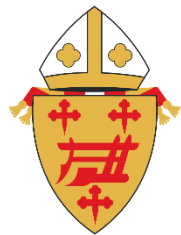


CONSIDERATIONS WHEN WRITING

**PARISH RELIGIOUS
EDUCATION HANDBOOKS**

**Including Areas of
Legal Responsibilities**



ARCHDIOCESE OF
CINCINNATI

Center for the New Evangelization

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To the Catechetical Leader:

Core Christian values such as respect, responsibility, trustworthiness, fairness and caring are basic to the moral life of individuals and we all have a right to expect and promote these values which affirm our human dignity. Being called to be Christ for each other, we can do no less than he did when relating to others. It is right and just that these values be protected and lived. This is most urgent in situations where children are concerned. Children have a right to be protected and they count on adults for that protection. If we fail them, then they soon lose faith. Faith in God has its roots in the faith that we have in each other. Jesus has issued a call to us about children and how we are to be in relationship with them. Besides the moral implications involved in our work as catechists and administrators, there are also legal implications of which we must be aware.

Those responsible for religious education at all levels must understand that they have legal responsibilities. The reluctance of courts to intervene in church and religious matters is a thing of the past. "Charitable immunity" and the "doctrine of judicial restraint" are two doctrines that since the 1960s have been generally abandoned in this country.

New challenges are presented to us at this time in history and it is important that all involved in our parish programs be made aware that they are accountable. This includes the entire operation: those serving and those being served as well as the use of property/buildings, the hiring and supervision of employees or volunteers, the organization of field trips, and the protection of children. It is your obligation to know what your responsibilities are. It is also your obligation to make all involved (catechists, parents, students, etc.) aware of their rights and responsibilities as explained in these check lists.

Clearly developed handbooks (parent/student, staff) are necessary tools to insure that all people involved in parish programs are aware of their rights, expectations, and legal responsibilities. Handbooks serve as agreements among all parties and have contractual implications. We provide these checklists as guides to be used as you prepare the appropriate handbooks. These will help to insure that all of the areas of law that pertain to your particular religious education program are sufficiently covered.

Each catechetical leader is required have a copy of the ***Decree on Child Protection*** from the Archdiocese. It is strongly recommended that each catechetical leader also have a copy of ***Religious Education, Parish and Youth Ministry: Legal Issues for Catechetical and Youth Leaders*** (NCEA, 2006) since it will be mentioned often in these checklists and will provide ample direction for you as you develop your handbooks. Copies of the handbook are available from the National Catholic Educational Association (www.ncea.org); each parish was given the orientation materials for the ***Decree on Child Protection***.

Some points to remember as you prepare your handbooks:

- No amount of prior agreement (e.g., signed permission slips) precludes the parents' rights to pursue legal action. Issuing handbooks and permissions slips helps to demonstrate that you have attended to your obligations.
- The administrator who develops the handbook is more responsible for carrying out the provisions of the handbook than are those for whom the handbook is intended. **You must be certain that you are going to carry out whatever provisions you have set forth.**
- No one under the age of 18 should be given the sole and direct responsibility for supervising children or adolescents.
- "Adult" excludes 18 and 19 year olds not yet graduated from high school. Policy C.3 ***Decree on Child Protection.***
- Carefully read Policies C.2, C.3, and C.4 in the ***Decree on Child Protection.***

PSR/CCD STAFF HANDBOOK CHECKLIST

Including Areas with Legal Implications

Listed below are areas that should be covered in every religious education **STAFF HANDBOOK**. Under each area are those concerns that should be addressed.

PHILOSOPHY

- ___ Every program should have a clearly written philosophy that is available to all who come into contact with the program. The **philosophy** should be identical to that found in the parent/student handbook. If there is a parish or religious education **mission statement**, it would be appropriate to include it. This philosophy or mission statement should appear at the beginning of the book and everything that follows should flow from the philosophy.

CATECHISTS' RESPONSIBILITIES

- ___ **Catechists must be in full communion with the Catholic Church and must agree to convey the official teachings of the Catholic Church, not their private opinions** (archdiocesan Religious Education Policy # 2001.01).
- ___ **Preparation for Class** – The catechists' responsibilities for lesson planning and any other kind of preparation should be defined.
- ___ **Record Keeping** – Any kind of record keeping that the catechists are expected to do should be described in the handbook. This might include attendance records, permanent records, etc.
- ___ **Homework** – If the catechists are expected to assign (or not assign) homework, the handbook is the appropriate place to state this expectation.
- ___ **Confidentiality** – The policy regarding the confidentiality of student records and of verbal or written information that students share with the catechists should be stated.

OTHER CONSIDERATIONS

- ___ **Certification Requirements** – Expectations regarding certification should be included.

- ___ **Catechetical Staff Meetings** – Meetings that catechists are expected to attend during the year are to be stated.

- ___ **Discipline** – The program’s discipline policy should be clearly stated. It should contain all of the points found in the student handbook. The discipline policy should also state what is expected of the catechists. [LEGAL IMPLICATIONS. See pp. 21-22 and pp. 93-94 of *Religious Education, Parish and Youth Ministry: Legal Issues for Catechetical and Youth Leaders.*]

- ___ **Tort Liabilities** – Policies regarding negligence, corporal punishment, search and seizure, and defamation should be included. Be sure to state the policy regarding the use of candles. [LEGAL IMPLICATIONS. See chapter 3 of *Religious Education, Parish and Youth Ministry: Legal Issues for Catechetical and Youth Leaders.*]

- ___ **Copyright Laws** – A statement should be included that catechists are expected to be aware of and adhere to copyright laws regarding both print and media materials. [LEGAL IMPLICATIONS. See pp. 22-27 of *Religious Education, Parish and Youth Ministry: Legal Issues for Catechetical and Youth Leaders.*]

- ___ **Field Trip Procedures** – Policies and procedures for field trips should be included in the handbook. This should include the manner in which permission is to be obtained from the parents, limitations regarding places, distance or duration, requirements regarding transportation, etc. [LEGAL IMPLICATIONS. See pp. 51-58 of *Religious Education, Parish and Youth Ministry: Legal Issues for Catechetical and Youth Leaders.*] Include a statement indicating that drivers for each field trip will be required to show a valid driver’s license and to demonstrate proof of auto insurance.

SAFETY AND EMERGENCY PROCEDURES

- **Student Safety** – Rules that are specific to your parish (e.g., fire drills, weather drills) and to the building and grounds that you are using should be included. Attention should be given to local laws that could be included. [LEGAL IMPLICATIONS. See pp. 72-78 of *Religious Education, Parish and Youth Ministry: Legal Issues for Catechetical and Youth Leaders.*]

- **Accidents** – A procedure for handling accidents should be developed and described. This procedure should include the process for taking care of the student or teacher who is ill or injured, the process for notifying the catechetical leader and pastor, and the process for notifying parents or persons designated by the parents. [LEGAL IMPLICATIONS. See pp. 72-78 of *Religious Education, Parish and Youth Ministry: Legal Issues for Catechetical and Youth Leaders.*]

- **Administration of Medicine** - List the policies and procedures governing the dispensing of medicine to program participants and explain the staff members' responsibilities in this area. [LEGAL IMPLICATIONS. See pp. 104-108 of *Religious Education, Parish and Youth Ministry: Legal Issues for Catechetical and Youth Leaders.*]

- **Snacks in the classroom** – Because many children and youth suffer from allergies, include the program's policy regarding the kinds of food permitted in the classroom. [LEGAL IMPLICATIONS. See pp. 106-108 of *Religious Education, Parish and Youth Ministry: Legal Issues for Catechetical and Youth Leaders.*]

- **Custodial/non-custodial Parent Rights** – Written directions for the staff should be provided regarding release of the students and dissemination of information. [LEGAL IMPLICATIONS. See pp. 94-96 of *Religious Education, Parish and Youth Ministry: Legal Issues for Catechetical and Youth Leaders.*]

CHILD PROTECTION

- ___ A statement should be made in the handbook that the parish will follow the policies of the archdiocese regarding child protection. A copy of the archdiocesan ***Decree on Child Protection*** should be made available to every catechist. (NOTE: The pastor is required to see to it that employees and volunteers are educated regarding prescriptions of the ***Decree on Child Protection***. Copies of the "Summary Brochure" should be distributed to catechists.)

SUPERVISION OF CATECHISTS

- ___ The manner in which the catechists are to be supervised and the frequency of the supervision should be included in the handbook. This might include classroom observation, a conference with the DRE, etc. The rationale for this supervisory practice should be clearly described.

PERSONNEL POLICIES

- ___ If a staff member is going to be absent, he or she should be able to find directions in the staff handbook for reporting the absence so that provisions can be made.
- ___ If catechists are to be given any remuneration or if they are to be reimbursed for expenses, the procedure and amounts should be stated in the handbook.
- ___ Include the time which catechists are to arrive for class. If catechists are to be responsible for the students prior to or after class, this should be stated.

STAFFS' SIGNED AGREEMENTS

- ___ It should be clearly stated that all staff members will be expected to sign a statement that they have **read, understood, and accepted** the terms specified in the handbook.

PSR/CCD PARENT/STUDENT HANDBOOK CHECKLIST

Including Areas with Legal Implications

Listed below are areas that should be covered in every religious education parent/student handbook. Under each area are those concerns that should be addressed.

PHILOSOPHY

- ___ Every program should have a clearly written philosophy that is available to all members and all who come into contact with the program. The **philosophy** should be identical to that found in the staff handbook. If there is a parish or religious education **mission statement**, it would be appropriate to include it. This philosophy or mission statement should appear at the beginning of the book and everything that follows should flow from the philosophy.

ADMISSION POLICIES

- ___ A **non-discriminatory** statement should be included saying that there is no discrimination on the basis of race, sex, national origin, or handicapping conditions. [See archdiocesan Religious Education Policy # 2102.03 regarding persons with disabilities.]
- ___ **Standards** for admission, staying, expulsion and re-admission should be specific.
- ___ **Home-based Religious Education** – The archdiocesan guidelines for home-based religious education should be included along with the parish’s policies and procedures governing home-based religious education.
- ___ **Non-custodial Parent Rights** – The law holds that parents do not cease to be parents when they no longer have custody of their children. So it is important to include a statement such as:

“The catechetical leader needs to be informed by the custodial parent of the rights of the non-custodial parent.”

FINANCIAL PROCEDURES

- ___ **Tuition and fees** information should be specific.
- ___ **Refund policies** should be stated clearly.

ATTENDANCE PROCEDURES

- ___ **Attendance expectations** should be included. State the procedure parents should follow for notifying the catechetical leader of a child's absence.
- ___ **Records** – A statement should be included that attendance and performance records will be kept on file. A statement should also be included explaining the manner in which parents may have access to the records.
- ___ **Absenteeism** – A statement should be included that indicates how follow-up to student absence will proceed.
- ___ **Homework** expectations need to be clearly stated.
- ___ **Communication** procedures by which parents, catechists, and program administrators contact each other should be expressed. Also include the procedure that parishioners/parents can follow when they have a complaint. [See the *Parish Education Commission Handbook*, p. 8, for the steps that should be included.]

SACRAMENTAL PREPARATION

- ___ List the parish's policies regarding the preparation of children of catechetical age for the sacraments of Baptism, Penance, Eucharist, and Confirmation. Make sure that these policies are consistent with Canon Law and with the archdiocesan guidelines contained in *Sacraments for Young People* (2005).

DISCIPLINE

- ___ **Rules and penalties** need to be stated simply and clearly. Avoid long lists of rules. [LEGAL IMPLICATIONS. See pp. 93-94 of *Religious Education, Parish and Youth Ministry: Legal Issues for Catechetical and Youth Leaders.*]

- ___ **Consequences** of unacceptable behavior need to be specified. The final recourse in all disciplinary situations should be identified. The policy on suspensions and expulsions along with an explanation of the grievance procedure should be included. [LEGAL IMPLICATIONS. See pp. 21-22 of *Religious Education, Parish and Youth Ministry: Legal Issues for Catechetical and Youth Leaders.*]
- ___ **Exceptions** – A statement should be included that the catechetical leader retains the right to make exceptions to the disciplinary procedures.
- ___ **Search and seizure** policy when a young person is suspect should be clearly communicated to all involved (e.g., weapons, drugs, stolen property, etc.). [LEGAL IMPLICATIONS. See pp. 45-48 of *Religious Education, Parish and Youth Ministry: Legal Issues for Catechetical and Youth Leaders.*]
- ___ “No child may be disciplined corporally or corrected with abusive language.” Policy C.4 in the *Decree on Child Protection.*

OUTSIDE ACTIVITIES RELATED TO PROGRAM

- ___ **Field trip** directives should be clearly stated. Parents will be expected to sign a permission form which releases the parish from liability. [LEGAL IMPLICATIONS. See pp. 51-58 of *Religious Education, Parish and Youth Ministry: Legal Issues for Catechetical and Youth Leaders.*]

SAFETY AND EMERGENCY PROCEDURES

- ___ **The parish facilities** which will be used or not used (off limits) by the program participants should be clearly stated.
- ___ **Arrival, pick up times, and directions for traffic flow** should be included. Provide the calendar and schedule for the program.
- ___ **Safety procedures**, in case of fire and dangerous weather conditions, should be explained.
- ___ **Accident**–The procedure for handling accidents should be described. This procedure should include the process for taking care of the student who is ill or injured, and the process for notifying the parents or persons designated by the parents.

___ **Emergency medical information** for each child should be requested of parents.

___ **Administration of medicine** - The policy and the procedure governing dispensing of medications to program participants should be stated.
[LEGAL IMPLICATIONS. See pp. 103-108 of *Religious Education, Parish and Youth Ministry: Legal Issues for Catechetical and Youth Leaders.*]

___ **Snacks in the classroom** - State the program's policy regarding the kinds of food permitted to be brought.

CHILD PROTECTION

___ **Child Protection** - Parents need to be informed that program administrators are required by the Ohio Revised Code and the archdiocesan *Decree on Child Protection* to report suspected or actual child abuse or neglect to the proper authorities.

POLICY CHANGES

___ **A statement** should be included that parents will be notified in writing when policies are to be added or amended.

PARENTS' AND STUDENTS' SIGNED AGREEMENT

___ It should clearly stated that all parents will be expected to sign a statement that they **have read, understood, and accepted** the terms specified in the handbook. Parents should share the content of the handbook with their children. Students in grade 4 and higher should be asked to sign the statement as well.

SOURCES USED IN THE PREPARATION OF THIS DOCUMENT

Shaughnessy, Mary Angela, SCN. *Religious Education, Parish and Youth Ministry: Legal Issues for Catechetical and Youth Leaders*. National Catholic Educational Association, 2006.

Shaughnessy, Mary Angela, SCN. *Religious Education, Youth and Campus Ministry: Legal Issues for Catechists, Ministers, and Volunteers*. National Catholic Educational Association, 2006.

Shaughnessy, Mary Angela, SCN. *Volunteers in Catholic Education: An Administrator's Guide to Legal Considerations*. National Catholic Educational Association, 2007.

Decree on Child Protection, Policies, Procedures, and Recommendations. Archdiocese of Cincinnati, July 1, 2008.

Parish Education Commission Handbook. Department of Educational Services, Archdiocese of Cincinnati, 1991 & 1995.

"Religious Education & Catechetical Policies." Center for the New Evangelization, Archdiocese of Cincinnati.

FOR FURTHER READING

A number of other books on related issues by Sister Mary Angela Shaughnessy are available from the National Catholic Educational Association (NCEA). Go to the Online Store at www.ncea.org or call 800-711-6232.