



# Brief: Private School Autonomy

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## Key Points:

1. Freedom is a means to achieve our own good and the good of others.
2. Laws burdening private schools hurt families and expand bureaucracy.
3. We amend bills as needed to prevent undue burdens on private schools.

**A Catholic perspective:** We support laws which maintain and protect the freedom of private schools.

Freedom is the highest sign that humanity is made in the divine image and is a sign of the dignity of every person.<sup>[1]</sup> Accordingly, each person has the natural right to be recognized as a free and responsible being.

However, freedom can become self-centered and uncontrolled, thereby dividing us from relationships, friendships, and associations. On one hand, freedom most powerfully exists where reciprocal bonds link people to one another so that each person may fulfill his personal vocation; seek the truth; profess his religious, cultural, and political opinions; choose his line of work; and participate in economic, social, and political initiatives. On the other hand, freedom includes the ability to decline associations that hinder one's goodness.<sup>[2]</sup>

*At its core, freedom is a person's ability to control himself for the sake of his good and the good of others.*<sup>[3]</sup> A person is a mature and responsible judge of what's good for himself and others if he insistently searches for truth and acts in accord with it.<sup>[4]</sup>

Furthermore, every child has a right to

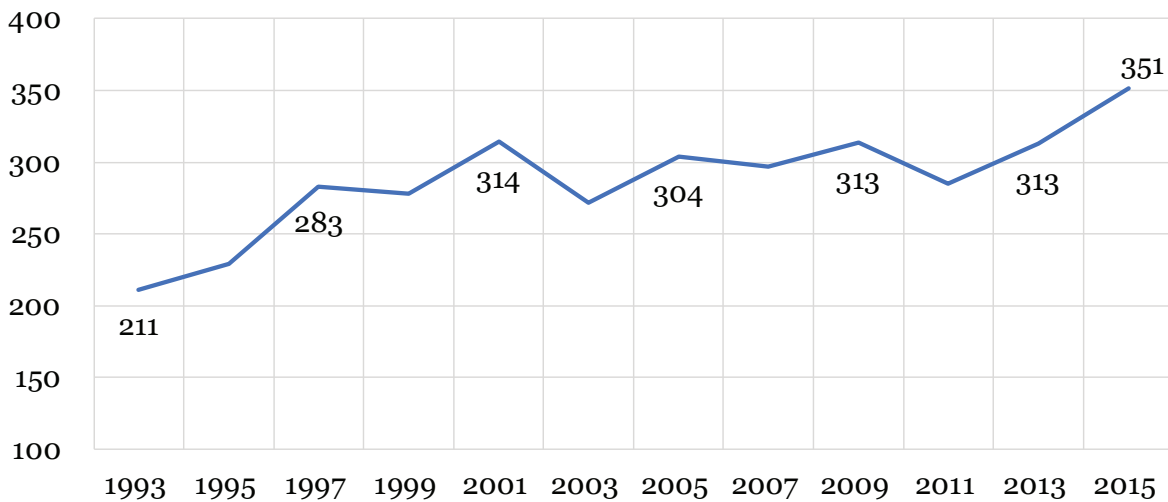
receive—meaning that parents have the obligation to provide—an education which responds to the needs of the whole person.<sup>[5]</sup> Schools are established to help meet this need, and because religious education meets essential human needs, a lack of religious instruction hinders a child's goodness.<sup>[6]</sup>

In respect for parents' freedom and their duty to their children, legislators should maintain and protect private schools' freedom. Doing so encourages parents and citizens to promote the common good through their own initiative. Legislators should avoid unduly burdening private schools, which results in depriving parents of an ability to fulfill their duties and creates excessive growth in public agencies dedicated more to impersonal bureaucratic rulemaking than educating children for a life of virtue.<sup>[7]</sup>

Therefore, we work to limit unnecessary regulatory burdens imposed on private schools and oppose any legislation that infringes upon their charitable status, institutional mission, or religious autonomy. We will collaborate on legislation that seeks limited, reasonable requirements to ensure a safe and supportive education for all students.

**Texas law and policy:** Catholic schools

Figure 1: Texas private school enrollment (in thousands), 1993-2015



Source: National Center for Education Statistics, [Digest of Education Statistics](#): 1997, 1998, 2007, 2008, 2016.

have operated in Texas since 1681. At the request of bishops and superintendents, the state began to accredit Catholic schools in 1971. However, education reforms in 1984 resulted in state agency staff devoting little time to private schools, and in 1986, the State Board of Education (SBOE) recognized that associations certified by the Texas Private School Accreditation Commission (TEPSAC) have accreditation standards comparable to the state's standards.<sup>[8]</sup> Since then, TEPSAC has defined private PK-12 curriculum standards, requiring private schools to comply with the SBOE's applicable rules on basic skills in elementary curriculum and appropriate subjects in secondary curriculum, as modified by a school's philosophy and objectives.<sup>[9]</sup> Figure 1 indicates private school enrollment is significant and, despite being sensitive to market downturns, has increased at an average rate of 5 percent annually since 1993.<sup>[10]</sup>

Important laws for private schools include that they:

- cannot be prohibited by a state law,<sup>[11]</sup>

- can make personnel decisions related to religious ministers,<sup>[12]</sup>
- are included under limited liability protections,<sup>[13]</sup>
- may appoint school marshals;<sup>[14]</sup>
- may collect a convenience fee on tuition payments,<sup>[15]</sup> and
- must comply with health and safety requirements.<sup>[16]</sup>

**Principle for bill monitoring:** We monitor and amend bills to ensure none unduly burden the autonomy of private schools.

**Call to action:** Please support private school autonomy in the Texas legislature: visit [txcatholic.org/education](http://txcatholic.org/education) to find and contact your lawmaker. Please also pray for Texas and for our legislators, that they may uphold laws which provide educational opportunities to all Texas families and children.

*The TCCB is a federation of all Roman Catholic dioceses and ordinariates in Texas. There are 8 million Catholics living in our state. To contact us, call our office at 512-339-9882 or find TXCatholic on [Facebook](#) and [Twitter](#).*

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## Endnotes

1. Second Vatican Ecumenical Council, Pastoral Constitution *Gaudium et Spes*, § 17; Catechism, [#1705, 1730](#); Congregation for the Doctrine of the Faith, *Libertatis Conscientia*, § 28.
2. Compendium of the Social Doctrine of the Church (CSDC) § [200-201](#); John Paul II, Encyclical Letter *Centesimus Annus [On the Hundredth Anniversary of Rerum Novarum]*, § 17.
3. CSDC § [200](#).
4. CSDC § [141-143](#).
5. Pope Francis, *Amoris Laetitia [On Love in the Family]*, March 19, 2016. § 83-84.
6. Congregation for Catholic Education, *Lay Catholics in Schools: Witness to Faith*. October 15, 1982. § 3, 56.
7. CSDC § [354, 412](#).
8. For the history of accreditation, see: TEPSAC, *TEPSAC Policy Manual* September 21, 2016. 1-3; TCCB, 2017-18 Guide to Quality and Effectiveness, iii-iv.
9. *TEPSAC Policy Manual*, 17. Cf. [19 TAC § 74.2-3](#).
10. National Center for Education Statistics, *Digest of Education Statistics*: 1997, 1998, 2007, 2008, 2016.
11. U.S. Supreme Court, *Pierce v. Society of Sisters* 268 U.S. 510 (1925).
12. U.S. Supreme Court, *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC* 565 U.S. 171 (2012).
13. Civil Practice and Remedies Code § [84.005-006](#).
14. Occupations Code § [1701.001\(8\)](#).
15. Business and Commerce Code § [111.002](#).
16. Health and Safety Code [Ch. 37](#); Education Code [Ch. 38](#).