defending your character, employ pious persons to lie about you, editors to assail you, and excellent men to slander you. You may have Pilate and Herod, Ananias and Caiaphas all combined against you, and Judas standing by you ready to sell you for thirty pieces of silver; and you may wonder why all those things come upon you. Can you not see that the whole thing is brought about through the craft of the devil to draw you away from your work and hinder your obedience to God?

Keep about your work. Do not flinch because the lion roars; do not fool away your time chasing the devil's rabbits. Do your work. Let liars lie; let sectarians quarrel; let corporations resolve; let editors publish; let the devil do his worst; but see to it that nothing hinders you from fulfilling the work that God has given you.

He has not sent you to make money. He has not commanded you to get rich. He has never bidden you defend your character. He has not set you at work to contradict falsehood which Satan and his servants may start to peddle. If you do these things, you will do nothing else; you will be working for yourself and not for the Lord.

Keep about your work. Let your aim be as steady as a star. Let the world brawl and babble. You may be assaulted, wronged, insulted, slandered, wounded, and rejected; you may be abused by foes, forsaken by friends and despised and rejected by men, but see to it with steadfast determination, with unfaltering zeal, that you pursue the great purpose of your life and object of your being, until at last you can say, "I have finished the work which Thou gavest me to do."

\*Author unknown

## II. Relating To Your Bishop

- A. Establishing Communication: General Guidelines
- B. Do and Don'ts
- C. Canon Law
- D. Statement of Indemnity

### A. Establishing Communication: General Guidelines

As a lay-operated non-profit 501(c)(3) corporation, established as a private school teaching the Catholic Faith, it is not required to obtain the Bishops permission to open. It is also not required that you seek official approval or recognition from the Bishop.

That said, it is desirable, however, to establish a right and respectful relationship with your local ordinary. The Bishop should be introduced to your school by you and not receive second-hand information about your activity. Do nothing to embarrass your Bishop. Rest assured, he will “know” about you from many sources; make the one that matters most – you – personal and straightforward.

Before you approach the Bishop, have yourself established as a non-profit entity; your 501(c)(3) tax-exempt status may be pending. Have your mission statement, brochure and admission documents prepared to present to him.

Your initial approach to the bishop should be as representatives of a private school. You are introducing yourselves as such and informing him of your project. First contact may be by letter; request may be made to meet with him personally.

Respectfully avoid or decline a referral by the Bishop, or his secretary, to a diocesan school department official for assistance or advice in the starting and operation of the school.

Be persistent and consistent, but always respectful. If you are unsuccessful in making personal contact with the Bishop, continue to send him updates of your plans and progress. When you open, send him newsletters and notice of events. Issue him an open invitation to visit the school and follow up with invitations to all special occasions.

Insure that the bishop hears from you that you will cooperate with him when and wherever possible; that you will make very clear in all school materials, promotional and in-house, that there is no legal or financial connection or obligation between the school and the diocese. (See “Statement of Indemnity” on page 10.) Establish in the bishop’s mind that you are a cooperative group of lay people, respectful and protective of his position and authority.

It is important to keep in mind, as you establish communication and a personal relationship with your Bishop, that being “independent” is more than being independent *from* – independent from the diocese; from a centralized bureaucracy, such as a diocesan school department, etc. Independent means being independent *to* – select your own curriculum and staff, and set your own admission and discipline policies. It is the principle of subsidiarity that is key to your efforts and will preserve the mission and identity of your school. If seeking independence was merely a *re-action* to the wrongs in public and diocesan education and the culture of today, our independent school efforts would be a failure. In the positive light of *action* - to embrace responsibility for salvation of souls and academic excellence - independence is, rightfully, a position, *not about power, but only about responsibility.*

## **B. Do and Don'ts**

### **Do**

1. Attempt to establish a personal relationship with your Bishop. Inform the Bishop of your activity:
  - Send a letter of introduction.
  - Request a meeting.
  - Before you meet with the Bishop, have yourself established as a non-profit entity; your 501(c)(3) tax-exempt status may be pending. Have your mission statement, brochure and admission documents, prepared to present to him.
  - If you are unsuccessful in making personal contact with the Bishop or scheduling a meeting with him, continue to send him updates of your plans and progress. When you open, send him newsletters and notice of events. Issue him an open invitation to visit the school and follow up with invitations to all special occasions.
2. Be informed about applicable canon law. See page 9 and Chapter III.
3. Establish your identity with the Bishop as a “de facto” association, independent of the diocese. See page 9 and Chapter III.
4. Be knowledgeable about Church documents that speak to the call of the laity and their rightful freedom to act *on their own initiative*. See Chapter IV.
5. Prayerfully consider whether you will seek official approval or recognition from the Bishop. Remember, it is not a requirement that you seek permission, approval or recognition. If you seek official status, the Bishop may rightfully intervene in the program of your school.

### **Don'ts**

Avoid any process or proposed guidelines for a formal relationship with the Bishop that includes:<sup>10</sup>

1. No personal contact with the Bishop; rather, working through the diocesan Superintendent of Schools; having the Superintendent of Schools review documents to determine if diocesan “standards” for approval or recognition have been met; or a requirement that the school cooperate with the Superintendent of Schools in ongoing review to determine compliance with standards for approval or recognition.

It is preferable that all contact and communication be with the Bishop – not relying on a delegate in the diocesan bureaucracy, including the Superintendent of Schools, to interpret you and your efforts to the Bishop. Be vigilant and aware of diocesan officials who overstep their rightful delegated responsibilities and authority when it comes to who gets access to the Bishop or what information he receives. Bounds are also crossed in the decision making regarding what qualifies as “Catholic”. It may be that the decision, or “recommendation” is made by diocesan officials before it gets to the Bishop’s desk and the Bishop merely rubber stamps his “delegate’s” decision.

We respectfully acknowledge a Bishop’s very busy schedule and his many duties and responsibilities and fully understanding his need to delegate. However, every attempt should be made to establish a mutually accommodating level of communication that demonstrates the need

for the Bishop's direct oversight of the approval and recognition of a school (if that is the school's intent), or the Bishop's direct and personal knowledge of the school's mission and activities.

2. A requirement that the school's mission and philosophy statement must be in accord with the mission and philosophy statement of the Catholic School Department in the diocese.

The school should always maintain autonomy in the definition of its mission, philosophy and goals. Where it meets the diocesan statement, agreement may be acknowledged, but the school's statement should be theirs and prepared by their Trustees.

3. A requirement that the school shall meet the same accreditation requirements as all Catholic schools in the diocese.

Usually, a requirement such as this means that the school must use the same accrediting agencies as the diocesan schools. If it meant, only, that a school must be accredited and were free to select their own accrediting agency, consideration might be given to this requirement.

The school should always maintain autonomy in the selection of its curriculum and the establishment of curriculum and academic standards.

The issue is not with accreditation and its pros and cons for the school, but rather, the accreditation "standards" applied by the diocese and the agents of accreditation used by diocesan officials. If any secular regional accrediting organization is used, even if it is in partnership with a Catholic education association, such as WCEA (Western Catholic Education Association) in CA, the "standards" are influenced by Goals 2000, Outcome-Based Education (OBE) and all the politically correct requirements of today's mainstream culture – the same "standards" applied to public schools. Diocesan schools are NOT protected from these contaminants. Besides the accreditation doorway to these vulnerabilities, teachers hired who have a State teaching credential pose the same threat of entry, because the same influences predominate teacher preparation programs in colleges and universities.

4. A requirement that the school shall consult with the diocese regarding the opening, expansion, reduction or closing of the school; that the school shall ensure that all policies, handbooks, contractual and other agreements comply with diocesan rules and regulations; that the Bishop or Superintendent of schools must be involved in the hiring of the principal or head of school.

The school's governing body must always maintain its autonomy in operations and its independence to set policy for the school, especially with regard to selection of curriculum and staff, admission and discipline policies.

5. A requirement that the religion education curriculum provided by the school must be approved by the diocesan Catholic School Department and textbooks used must be taken from the list of approved textbooks issued by diocesan Catholic School Department.

If a school is seeking, or has been granted approval or recognition by the Bishop to call itself a "Catholic" school, the school must cooperate with the Bishop in meeting any requirements for such approval or recognition, including a requirement that the school's religion curriculum be approved and routinely reviewed.

Today's unfortunate reality is that it may be the religion curriculum and textbooks approved by the diocesan Catholic School Department that could pose a serious obstacle to the mission and Catholic identity of the school. Vigilance and very careful review and consideration of the diocesan catechetical program should precede any discussion with the Bishop regarding formal approval and recognition.

Vigilance must also be exercised in reviewing diocesan policy that would require as a condition for formal recognition and approval that a school implement the diocesan "safe environment" program.

It is preferred, as stated earlier, that any review be made by the Bishop, personally. This could be accomplished quite gracefully, if the Bishop would accept an invitation to visit the school.

6. A requirement that teachers must be certified according to the criteria established by the diocesan Catholic School Department; teachers are required to attend diocesan catechetical classes, workshops and certification programs.

Once again, the school's governing body must always maintain its autonomy in operations and its independence to set policy for the school, especially with regard to selection of curriculum and staff, admission and discipline policies.

A school must always be vigilant in the hiring and professional development of its teachers. Extreme caution should be exercised when considering a candidate with a State credential or a candidate whose only catechesis has been through diocesan schools or CCD programs.

A requirement of teacher attendance at diocesan catechetical events is not a deal breaker, but should be carefully monitored.

It is recommended that a candidate for an independent school teaching the Catholic faith be a person who is exemplary in the knowledge and practice of the Faith and be knowledgeable and skilled in the subject matter for which the person is hired to teach. It bears repeating: any teacher hired with a State teaching credential poses the same threat for entry of all the secular assaults on Catholic culture because of the teacher preparation programs in most colleges and universities, including some Catholic colleges and universities.

7. A provision that the School may be assessed for services provided by the diocese.
8. A requirement that the school shall provide for the participation on its governing board of the diocesan Superintendent of Schools, the local pastor or other diocesan representative.

It is the school's governing body's primary responsibility to protect the mission and identity of the school. It must be prudent and vigilant in its organization and selection of board members to ensure the responsible exercise of authority of the Board, in particular, any selections or replacements of voting members of the Board.

There are examples of effective Boards who have ex-officio members, such as a priest, or professional, such as a lawyer or accountant, who have no voting privilege on the Board. It is this type of participation that might be considered for a diocesan representative. It is also a possibility, and perhaps preferable, for a diocesan representative to serve on a Board of Advisors.

## C. Canon Law

Review Chapter III.

Canon Law on Catholic education is summarized in canons 793-806. Canons 803, 804, 805 and 806 are the essence in defining how a Catholic school operates and is recognized by Church authority.

There is reasonable question and discussion regarding Canons 804 and 805 and their application to independent schools. Canon 804.2 addresses the local ordinary's responsibility to "be careful that those appointed as teachers of religion in schools, even non-Catholic ones, are outstanding in true doctrine..." "Non-Catholic" in this context means a school that does not have official diocesan approval or recognition. A Bishop has the obligation as shepherd to preserve and protect the truths of the Catholic faith; he also has the duty and responsibility to protect the rights and responsibilities of the faithful. If a "non-Catholic" school, referred to in canon 804, was challenged by a Bishop or diocesan official as not being "outstanding in true doctrine", it would be the responsibility of that authority to provide credible, and objective proof of such a claim. It would not be the school's responsibility to respond to unfounded or unsupported assertions.

Canon 805 speaks to the Bishop's appointment, approval and removal of teachers of religion "in his own diocese." It can be argued that this canon applies only to diocesan schools, that is, schools that bear the title "Catholic" according to Canon 803.3.<sup>11</sup> An independent school that has not sought formal recognition or approval according is not an entity *in*, nor *of* a diocese and is, therefore, not subject to any jurisdiction with regard to hiring or removal of teachers.

We spoke earlier in this Chapter on the Decrees of Vatican II and the Codes of Canon Law that apply to the faithful's right and obligation *to act on their own initiative* and their right to establish and be supported in the formation of associations. The St. Joseph Foundation, a non-profit organization that assists Catholics in resolving violations of their rights within the Church, in an opinion letter based on the case of St. Barbara School Charitable Trust vs. the Bishop of Chandler, CA and his Chancellor for Canonical Affairs, discusses the "categories of association" <sup>12</sup> under the code and makes the point that, "The most important distinction among them is between those that seek some sort of approval from the Bishop and those that do not. If a group seeks official status, it has several options. For example, it can ask the Bishop to *recognize* it, or it can take a further step by requesting that the Bishop establish it as a *recommended* group. With every increase in status that the group seeks, it submits itself to additional control by the Bishop."

"However, a group need not seek official recognition at all. This is the meaning of the repeated reference by Vatican II to laypersons acting "on their own initiative." Different groups have different purposes, and a group may legitimately conclude that its purposes are better served by preserving the flexibility that comes with maintaining independence from formal Church structures. Associations that choose to remain independent are called "*de facto*" associations."<sup>13</sup>

A bishop cannot compel an entity to seek approval or recognition. This decision rests entirely with the entity. The entity, therefore, is entitled to operate independent of the diocese. The independent entity is not subject to the bishop's jurisdiction.

Roch Page, "Associations of the Faithful in the Church," *The Jurist* 47 (1987): 165-203

“The fundamental right to the faithful to associate for purposes in conformity with Christian life can be exercised without having to be subject to the norms prescribed in the canons on associations of the faithful (cc.298-329) – that is, unless an association wishes to acquire the status of a private or public association, or wishes to adopt a name which signifies a recognized status such as ‘Catholic’...So long as they remain de facto associations, they have the same freedom as the members which make them up, aside from adopting the name ‘Catholic’ (c300). This is the exercise of the right of association in its natural state.” [Page, 199-200]<sup>14</sup>

The Code of Canon Law itself does not use the term “de facto association”, but most canonists have adopted it to refer to associations formed under canon 215 by virtue of the natural right of association<sup>15</sup>

#### **D. Statement of Indemnity**

An important consideration in the starting of an independent school, especially for the Bishop and diocesan officials, is the issue of liability and financial responsibility. A statement should be drafted that makes it very clear to all involved with the school, and to all interested parties looking at the school, that the diocese is waived of any legal/and or financial responsibility or liability.

The following is a sample Statement of Indemnity: <sup>16</sup>

To Whom It May Concern:

*At its regularly scheduled meeting of \_\_\_\_ (day & date) \_\_\_\_\_, the Board of Trustees of \_\_\_\_\_ Academy adopted the following resolution constituting a “waiver of responsibility” in regards to the school’s relations with the Diocese of \_\_\_\_\_:*

Whereas, \_\_\_\_\_ Academy is a private, independent school founded and run by Catholic laity and incorporated in and in accordance with the laws of the State (Commonwealth) of \_\_\_\_\_; and,

Whereas, \_\_\_\_\_ Academy has sought recognition as a “Catholic school” pursuant to Canon 803; and,

Whereas, in considering \_\_\_\_\_ Academy’s request, some concern has been raised by the Catholic Diocese of \_\_\_\_\_ regarding its potential liability and responsibility for the school if and when it provides the Academy with a rescript recognizing it as a “Catholic school”.

Now, therefore, be it resolved by the Board of Trustees of \_\_\_\_\_ Academy at its \_\_\_\_\_ date \_\_\_\_\_ meeting, that:

(1) The following waiver of responsibility and liability is hereby adopted regarding the academy’s ongoing relations with the Catholic Diocese of \_\_\_\_\_:

“ \_\_\_\_\_ Academy is a private, independent school founded and operated by Catholic laity and incorporated pursuant to the laws of the State (Commonwealth) of \_\_\_\_\_. While it may be recognized as a “Catholic school” by the Catholic Diocese of \_\_\_\_\_ in accordance with Canon 803 of the Code of Canon Law, such recognition does not constitute nor does it imply any legal or financial connection or obligation between \_\_\_\_\_ Academy or the

Diocese of \_\_\_\_\_ or any of its constituent parishes or agencies. Furthermore, while the Bishop of \_\_\_\_\_ has the right and responsibility of exercising due vigilance and visitation of the Academy to ensure the quality of its “Catholic education” in accordance with Canon Law, the school’s internal operation and management is completely separate, independent and autonomous from the Diocese or any of its constituent parishes or agencies in accordance with the same law.

(2) Upon receipt of the rescript (official written document) granting \_\_\_\_\_ Academy’s petition to be recognized as a “Catholic school” pursuant to Canon 803.1.& 3, the Board of Trustees shall ensure that the waiver of legal and/or financial responsibility or liability for the school in section (1) above, will be incorporated into and included in all future printed materials, brochures, releases, applications, etc so that henceforth all interested parties will know that the Diocese of \_\_\_\_\_, and its constituent parishes or agencies have no legal or financial obligation for or to \_\_\_\_\_ Academy and that all such obligations and responsibilities fall upon the Academy’s administration and Board of Trustees.

(3) Upon its adoption, a copy of this resolution shall be forwarded to the Office of the Bishop for the Diocese’s records.

This being a true copy of the text of the resolution as adopted by the Board.

\_\_\_\_\_  
(Name; Title and Signature of Board Representative)

(Date)

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**In Conclusion:**

It is not required to obtain the Bishop’s permission to open. It is also not required that you seek official approval or recognition from the Bishop. It is desirable, however, to establish a right and respectful relationship with your local ordinary.

Establish a personal relationship with your Bishop. Keep him informed of your activity; extend frequent invitations to the Bishop to visit the school.

Be informed about applicable canon law. Be knowledgeable about Church documents that speak to the call of the laity and their rightful freedom to act on their own initiative.

Above all, prayerfully consider whether you will seek official approval or recognition from the Bishop. Remember, it is not a requirement that you seek permission, approval or recognition. However, if you seek official status, the Bishop may, rightfully, intervene in the program and policies of your school.

### III. Applicable Codes from The Code of Canon Law (1983)<sup>17</sup>

#### Book II : THE PEOPLE OF GOD

#### Part I : CHRIST'S FAITHFUL<sup>18</sup>

**Can. 204** §1 Christ's faithful are those who, since they are incorporated into Christ through baptism, are constituted the people of God. For this reason they participate in their own way in the priestly, prophetic and kingly office of Christ. *They are called, each according to his or her particular condition, to exercise the mission which God entrusted to the Church to fulfill in the world.* (Emphasis added.)

#### Title I : THE OBLIGATIONS AND RIGHTS OF ALL CHRIST'S FAITHFUL

**Can. 208** Flowing from their rebirth in Christ, there is a genuine equality of dignity and action among all of Christ's faithful. *Because of this equality they all contribute, each according to his or her own condition and office, to the building up of the Body of Christ.* (Emphasis added.)

**Can. 211** All Christ's faithful have the obligation and the right to strive so that the divine message of salvation may more and more reach all people of all times and all places.

**Can. 215** Christ's faithful may freely establish and direct association, which serve charitable or pious purposes or which foster the Christian vocation in the world, and they may hold meetings to pursue these purposes by common effort.

**Can. 216** *Since they share the Church's mission, all Christ's faithful have the right to promote and support apostolic action, by their own initiative, undertaken according to their state and condition.* (Emphasis added.) No initiative, however, can lay claim to the title 'catholic' without the consent of the competent ecclesiastical authority.

**Can. 217** Since Christ's faithful are called by baptism to lead a life in harmony with the gospel teaching, *they have the right to a Christian education, which genuinely teaches them to strive for the maturity of the human person and at the same time to know and live the mystery of salvation.* (Emphasis added.)

**Can. 220** No one may unlawfully harm the good reputation, which a person enjoys, or violate the right of every person to protect his or her privacy.

**Can. 221** §1 Christ's faithful may lawfully vindicate and defend the rights they enjoy in the Church, before the competent ecclesiastical forum in accordance with the law.

§2 If any members of Christ's faithful are summoned to trial by the competent authority, they have the right to be judged according to the provisions of the law, to be applied with equity.

§3 Christ's faithful have the right that no canonical penalties be inflicted upon them except in accordance with the law.

## **Title II: THE OBLIGATIONS AND RIGHTS OF THE LAY MEMBERS OF CHRIST'S FAITHFUL**

**Can. 225** §1 Since lay people, like all Christ's faithful, are deputed to the apostolate by baptism and confirmation, they are bound by the general obligation and they have the right, whether as individuals or in associations, to strive so that the divine message of salvation may be known and accepted by all people throughout the world. This obligation is all the more insistent in circumstances in which only through them are people able to hear the Gospel and to know Christ.

**Can. 226** §1 Those who are married are bound by the special obligation, in accordance with their own vocation, to strive for the building up of the people of God through their marriage and family.

*§2 Because they gave life to their children, parents have the most serious obligation and the right to educate them. It is therefore primarily the responsibility of Christian parents to ensure the Christian education of their children in accordance with the teaching of the Church. (Emphasis added.)*

**Can. 227** To lay members of Christ's faithful belongs the right to have acknowledged as theirs that freedom in secular affairs which is common to all citizens. In using this freedom, however, they are to ensure that their actions are permeated with the spirit of the Gospel, and they are to heed the teaching of the Church proposed by the Magisterium, but they must be on guard, in questions of opinion, against proposing their own view as the teaching of the Church.

## **Book III**

### **Title III: CATHOLIC EDUCATION**

**Can. 793** §1 Parents, and those who take their place, have both the obligation and the right to educate their children. Catholic parents have also the duty and the right to choose those means and institutes which, in their local circumstances, can best promote the catholic education of their children.

§2 Parents have moreover the right to avail themselves of that assistance from civil society which they need to provide a catholic education for their children.

**Can. 794** §1 The Church has in a special way the duty and the right of educating, for it has a divine mission of helping all to arrive at the fullness of Christian life.

§2 Pastors of souls have the duty of making all possible arrangements so that all the faithful may avail themselves of a catholic education.

**Can. 795** Education must pay regard to the formation of the whole person, so that all may attain their eternal destiny and at the same time promote the common good of society. Children and young persons are therefore to be cared for in such a way that their physical, moral and intellectual talents may develop in a harmonious manner, so that they may attain a greater sense of responsibility and a right use of freedom, and be formed to take an active part in social life.

## **Chapter I : SCHOOLS**

**Can. 796** §1 Among the means of advancing education, Christ's faithful are to consider schools as of great importance, since they are the principal means of helping parents to fulfill their role in education.

§2 There must be the closest cooperation between parents and the teachers to whom they entrust their children to be educated. In fulfilling their task, teachers are to collaborate closely with the parents and willingly listen to them; associations and meetings of parents are to be set up and held in high esteem.

**Can. 797** Parents must have a real freedom in their choice of schools. For this reason Christ's faithful must be watchful that the civil society acknowledges this freedom of parents and, in accordance with the requirements of distributive justice, even provides them with assistance.

**Can. 798** Parents are to send their children to those schools which will provide for their catholic education. If they cannot do this, they are bound to ensure the proper catholic education of their children outside the school.

**Can. 799** Christ's faithful are to strive to secure that in the civil society the laws which regulate the formation of the young, also provide a religious and moral education in the schools that is in accord with the conscience of the parents.

**Can. 800** §1 The Church has the right to establish and to direct schools for any field of study or of any kind and grade.

§2 Christ's faithful are to promote catholic schools, doing everything possible to help in establishing and maintaining them.

**Can. 801** Religious institutes which have education as their mission are to keep faithfully to this mission and earnestly strive to devote themselves to catholic education, providing this also through their own schools which, with the consent of the diocesan Bishop, they have established.

**Can. 802** §1 If there are no schools in which an education is provided that is imbued with a Christian spirit, the diocesan Bishop has the responsibility of ensuring that such schools are established.

§2 Where it is suitable, the diocesan Bishop is to provide for the establishment of professional and technical schools, and of other schools catering for special needs.

**Can. 803** §1 A Catholic school is understood to be one which is under the control of the competent ecclesiastical authority or of a public ecclesiastical juridical person, or one which in a written document is acknowledged as catholic by the ecclesiastical authority.

§2 Formation and education in a Catholic school must be based on the principles of Catholic doctrine, and the teachers must be outstanding in true doctrine and uprightness of life.

§3 No school, even if it is in fact Catholic, may bear the title 'Catholic school' except by the consent of the competent ecclesiastical authority.

**Can. 804** §1 The formation and education in the Catholic religion provided in any school, and through various means of social communication is subject to the authority of the Church. It is for the Episcopal

Conference to issue general norms concerning this field of activity and for the diocesan Bishop to regulate and watch over it.

§2 The local Ordinary is to be careful that those who are appointed as teachers of religion in schools, even non-Catholic ones, are outstanding in true doctrine, in the witness of their Christian life, and in their teaching ability.

**Can. 805** In his own diocese, the local Ordinary has the right to appoint or to approve teachers of religion and, if religious or moral considerations require it, the right to remove them or to demand that they be removed.

**Can. 806 §1** The diocesan Bishop has the right to watch over and inspect the Catholic schools situated in his territory, even those established or directed by members of religious institutes. He has also the right to issue directives concerning the general regulation of Catholic schools these directives apply also to schools conducted by members of a religious institute, although they retain their autonomy in the internal management of their schools.

§2 Those who are in charge of Catholic schools are to ensure, under the supervision of the local Ordinary, that the formation given in them is, in its academic standards, at least as outstanding as that in other schools in the area.

## IV. Magisterial Teachings

The full text of the Second Vatican Council documents, *Lumen Gentium*, *Apostolicam Actuositatem* and *Gravissimum Educationis* are available in Appendix A.

### A. Documents of Vatican II

#### 1. *Lumen Gentium (Dogmatic Constitution on the Church) Paul VI, 1965*

*Lumen Gentium*, 31-33; 36

*Lumen Gentium*, 33: “All the laity...have the exalted duty of working for the ever greater spread of the divine plan of salvation to all men... Therefore *may the way be clear for them* (Emphasis added) to share diligently in the salvific work of the Church...”

*Lumen Gentium*, 37: The laity have the right and responsibility to participate in the Church’s work of salvation and that Bishops and pastors must be a source of encouragement for the laity “to undertake works *on their own initiative...*” (Emphasis added.)

#### 2. *Apostolicam Actuositatem (On the Apostolate of the Laity) Paul VI, 1965*

*Apostolicam Actuositatem*, 3: Identifies the Lord Himself as the one who assigns the laity the right and responsibility to participate in the work of the Church, “The laity derive the right and duty to the apostolate from their union with Christ the head; incorporated into Christ’s Mystical Body through Baptism and strengthened by the power of the Holy Spirit through Confirmation, they are assigned to the apostolate by the Lord Himself.”

*Apostolicam Actuositatem*, 24: The Council restates that “...the laity may not be deprived of the possibility of *acting on their own accord.*” (Emphasis added.)

*Apostolicam Actuositatem* 24: Recognizes that “...in the Church there are many apostolic undertakings which are established by the free choice of the laity and regulated by their prudent judgment. The mission of the Church can be better accomplished in certain circumstances by undertakings of this kind...”

#### 3. *Gravissimum Educationis (Declaration on Christian Education) Paul VI, 1965*

*Gravissimum Educationis*, 1 “...For a true education aims at the formation of the human person in the pursuit of his ultimate end and of the good of the societies of which, as man, he is a member, and in whose obligations, as an adult, he will share...Children and young people have a right to be motivated to appraise moral values with a right conscience...Consequently it earnestly entreats all those who hold a position of public authority or who are in charge of education to see to it that youth is never deprived of this sacred right.”

*Gravissimum Educationis* 3: *The Authors of Education*

“*Since parents have given children their life, they are bound by the most serious obligation to educate their offspring and therefore must be recognized as the primary and principal educators. This role in education is so important that only with difficulty can it be supplied where it is lacking.* (Emphasis added.) Parents are the ones who must create a family atmosphere animated by love and respect for God and man, in which the well-rounded personal and social education of children is fostered. Hence the family is the first school of the social virtues that every society needs. It is particularly in the Christian family, enriched

by the grace and office of the sacrament of matrimony, that children should be taught from their early years to have a knowledge of God according to the faith received in Baptism, to worship Him, and to love their neighbor. Here, too, they find their first experience of a wholesome human society and of the Church. Finally, it is through the family that they are gradually led to a companionship with their fellowmen and with the people of God. Let parents, then, recognize the inestimable importance a truly Christian family has for the life and progress of God's own people.

The family which has the primary duty of imparting education needs help of the whole community. In addition, therefore, *to the rights of parents and others to whom the parents entrust a share in the work of education*, (Emphasis added.) certain rights and duties belong indeed to civil society, whose role is to direct what is required for the common temporal good. Its function is to promote the education of youth in many ways, namely: to protect the duties and rights of parents and others who share in education and to give them aid; according to the *principle of subsidiarity*, (Emphasis added.) when the endeavors of parents and other societies are lacking, to carry out the work of education in accordance with the wishes of the parents; and, moreover, as the common good demands, to build schools and institutions.

Finally, in a special way, the duty of educating belongs to the Church, not merely because she must be recognized as a human society capable of educating, but especially because she has the responsibility of announcing the way of salvation to all men, of communicating the life of Christ to those who believe, and, in her unflinching solicitude, of assisting men to be able to come to the fullness of this life. *The Church is bound as a mother to give to these children of hers an education by which their whole life can be imbued with the spirit of Christ and at the same time do all she can to promote for all peoples the complete perfection of the human person, the good of earthly society and the building of a world that is more human.* (Emphasis added.)

*Gravissimum Educationes*, 4-8

## **B. *Sapientiae Christianae* (On Christians as Citizens) Leo XIII, 1890**

The full text of *Sapientiae Christianae* is available online at [www.napcis.org](http://www.napcis.org): Resources.

*Sapientiae Christianae* 42. “This is a suitable moment for us to exhort especially heads of families to govern their households according to these precepts, and to *be solicitous without failing for the right training of their children*. (Emphasis added.) The family may be regarded as the cradle of civil society, and it is in great measure within the circle of family life that the destiny of the States is fostered. Whence it is that they who would break away from Christian discipline are working to corrupt family life, and to destroy it utterly, root and branch. From such an unholy purpose they allow not themselves to be turned aside by the reflection that it cannot, even in any degree, be carried out without inflicting cruel outrage on the parents. *These hold from nature their right of training the children to whom they have given birth, with the obligation super-added of shaping and directing the education of their little ones to the end for which God vouch-safed the privilege of transmitting the gift of life. It is, then, incumbent on parents to strain every nerve to ward off such an outrage, and to strive manfully to have and to hold exclusive authority to direct the education of their offspring, as is fitting, in a Christian manner, and first and foremost to keep them away from schools where there is risk of their drinking in the poison of impiety.* (Emphasis added.) Where the right education of youth is concerned, no amount of trouble or labor can be undertaken, how great soever, but that even greater still may not be called for. In this regard, indeed, *there are to be found in many countries Catholics worthy of general admiration, who incur considerable outlay and bestow much zeal in founding schools for the education of youth.* (Emphasis added.) It is highly desirable that such noble example may be generously followed, where time and circumstances demand, yet all should be intimately persuaded that the minds of children are most influenced by the training they receive at home. If in their early years they find within the walls of their homes the rule of an

upright life and the discipline of Christian virtues, the future welfare of society will in great measure be guaranteed.”

### **C. *Divini Illius Magistri* (On Christian Education of Youth) Pius XI, 1929**

The full text of *Divini Illius Magistri* is available in Appendix B.

*Divini Illius Magistri*, 7. “It is therefore as important to make no mistake in education, as it is to make no mistake in the pursuit of the last end, with which the whole work of education is intimately and necessarily connected. In fact, since education consists essentially in preparing man for what he must be and for what he must do here below, in order to attain the sublime end for which he was created, it is clear that there can be no true education which is not wholly directed to man's last end, and that in the present order of Providence, since God has revealed Himself to us in the Person of His Only Begotten Son, who alone is ‘the way, the truth and the life,’ there can be no ideally perfect education which is not Christian education.”

*Divini Illius Magistri*, 35 Reinforces the grave obligation of parents as the primary educators of their children to refuse schools that threaten salvation of souls. “...as Leo XIII declares in another memorable encyclical, where He thus sums up the rights and duties of parents: ‘By nature parents have a right to the training of their children, but with this added duty that the education and instruction of the child be in accord with the end for which by God's blessing it was begotten. Therefore it is the duty of parents to make every effort to prevent any invasion of their rights in this matter, and to *make absolutely sure that the education of their children remain under their own control in keeping with their Christian duty*, and above all to *refuse to send them to those schools in which there is danger of imbibing the deadly poison of impiety.*’” (Emphasis added.)

*Divini Illius Magistri*, 80. “For the mere fact that a school gives some religious instruction (often extremely stunted), does not bring it into accord with the rights of the Church and of the Christian family, or make it a fit place for Catholic students. To be this, it is necessary that all the teaching and the whole organization of the school, and its teachers, syllabus and text-books in every branch, be regulated by the Christian spirit, under the direction and maternal supervision of the Church; so that Religion may be in very truth the foundation and crown of the youth's entire training; and this in every grade of school, not only the elementary, but the intermediate and the higher institutions of learning as well. To use the words of Leo XIII: (*Militantis Ecclesiae*, 1897) ‘It is necessary not only that religious instruction be given to the young at certain fixed times, but also that every other subject taught, be permeated with Christian piety. *If this is wanting, if this sacred atmosphere does not pervade and warm the hearts of masters and scholars alike, little good can be expected from any kind of learning, and considerable harm will often be the consequence.*’” (Emphasis added.)

*Divini Illius Magistri*, 88. “Perfect schools are the result not so much of good methods as of good teachers, teachers who are thoroughly prepared and well-grounded in the matter they have to teach; who possess the intellectual and moral qualifications required by their important office; who cherish a pure and holy love for the youths confided to them, because they love Jesus Christ and His Church, of which these are the children of predilection; and who have therefore sincerely at heart the true good of family and country. Indeed it fills Our soul with consolation and gratitude towards the divine Goodness to see, side by side with religious men and women engaged in teaching, such a large number of excellent lay teachers...”

*Divini Illius Magistri*, 94 “The proper and immediate end of Christian education is to cooperate with divine grace in forming the true and perfect Christian, that is, to form Christ Himself in those regenerated by Baptism...”

*Divini Illius Magistri*, 95. “For precisely this reason, Christian education takes in the whole aggregate of human life, physical and spiritual, intellectual and moral, individual, domestic and social, not with a view of reducing it in any way, but in order to elevate, regulate and perfect it, in accordance with the example and teaching of Christ.”

*Divini Illius Magistri*, 96. Hence the true Christian, product of Christian education, is the supernatural man who thinks, judges and acts constantly and consistently in accordance with right reason illumined by the supernatural light of the example and teaching of Christ...”

#### **D. *Familiaris Consortio* (Christian Family in the Modern World) John Paul II, 1981**

The full text of *Familiaris Consortio* is available online at [www.napcis.org](http://www.napcis.org): Resources.

*Familiaris Consortio*, 36 “As the Second Vatican Council recalled, ‘since parents have conferred life on their children, they have a most solemn obligation to educate their offspring. Hence, parents must be acknowledged as the first and foremost educators of their children. Their role as educators is so decisive that scarcely anything can compensate for their failure in it.’”

“...The right and duty of parents to give education is essential, since it is connected with the transmission of human life; it is original and primary with regard to the educational role of others, on account of the uniqueness of the loving relationship between parents and children; and it is irreplaceable and inalienable, and therefore incapable of being entirely delegated to others or usurped by others.”

*Familiaris Consortio*, 40 “The right of parents to choose an education in conformity with their religious faith must be absolutely guaranteed.

The State and the Church have the obligation to give families all possible aid to enable them to perform their educational role properly. Therefore both the Church and the State must create and foster the institutions and activities that families justly demand, and the aid must be in proportion to the families' needs. However, those in society who are in charge of schools must never forget that the parents have been appointed by God Himself as the first and principal educators of their children and that their right is completely inalienable.

But corresponding to their right, parents have a serious duty to commit themselves totally to a cordial and active relationship with the teachers and the school authorities.

If ideologies opposed to the Christian faith are taught in the schools, the family must join with other families, if possible through family associations, and with all its strength and with wisdom help the young depart from the faith. (Emphasis added.) In this case the family needs special assistance from pastors of souls, who must never forget that parents have the inviolable right to entrust their children to the ecclesial community.”

### **E. Charter of the Rights of the Family Pontifical Council for the Family, 1983**

The full text of *Charter of the Rights of the Family* is available online at [www.napcis.org](http://www.napcis.org): Resources.

The *Charter of the Rights of the Family* appeared two years after *Familiaris Consortio*, which contained a reference to the Charter. It is intended for all families, whether or not they are Christian.

Presented by the Holy See to all persons, institutions and authorities concerned with the mission of the family in today's world October 22, 1983.

ARTICLE 5 -- Since they have conferred life on their children, parents have the original, primary, and inalienable right to educate them; hence they must be acknowledged as the first and foremost educators of their children.

- a) Parents have the right to educate their children in conformity with their moral and religious convictions, taking into account the cultural traditions of the family which favor the good and the dignity of the child; they should also receive from society the necessary aid and assistance to perform their educational role properly.
- b) Parents have the right to choose freely schools or other means necessary to educate their children in keeping with their convictions. Public authorities must ensure that public subsidies are so allocated that parents are truly free to exercise this right without incurring unjust burdens. Parents should not have to sustain, directly or indirectly, extra charges which would deny or unjustly limit the exercise of this freedom.
- c) Parents have the right to ensure that their children are not compelled to attend classes which are not in agreement with their own moral and religious convictions. In particular, sex education is a basic right of the parents and must always be carried out under their close supervision, whether at home or in educational centers chosen and controlled by them.
- d) The rights of the parents are violated when a compulsory system of education is imposed by the state from which all religious formation is excluded.
- e) The primary right of parents to educate their children must be upheld in all forms of collaboration between parents, teachers, and school authorities, and particularly in forms of participation designed to give citizens a voice in the functioning of schools and in the formulation and implementation of educational policies.
- f) The family has the right to expect that the means of social communication will be positive instruments for the building up of society, and will reinforce the fundamental values of the family.

## **V. Standards for NAPCIS Member Schools**

1. The school is incorporated as a non-profit, 501(c)(3) tax-exempt organization.
2. The school has a statement of its mission and purpose. All individuals and groups associated with the school - governing body, professional staff, parents and students - have a clear understanding of this statement.
3. The school requires the Board of Trustees, administrator and the essential professional staff be practicing Catholics. The Board, administration and faculty make an annual Profession of Faith and pledge an Oath of Fidelity to the Pope and Magisterium.
4. The school informs parents of the mission and purposes of the school and secures their affirmation and consent for full support and participation.
5. The school requires all students to participate fully, without exception, in its curriculum and program, including, and, especially, those that confirm its Catholic identity – Mass and the Sacraments; devotions and prayer; religion and Theology studies.
6. The school has an established admission policy and procedure consistent with the school’s stated mission and purpose.
7. The school informs the families of their financial responsibility to the school, and the school’s policy regarding the payment of tuition and fees.
8. The school has established non-discriminatory enrollment and employment practices with regard to race, color, national, or ethnic origin in conformance with federal and state statutes.
9. The school has sufficient administration, faculty and staff to carry out the stated program of the school.
10. The school employs professionals who possess either a bachelor’s degree or the equivalent in life experience or training.
11. The school has a program for staff development and evaluating staff performance.
12. The school provides the professional staff with reasonable working conditions and salaries.
13. The school prepares a yearly calendar, which meets its State’s requirement for minimum number of school days.
14. The school designs and implements a curriculum that meets the stated mission and goals of the school.
15. The school has physical facilities, equipment and teaching materials to support its program at each grade level.
16. The school adheres to city, county and state health and safety regulations as they apply to the school’s physical facilities.

17. The school has a structure of governance with established procedures for developing school policy and program, and for defining and delineating personnel duties and responsibilities.
18. The school has an effective administration designed to implement the policies established by the governing board.
19. The school has established effective means of communication between the school and parents to inform parents of student progress and school activity and to insure parents' involvement in the mission and purpose of the school. The school has, also, established reasonable practices and procedures by which parents may address their concerns and interests to appropriate school personnel.
20. The school gives evidence of its financial stability and has established procedures for the management of its financial resources.
21. The school maintains complete and accurate records for students, personnel and graduates.
22. A secondary school includes grades 9, 10, 11 and 12 and confers a high school diploma. It is college preparatory in its stated goals and purposes, although all graduates may not, in fact, go on to higher education.

## **VI. Resources**

### **Church Documents**

The complete text for all documents are available online at [www.napcis.org](http://www.napcis.org) - Resources.

The complete texts for *Lumen Gentium*, *Apostolicam Actuositatem* and *Gravissimum Educationis* are also in Appendix A; *Divini Illius Magistri* in Appendix B.

*Lumen Gentium* (Dogmatic Constitution on the Church) Paul VI, 1964

*Apostolicam Actuositatem* (On the Apostolate of the Laity) Paul VI, 1965

*Gravissimum Educationis* (Declaration on Christian Education) Paul VI, 1965

*Sapientiae Christianae* (On Christians as Citizens) Leo XIII, 1890

*Divini Illius Magistri* (On Christian Education of Youth) Pius XI, 1929

*Familiaris Consortio* (Christian Family in the Modern World) John Paul II, 1981

*Charter of the Rights of the Family* (Pontifical Council for the Family), 1983

*The Catholic School* (The Sacred Congregation for Catholic Education), 1977

*Lay Catholics in Schools: Witness to Faith* (The Sacred Congregation for Catholic Education), 1982

*The Catholic School on the Threshold of the New Millennium* (The Sacred Congregation for Catholic Education), 1997

### **Development Resources**

#### **Canon Law Society of America**

The Canon Law Society of America is a professional association whose members are dedicated to the promotion of the study and application of canon law in the Roman Catholic Church. The Preamble of the Society's Constitution states, "Mindful that church laws ought to be pastoral in character and made only to serve the people of God, we accept our responsibility as Christians trained in canon law to continue research and study and to assist any member of Christ's Body singularly or collectively, laity or clergy, who will welcome the deliberations, research and common opinion of this Society."

#### **Canon Law Society of America**

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## **St. Joseph Foundation**

**The Saint Joseph Foundation** serves Catholics who seek to know and vindicate their rights within the Church - rights that the Church herself recognizes and protects. Whenever individuals or groups believe their rights are threatened or have been violated, the Foundation assists them in using the means established by the Church to obtain remedies.

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st-joseph-foundation.org  
Charles Wilson, Founder/Executive Director

## **Our Lady Warriors.org**

The 1983 [Code of Canon Law](#). Browse through the Church laws or use the site search feature to find specific topics.

## Footnotes

- <sup>1</sup> Pope John Paul II, Address, Caracas, Venezuela, 1985.
- <sup>2</sup> Second Vatican Council, Dogmatic Constitution on the Church, *Lumen Gentium*, 37 (Nov. 21, 1964).
- <sup>3</sup> *Lumen Gentium*, 33
- <sup>4</sup> Second Vatican Council, Decree of the Laity, *Apostolicam Actuositatem*, 24 (Nov 18, 1965).
- <sup>5</sup> *Apostolicam Actuositatem*, 3.
- <sup>6</sup> *Apostolicam Actuositatem*, 24.
- <sup>7</sup> NAPCIS, *Feasibility Packet: An Overview of What to Consider When Starting and Operating a School*, Part I.
- <sup>8</sup> *Apostolicam Actuositatem*, 2, defines apostolate as an activity whose purpose is “spreading the kingdom of Christ throughout the earth...to enable all men to share in His saving redemption, and...to establish the relationship of the whole world to Christ.” There are many examples of apostolates: pro-life apostolates; TV, radio, publishing apostolates; education apostolates, to name a few.
- <sup>9</sup> NAPCIS, *Feasibility Packet: An Overview of What to Consider When Starting and Operating a School*, Part I.
- <sup>10</sup> “Requirements for Recognition and Approval of a Private Catholic School within the Diocese”, Diocese of Charleston, SC, 2001.  
  
“Affiliation of a Private/Independent School with the Diocese, Diocese of Boise, ID, 2000.
- <sup>11</sup> It is important to note that you must receive the consent of the Bishop in your diocese to bear the title Catholic School in accordance with Canon 803.
- <sup>12</sup> St. Joseph Foundation, Canonical Issues, “Canonical Status of the St. Barbara School Charitable Trust.” March 31, 2000. (Hereinafter referred to as SJF)  
  
P. 15 “There are five different categories of associations under the new code. In ascending order from those that are most independent to those that are most closely connected with the Diocese, they are (1) *de facto* associations, (2) recognized (private) associations, (3) praised or recommended (private) associations, (4) associations with private juridic personality, and (5) associations with public juridic personality. In categories (4) and (5), the new code continues to permit the Bishop to approve of associations by granting them juridic personality...The Bishop can grant lesser degrees of approval than full juridic personality. Categories (2) and (3) allow him either to recognize or to recommend particular associations...  
  
P. 34 “Of these five, *de facto* associations are the only ones that seek no formal approval from the Bishop.”
- <sup>13</sup> SJF Pp. 14-16

p.16 “To summarize then...the Trust has always been organized by virtue of the protections of California law and the natural right of its members to associate together for a common purpose (can. 215). The members chose this organizational structure not because they disdained Church approval, but rather because they judged that this structure was the best suited to achieving the Trust’s goals. Far from spurning such independent efforts of the laity, the universal Church embraces and affirms these initiatives.”

<sup>14</sup> SJF p. 29.

<sup>15</sup> SJF p. 33.

<sup>16</sup> Mariamante Academy, Waiver of Responsibility, Board of Trustees, Nov. 13, 1997.

<sup>17</sup> The Catholic Store.com is one online source for the purchase of the entire book Code of Canon Law.

<sup>18</sup> According to Can. 212 §1 *Christ's faithful, conscious of their own responsibility, are bound to show Christian obedience to what the sacred Pastors, who represent Christ, declare as teachers of the faith and prescribe as rulers of the Church.* (Emphasis added.) Vatican II clearly states the requirement of obedience to Church teachings in Lumen Gentium #12. Priests and Bishops are also bound by this obedience, in fact more so since they are responsible for passing on to the faithful genuine Catholic teaching. A Bishop or priest who dissents from Church teachings is not to be obeyed in that matter, rather all must obey the Magisterium at all times, as Vatican II states.