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## EMERGING GOVERNANCE MODELS FOR CATHOLIC SCHOOLS

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*This paper traces the early history of Catholic school governance and reviews the status of those models most commonly applied at diocesan and local board levels. The author then explores emerging governance models, explaining their salient features and discussing the advantages and concerns associated with their implementation.*

There is little evidence that parish elementary schools had boards prior to the 1960s. However, boards for central Catholic high schools were operational as early as 1890 when the first central Catholic high school, Roman Catholic, opened in Philadelphia. The membership of the Board of Trustees for this school included the Archbishop and pastors of local parishes. This model, which was designed to keep a relationship between the central school and the parishes and at the same time insure diocesan control, was the model for most diocesan high schools until the mid 1960s.

The development of diocesan school boards can be divided into several phases. Before the Third Plenary Council in 1884, only three US dioceses had established diocesan boards: Philadelphia in 1852, Cincinnati in 1863, and Fort Wayne in 1879. Since the role of diocesan superintendent of schools did not emerge until the early 20th century, these diocesan boards assumed, in the name of the bishop, administrative responsibilities for schools. In addition, in Cincinnati and Ft. Wayne, the boards examined and certified all teacher candidates, both lay and religious.

The Third Plenary Council in 1884, which also legislated that each parish should build a school, decreed that each diocese establish a Diocesan Commission of Examination whose members were diocesan priests. After written and oral examinations of each teacher by the Commission, the indi-

vidual was given a diploma certifying competency. This diploma was valid for five years and for all dioceses, and no pastor could hire a teacher who did not have a valid diploma.

In spite of this decree, Leary (1944) found 60 years later that only one third of the dioceses had active diocesan boards. Ten years later, Breheny (1954) reported that there were few active diocesan school boards and urged clarification between roles and responsibilities in policy formulation, enactment, and implementation. Ward (1957) found that while some boards functioned in the western, southern, and north central regions, most large and many smaller dioceses did not have boards of education. She concluded that the traditional functions of school boards had been assumed by the superintendent of schools and a professional staff, and that for all practical purposes diocesan boards were defunct in the United States.

In the decade between Ward's (1957) conclusion that boards were defunct and Bowling's study "Two Emerging Administrative Structures in Catholic Education in the United States: Diocesan and Parish Boards of Education" (1968), some things happened in the Catholic Church and schools in this country which affected schools in a special way and encouraged the development of the board movement.

Catholic schools in the late 1960s were a threatened species. They were the subject of criticism by some well-known and respected Catholics. Limited financial and personnel resources were very real concerns. Many superintendents and other professionals recognized the circumstances within which schools were functioning and proposed renewed boards of education as a means to secure a future for Catholic schools.

The National Association of Catholic School Superintendents in 1967 recommended that school boards become jurisdictional and have total control over operations. The superintendents published their recommendations with suggested board models in *Voice of the Community* (1967). That publication and the handbook for boards on which Daniel Davies and James Deneen collaborated, *New Patterns for Catholic Education: The Board Movement in Theory and Practice* (1968), were influential in the development of the board movement through the mid 1980s. Both of these publications followed the thinking of Monsignor O'Neil C. D'Amour, who served as Superintendent of Schools for the Diocese of Marquette, and was often called the father of the Vatican Council II board movement. D'Amour insisted that lay control of educational policy was the peculiar contribution of the public school system and should be applied without modification to American Catholic schools as well (Lee, 1967).

Not all of the authors who wrote about the board movement agreed with D'Amour's strong position. However, regardless of the model proposed, all posited one or more of the following reasons for a broader-based school board:

1. the role of the laity and the future of Catholic schools;
2. financial support from government and community; and
3. response to Vatican Council II and a new image for Catholic schools.  
(Sheehan, 1981)

When the superintendents suggested a public school model for diocesan school boards, they assumed that adaptation would not be a major problem. In addition, they concluded that this one model would work in all dioceses in this country and could be modified for use at the local school level. Despite the increase in the number of boards and the tremendous effort made by professional educators at both the national and diocesan levels to constitute these boards as jurisdictional, Udoh's research (1979) indicated that, at most, six percent of the boards were constituted as jurisdictional, and most boards operated within a mixed range of models. The challenge facing many Catholic educational leaders was that the practical settlement of the authority of the boards was in opposition to the board model proposed by professional Catholic educators. It seemed as if the proposed models were incompatible with the authority of the Catholic Church within which the schools operate (Sheehan, 1981).

In order to provide a clear statement concerning educational governance within the Catholic Church on the elementary and secondary levels and to provide Catholic educators with a common frame of reference and a standard vocabulary for educational governance, two departments of the National Catholic Educational Association (NCEA) established a Governance Task Force which published *A Primer on Educational Governance in the Catholic Church* (O'Brien, 1987).

Unlike previous NCEA publications which had classified three types of boards—jurisdictional, advisory, and regulatory—this 1987 publication presented two appropriate models: consultative boards and boards with limited jurisdiction. The authors proposed these models as ones which reflect a reality more consistent with documents of Vatican Council II and the 1983 Code of Canon Law.

The proposed models are defined as follows:

**Consultative:** A consultative board is one which cooperates in the policy-making process by formulating and adapting but never enacting policy. This type of board is more in keeping with shared decision-making in the Catholic Church because of the consultative status of the diocesan presbyterial council and the diocesan finance council. The constituting authority states those areas where the board is to be consulted. Such action is usually made effective by the board's constitution. (O'Brien, 1987, p. 59).

**Board with Limited Jurisdiction:** A board with limited jurisdiction has power limited to certain areas of educational concern. It has final but not

total jurisdiction. For example, since the diocesan bishop has jurisdiction over the religious education and Catholicity of all schools including private schools, the board of trustees of a private school is a board with limited jurisdiction rather than total jurisdiction. (O'Brien, 1987, p. 59)

Now ten years later, the question is, "Have Catholic school leaders, including bishops and religious congregations, organized schools and constituted their boards in ways which are consistent with the authority of the Catholic Church and responsive to the rights of parents to have a voice in the operation of their children's schools?"

## **CURRENT NATIONAL VIEW OF BOARDS**

### **DIOCESAN BOARDS**

#### **Types of Governance Structures**

According to the 1993 survey conducted by the National Association of Boards of Education of the National Catholic Educational Association, over three fourths of the responding dioceses reported having an educational governance group. The following types were identified: school board (24.6%), board of education (22.3%), council/committee (15.6%), commission (10.6%) and total education board (5.6%). Only nine percent of these governance groups are classified by diocesan leaders as having limited jurisdiction, while 54% are advisory and 32% consultative (Arch/Diocesan Board Study, 1993).

#### **Accountability and Responsibility**

About half of the diocesan boards see themselves as accountable to both the bishop and diocesan education leader, while almost 42% report accountability to the bishop only. The five areas in which 50% of the diocesan boards report having a great deal of involvement are policy, planning, expansion and/or closing of schools or programs, development (including marketing and fund-raising), and budgetary issues (Arch/Diocesan Board Study, 1993).

#### **Effectiveness**

Approximately 66% of the diocesan leaders gave their boards either an "A" or "B" in effectiveness. The strongest correlate of the effectiveness grade assigned by the diocesan leader is the degree to which the board assumes ownership of issues (Arch/Diocesan Board Study, 1993).

### **LOCAL BOARDS**

#### **Types of Governance Structures**

According to the respondents in the 1994 survey conducted by the National

Association of Boards of Education of the National Catholic Educational Association, over 85% of the elementary; 81% of diocesan, regional, and interparish secondary; and 63% of private secondary school governance bodies in the study are required by diocesan or religious community policy. At the elementary level, 81% are called boards, while 93% are called boards at the secondary level. The vast majority of parish elementary school boards are constituted as either advisory (50%) or consultative (40%). Over 65% of the private high schools and approximately 35% of the other high schools responding noted that their boards function with limited jurisdiction or with a board of trustees (*Elementary and Secondary School Board*, 1994).

### **Accountability**

Boards of elementary schools, especially parish ones (83%), are more likely than boards of secondary schools to see themselves as accountable to pastors. Private secondary school boards (63%) are more likely than others to indicate accountability to religious communities and owners and less likely to report accountability to the bishop, superintendent, and pastors. Accountability at the diocesan, regional, and interparish secondary schools is reported as follows: bishop (30%), superintendent (24%), and administrator (31%) (*Elementary and Secondary School Board*, 1994).

### **Responsibilities**

All local school boards indicate responsibilities in the issues of budget, policy, mission and philosophy, and planning; however, secondary school boards are much more likely than elementary ones to be involved in planning, marketing and public relations, development, facilities, and legal matters. Private secondary school boards are more involved in the selection and evaluation of the administrator than are other boards (*Elementary and Secondary School Board*, 1994).

### **Effectiveness**

Of all local school boards, almost 70% received an "A" or "B" in effectiveness from respondents. Among all types of local boards, the three factors which consistently emerge as important correlates of effectiveness are the degree to which the board assumes ownership of its issues, the board's communications with various constituencies, and effective committees (*Elementary and Secondary School Board*, 1994).

## **NEW CATHOLIC SCHOOLS FROM 1985 TO 1995**

Another perspective on the current governance status of Catholic schools can be gleaned from the 1996 research study conducted by Meitler Consultants, Inc., *New Catholic Schools From 1985 to 1995*. Reporting on 134 new

schools, Meitler found that of the 102 elementary schools, 57% are sponsored by a single parish, 28% are classified as interparish or regional, 8% are diocesan, 5% are sponsored by a religious congregation, and 2% are private.

A different pattern emerges with the 14 secondary schools. Their sponsorship is as follows: 46% diocesan, 23% regional, 15% private religious, and 15% private independent (Meitler, 1996).

The reported authority structure of the boards of these new schools is also varied. At the elementary level, 83% identified their boards as being either advisory or consultative, while 13% reported a board with limited jurisdiction and 4% claimed board jurisdiction. Only 46% of the secondary boards called themselves advisory or consultative, while the others reported limited jurisdiction (31%) and jurisdiction (23%) respectively (Meitler, 1996).

In spite of the clear definitions of governance structures given on the survey questionnaire, there seems to be some confusion regarding both reported authority and common understandings and use of definitions and language. For example, several of the parish boards which reported having limited jurisdiction described governance models which are not consistent with that type of board.

## **NATIONAL TRENDS**

### **(Arch)Diocesan Boards**

From all accounts, most (arch)dioceses have a governance structure designed to involve representatives from regions in the educational mission of the diocese. These groups are known as school boards or educational commissions, depending on the focus and scope of the mission, and are usually constituted as advisory or consultative to the bishop and/or the appropriate diocesan education leader.

### **Local Boards**

More than 77% of all Catholic schools recently reported the existence of a school/education board. Five of the six NCEA regions reported that more than 80% of all schools have boards (Plains region 97%, Great Lakes 91%, Southeast 84%, New England 81%, and West-Far West 80%). However, in the Mideast, only 52% of schools reported having boards (*United States Catholic Elementary and Secondary Schools, 1996*).

Presuming that the Catholic schools which responded to the 1993 NABE study are typical, one can posit that 90% of the elementary school boards are constituted as either advisory or consultative and that almost two thirds (65%) of private and one third (35%) of other high schools function with either boards of trustees or boards with limited jurisdiction.

## EMERGING GOVERNANCE MODELS

While the more traditional governance models—either consultative or advisory boards for both the diocese and local schools—continue to function in most regions of the country, especially at the elementary level, several alternative models may indicate new trends in Catholic school governance. Clearly, the intent of each of these models is to organize schools and constitute boards in ways which are consistent with the authority of the Catholic Church whose mission the schools serve. Each respects and enhances the roles and responsibilities of the sponsor-owner, as represented by the diocesan bishop or the religious congregation and the local governance body. At the same time each attempts to be responsive to the rights of parents and others to have a voice in the operation of the school.

### HIGH SCHOOL INDEPENDENCE PROJECT OF THE BUFFALO DIOCESE

In 1990, the Diocese of Buffalo began a process “to infuse new life into the seven diocesan high schools” by granting each independent status. Recognizing that the process toward independence might evolve over several years, the diocese determined that “...after a period of preparation and transition each of the seven Diocesan high schools will become an independent Catholic high school, each with its own separate Board of Trustees which will be completely and fully responsible for all aspects and operations of the school” (*High School Independence Project*, 1990).

A ten-year timetable to reduce the diocesan operating subsidy and establish direct tuition assistance from the diocese was established for each school. At the same time, after preparation and transition, each school and the diocese signed a contract for the transfer and establishment of the school to the status of an independent non-profit Catholic high school. Among the terms of the contract is one titled “Contingency and Covenant that (name of school) will be operated as a Catholic High School.” The terms of this provision are worth citing:

The Corporation covenants and agrees that it will operate (name and location of school) as an independent non-profit Catholic high school in the long tradition of Catholic high school education within The Diocese of Buffalo and in so doing the corporation and its trustees covenant and agree as follows:

a) The corporation shall operate (name and location of school) as an independent non-profit private Catholic (secondary) high school in the tradition of its heritage as a former Diocesan high school and in so doing the Corporation covenants that it will abide by, follow, adhere to and be bound by the doctrines, tenets, rules and regulations of the Roman Catholic Church as interpreted from time to time by the then current Bishop of The



Diocese, and the rules and regulations of The Diocese as they now exist or are hereafter promulgated.

In the operation of (name and location of school), the Corporation shall include in its curriculum the religious education curriculum designated by the Department of Catholic Education of The Diocese and will abide by and teach the curriculum and subject matter directed or authorized by The Diocese, through its Superintendent of Catholic Education or other designee, and will use in such course of study or curriculum the books and other instructional materials designated and authorized by The Diocese. Determinations as to the religious curriculum course content, books and other instructional materials used therein, and the time to be allocated to the religious curriculum, shall be solely the prerogative of The Diocese.

b) The Corporation will at all times make at least one period per week available for the students to attend Mass on the school's premises.

c) Trustees of the Corporation will adopt at its first meeting, corporate by-laws, in the form agreed upon between the parties, which bylaws will contain the Catholicity terms of this Contract. Such by-laws shall insure the continued Catholicity of the school and shall provide that the Catholicity provisions of the by-laws may not be amended or deleted without the consent of the Bishop of The Diocese of Buffalo, or in his absence or inability to act, by the chancellor or the administrator of The Diocese.

The parties acknowledge that the continued Catholicity of this school is an essential and material element of this contract and acknowledge that this covenant is a condition upon which the Corporation has been approved and authorized to be formed by the Bishop of The Diocese of Buffalo and upon which it has been approved as the operator of (name and location of school).

Another significant section of the contract protects the use of the school name. It reads:

The Diocese, hereby grants a revocable license to the Corporation to operate an independent non-profit, private, Catholic high school under the name (name and location of school).

The Corporation agrees that it shall only have the privilege to use the name (name and location of school), or any derivative thereof, as long as it operates the independent not-for-profit Catholic high school contemplated in this Contract. Should the Corporation cease to operate said school, it will cease using said name.

According to the current diocesan Superintendent of Schools, Robert R. Bimonte, FSC, all seven schools are in compliance with the terms of the contract and are receiving tuition and scholarship assistance from the diocese. This financial plan will continue until the year 2000 when all 17 high schools in the Diocese will be eligible to apply for tuition assistance from the diocesan scholarship fund.

In reflecting on the benefits of this plan, Bimonte believes "there has def-

initely been an increased sense of ownership on the part of the boards of each school." However, there were some initial feelings of alienation from the Diocese which resulted in boards engaging in the selection of principals, writing job descriptions, and establishing policies with little or no use of the services of the Department of Catholic Education. Bimonte concludes that "In spite of any difficulties encountered, there is no doubt that this was a wise and necessary move. The Diocese continues its commitment to Catholic education, and in effect is working toward broadening it for the new millennium" (*High School Independence Project, 1990*).

## **INCORPORATION OF SCHOOLS IN THE DIOCESE OF GALLUP**

One specific resolution endorsed by the 1991 National Congress on Catholic Schools for the 21st Century was a commitment to establish governance structures which give all those committed to the Catholic school's mission the power and responsibility to achieve it. Implementing this resolution in the Diocese of Gallup resulted in the proposal of a model for establishing lay boards of trustees which would mean that a school would move from its status as a parish or diocesan school with a consultative board to a freestanding private school, which would be separately incorporated. The process for accomplishing the incorporation is detailed in the *Diocesan Policy Book for Boards of Trustees of Catholic Schools* (Department of Education, 1991).

Some highlights of the requirements to which boards of trustees agree are stated in the rationale section of the policy book:

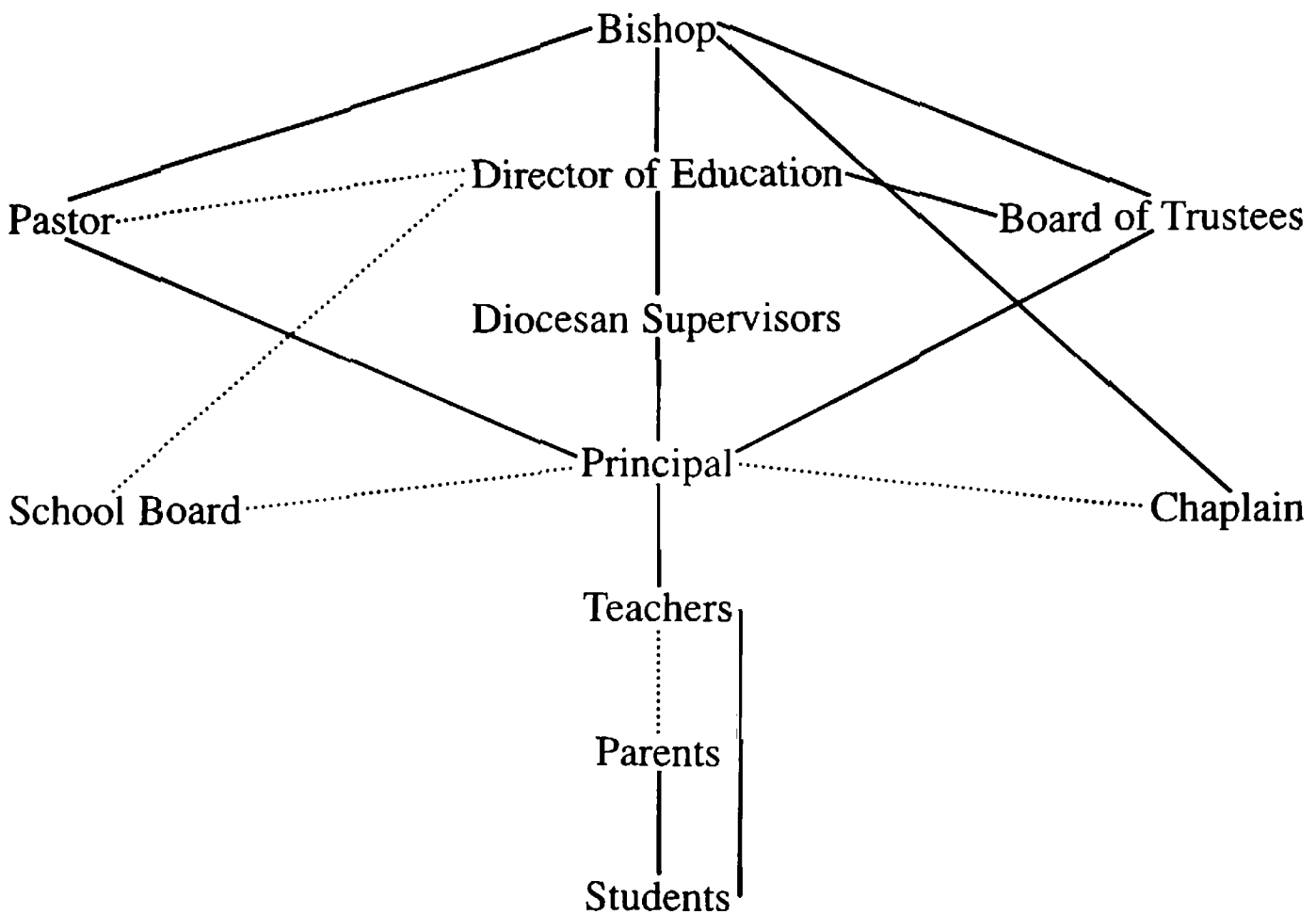
1. In order to retain its Catholic identity, the private school remains fully accountable to episcopal authority for the teaching of the doctrines and precepts of our Roman Catholic faith and in the design of its educational policies.
2. The articles of incorporation for each of these schools include such statements as, "...to be operated in conjunction with the Roman Catholic Diocese of Gallup, the Diocesan Synodal Decrees, and the norms presented in the policy book for all the Catholic schools in the Diocese of Gallup."
3. An episcopally appointed chaplain for each of these private schools is charged with the catechetical, sacramental, and formational aspects of the school.

Helpful samples of letters from parishes to the bishop requesting permission to be recognized as a private Catholic school in the Diocese of Gallup and the petition to lease the school buildings are included in the policy book as well.

The organizational flow chart on page 191 illustrates the changes in relationships and accountability between parochial and private schools as proposed for the Diocese of Gallup.

**Parochial Schools**

**Private Schools**



————— Direct Authority  
 ..... Consultative Relationship

According to Fr. Thomas R. Maikowski, Director of Education for the Diocese of Gallup, 2 of the 13 Catholic schools in the diocese are still parochial. The two issues which have surfaced during this transition period are the importance of inservice for boards and a clear understanding and articulation of the Catholic identity of the school. Father Maikowski believes that this new model benefits the parish in two distinct ways. It empowers the laity and relieves the parish of financial and legal liability for the school's operation (Department of Education, 1991).

**SCHOOLS CONSTITUTED AS SEPARATE JURIDIC PERSONS**

Traditionally, Catholic schools have been known as parish, diocesan, or private (owned and operated by religious congregations). As such these schools have functioned according to Canon Law as part of the juridic person known as parish, diocese, or religious congregation.

A number of Church institutions are recognized as separate juridic or moral persons as defined by the Code of Canon Law. Within the Code, juridic persons enjoy certain rights and responsibilities. If Catholic schools which are not now part of an existing juridic person were established as such, they could have clearer relationships within Church authority. For example, the administrator of such a school could be appointed by the bishop in the same manner as a pastor or parish administrator and would be responsible to him for the proper administration of the goods and services of the school (*Code of Canon Law, 1983*).

Although there is little evidence that this model has been widely adopted, several dioceses have formally erected their schools as juridic/moral persons (Sheehan, 1990). With the emerging number of new and reorganized interparish or regional schools which do not fit so neatly into the existing structures, the separate juridic person model may begin to emerge as one appropriate governance structure.

## **FROM DIOCESAN TO PARISH HIGH SCHOOL**

Recently, the Diocese of Savannah announced that St. Anne Parish, Columbus, Georgia, will assume the ownership and governance of Pacelli High School which, since its founding in 1958, has been owned and operated by the Catholic Diocese of Savannah and therefore has been under the direct supervision of the bishop through the superintendent of schools.

## **PRIVATE CATHOLIC SCHOOL BOARDS**

Perhaps the most numerous and viable examples of emerging governance models are those functioning in private schools sponsored by religious congregations and in those schools operated by groups of lay persons.

### **Schools Sponsored by Religious Congregations**

For many years, private schools sponsored by religious congregations have been operated by boards. In many cases, membership on such governance boards was coterminous with membership on the leadership council of the congregation. This board appointed the principal, usually a member of the congregation, and relied on the principal to run the school. Often the principal relied on various advisory groups, but the congregation's leadership council retained final authority.

Recently, many religious congregations have established two-tiered governance structures for their private schools. These may involve using existing legal corporations, usually the state charter of incorporation of the congregation, or the formation of new corporations. In both cases, the private school is recognized as an activity of the juridic person known as the religious congregation. All juridic persons, according to the 1983 Code of Canon

Law, have certain reserved powers related to responsibility for Catholic identity, mission, and philosophy which cannot be delegated to the school board. According to Welch, this membership model is a "...typical method of continuing responsibility for a work and involving others in its governance, a common consideration in sponsorship arrangements." The board of directors or trustees has all the powers of governing the school which are not specifically reserved to the members (Welch, 1994).

Some religious congregations have separately incorporated their schools under a corporate board model. While it may appear as if such boards have complete jurisdiction, additional legal documents clarifying ownership of property and recognizing the roles and responsibilities of the religious congregation and the diocesan bishop acknowledge that such boards are more appropriately known as ones with limited jurisdiction (Sheehan, 1990).

No doubt, as religious congregations with their lay colleagues in governance continue to clarify the trend from ownership to sponsorship of private schools, modifications to existing structures and new models of governance will emerge (*Sponsorship, Colleagueship and Service*, 1996).

### **Schools Operated by Laity**

Writing in *Catholic School Governance and Finance* (1991), Ursuline Sister Rosemary Hocevar suggests that a "franchise" governance model may be appropriate for those groups of laity interested in opening a new school or assuming responsibility for an existing one. In this model, the franchise is the Church's mission to teach. A group of persons requests the status of a juridic person to establish a private school with a Catholic focus. In such a model, the new juridic person would be authorized to call its school Catholic and would agree to the supervisory control of the diocese in the teaching of religion and the Catholicity of the school.

The granting of a juridic person status is not essential for private schools operated by laity. For a number of years, diocesan bishops have recognized such schools and have approved governance structures which establish appropriate relationships between the private school board and the bishop (Sheehan, 1990).

## **CONCLUSION**

The jury is still out reaching a definitive answer to the question: Have Catholic school leaders, including bishops and religious congregations, organized schools and constituted their boards in ways which are consistent with the authority of the Catholic Church and responsive to the rights of parents to have a voice in the operation of their children's schools?

Given the numbers of persons who are members of boards in more than 125 of all of the (arch)dioceses and almost 6500 of all of the elementary and

secondary schools, it is safe to conclude that thousands of parents and other laity have an opportunity to have a voice in the operation of today's Catholic schools. Whether or not the governance structures are constituted in ways which allow board members to function with clear understandings of roles and responsibilities, and therefore exercise that voice, is not as obvious.

There seems to be confusion and misuse of the definitions of the governance models, consultative and limited jurisdiction, proposed by the NCEA task force in *A Primer on Educational Governance in the Catholic Church*; therefore, one should not reach definitive conclusions regarding the types and numbers of governance models reported in the studies by the National Association of Boards of Education of the National Catholic Educational Association and in the research on new Catholic schools by Meitler Associates.

Several decades ago, the three main reasons given by the Catholic school superintendents for the board renewal included the role of the laity and the future of Catholic schools, financial support from government and community, and a new image for Catholic schools as a response to Vatican Council II. However, the proposed public school board model was not compatible with the authority structure within which the schools function.

Many of these same reasons, with the possible exception of financial support from government, may be motivating the current efforts undertaken by both dioceses and religious congregations to restructure schools and reconstitute boards. These emerging models assume that the school, as one of the most unique and successful agents of the Church's mission to evangelize, should be related to the Church through officially recognized roles and structures; at the same time, they must provide the opportunity for greater involvement in governance by all of those who have a vested interest in these schools: laity, religious, and clergy.

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