



DECREE

**Regarding the Process for the Establishment or Recognition of a Catholic School**  
*In Nomine Domini. Amen.*

*Whereas* the faithful have the right to associate (c. 299 §1) “to foster a more perfect life, or to promote public worship or Christian teaching” and “may also devote themselves to other works of the apostolate, such as initiatives for evangelization, works of piety or charity, and those which animate the temporal order with the Christian spirit” (c. 298 §1);

*Whereas* the 2022 instruction *The Identity of the Catholic School for a Culture of Dialogue*, issued by the Congregation for Catholic Education, states, “When a school is directed by an *individual faithful* or by a *private association of the faithful*, in order for it to be defined as a ‘Catholic school’, recognition by ecclesiastical authority is required, that is, as a rule, by the competent diocesan/eparchial Bishop...” (n. 56);

*Whereas* the same instruction states, “The *diocesan/eparchial Bishop* plays a central role in discerning the ‘Catholic’ identity of a school [...]” which includes “the necessary *discernment and recognition* of educational institutions established by the faithful” (ibid., n. 59);

*Whereas* the diocesan Bishop has a fundamental duty and right rooted in his divinely-instituted teaching office (cc. 375 and 386 §1) to arrange for the Catholic education of the faithful (794 §1), to ensure that schools imbued with a Christian spirit are established (c. 802 §1), and to watch over all Catholic schools in his territory without prejudice to their internal autonomy (c. 806 §1);

*Whereas* such vigilance includes, “the right to issue directives concerning the general regulation of Catholic schools” (ibid.);

*Whereas* no initiative may use the name “Catholic” or school call itself a “Catholic school” without the consent of the competent authority (cc. 216 and 803 §3);

*Whereas* “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 recognized as Catholic by the ecclesiastical authority” (c. 803 §1);

*Whereas* the diocesan bishop has the duty and right to govern “the particular Church entrusted to him with legislative, executive and judicial power, in accordance with the law” (c. 391 §1);

**Therefore**, I hereby promulgate the following as particular law for the territory of the Diocese of Fargo:



## **I. General Norms**

1. These norms apply whenever any individual, group, or association of the Christian faithful intends to establish a new Catholic school or obtain recognition of an existing school as a Catholic school by the Bishop of Fargo ("Bishop"). All existing Catholic schools currently operating in the Diocese of Fargo ("Diocese"), and any future Catholic schools operated by a public juridic person, are exempt from these norms.
2. In all circumstances, only with the explicit approval of the Bishop may a school call itself a "Catholic school" or use the term "Catholic" as a descriptor.
3. The Diocesan Director of Schools is available, according to his/her capacity, throughout this process to consult with the sponsoring organization.

## **II. Initial Proposal Phase**

1. To establish a new Catholic school or receive recognition of an existing school as a Catholic school, the sponsoring organization(s) must submit in writing an initial proposal for the establishment or recognition of a Catholic school to the Bishop through the Diocesan Director of Schools.
2. An initial proposal is to include:
  - a. a contextual narrative, including the history, need, and purpose of the new school as it relates to the Church's mission, and how it proposes to provide access to the sacraments for students;
  - b. any questions to be addressed by a feasibility and impact study;
  - c. a statement of understanding, declaring the school will 1) operate in communion with the local ordinary; 2) recognize the legitimate authority of the local ordinary as outlined in canon law, especially canons 803-806 of the Code of Canon Law; 3) operate in conformity with all ecclesiastical law, universal and particular, and any future directives issued by the local ordinary or his delegate(s); and 4) observe all safe environment protocols of the Diocese;
  - d. other information which is deemed relevant to submit.
3. Upon review of the initial proposal, if the Bishop in consultation with the Diocesan Director of Schools deems the proposal to have sufficient merit, the Diocesan Director of Schools will convene a meeting with the applicant(s) and, as necessary, relevant pastors or diocesan officials to discuss the proposal and discern the extent to which this request serves the Bishop's duty to arrange everything so that all the faithful have a Catholic education.



4. Through the Diocesan Director of Schools, the Bishop will provide a written response to the initial proposal. This response will indicate whether there is sufficient merit to continue to the “Research Phase”. Only after a sponsoring organization is notified the request has sufficient merit to proceed may it publicly announce its plans to explore the potential establishment or recognition as a Catholic school.

### **III. Research Phase**

1. The sponsoring organization will submit to the Diocesan Director of Schools any documents requested for evaluation.
2. The Bishop may require the sponsoring organization to commission a feasibility and impact study through an organization approved by the Bishop. Such a study helps determine to what extent the necessary conditions are present for a proposed Catholic school to thrive. A feasibility and impact study will examine: the support of parents and other relevant stakeholders, including parishes; projected enrollment; site determination and facilities; staffing and financial plans; positive and negative impact on currently established Catholic schools; and any other areas relevant to the particular proposal. The Diocesan Director of Schools must approve the methodology and research questions of the feasibility and impact study before the study begins. The sponsoring organization takes full responsibility for funding the feasibility and impact study.
3. After reception of the requested documents and, if required, the completion of the feasibility and impact study, the sponsoring organization will submit a proposed plan for the school. Any indications that projections from the feasibility and impact study may no longer be accurate must be promptly reported to the Bishop through the Diocesan Director of Schools.
4. Following the review of the required documents, study, and proposed plan, the Diocesan Director of Schools will offer a formal recommendation to the Bishop. If approval is not recommended, opportunity for resubmission may be offered.
5. If the Bishop accepts the proposed plan, he will confer either Provisional Status or recognition as a Catholic school. The sponsoring organization may then continue working towards the establishment of the school according to the approved plan. No significant changes to the approved plan can be made without first notifying the Bishop through the Diocesan Director of Schools.

### **IV. Provisional Status**

1. If the Bishop confers Provisional Status, for a period of three years the school will be permitted to refer to itself as having “Provisional Status with the Catholic Bishop of



Fargo”. Equivalent terminology may be permitted at the discretion of the Diocesan Director of Schools. A school in Provisional Status is *not* permitted to refer to itself as a Catholic school.

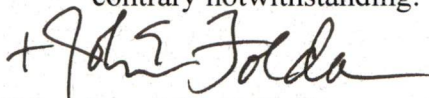
2. Provisional Status does not create any partnership, joint venture, or other civil law relationship between the school and the Diocese or the Bishop. The Diocese and Bishop are not liable for any claim or demand of any nature arising in relation to the school.
3. While in Provisional Status, the school will operate according to the expectations and principles applicable to a Catholic school, including the observation of all applicable universal and particular laws and Diocesan policies governing Catholic schools.
4. A school in Provisional Status must submit an annual report to the Diocesan Director of Schools regarding the school’s viability, enrollment, finances, and indicating any significant issues or proposed changes. This report is to include a current list and brief biographical information regarding the school’s governing board membership, of which at least 50% must be practicing Catholics in good standing; confirmation that the head of school is a practicing Catholic in good standing; an indemnification and hold harmless agreement in a form to be provided by the Diocese; a Certificate of Insurance coverage acceptable to the Diocese and adequate to satisfy the provisions set forth in the indemnification and hold harmless agreement, naming the Diocese and Bishop as additional insured.
5. Prior to the conclusion of the three-year period, the school may request recognition as a Catholic school or an additional provisional period.
6. Provisional Status can be revoked by the Bishop, subject to canonical recourse, according to the norm of law.
7. If recognition as a Catholic school or an additional provisional period is not granted and the provisional period has expired, the school will be notified in writing that its provisional status has concluded.
8. A school whose provisional status has expired or been revoked must discontinue referring to itself as having “Provisional Status with the Catholic Bishop of Fargo” and is not to indicate or imply association with the Catholic Church.

## **V. Recognition as a Catholic School**

1. Should the Bishop grant recognition as a Catholic school, the school has the status of a Catholic school according to canon 803. It may refer to itself as a “Catholic school” and use the descriptor “Catholic”.



2. Designation as a Catholic school does not create any partnership, joint venture, or other civil law relationship between the school and the Diocese or the Bishop. The Diocese and Bishop of Fargo are not liable for any claim or demand of any nature arising in relation to the school.
3. Once granted the status of a Catholic school, the school is bound by all applicable universal and particular laws and diocesan policies governing Catholic schools.
4. Status as a Catholic school can be revoked by the Bishop, subject to canonical recourse, according to the norm of law.
5. A school established or recognized as a Catholic school through the process described above must, for the first three years, submit an annual report to the Diocesan Director of Schools regarding the school's viability, enrollment, finances, and indicating any significant issues or proposed changes. This report is to include a current list and brief biographical information regarding the school's governing board membership, of which at least 50% must be practicing Catholics in good standing; confirmation that the head of school is a practicing Catholic in good standing; an indemnification and hold harmless agreement in a form to be provided by the Diocese; a Certificate of Insurance coverage acceptable to the Diocese and adequate to satisfy the provisions set forth in the indemnification and hold harmless agreement, naming the Diocese and Bishop as additional insured. After the initial three-year period, this report is to be submitted every three years. In any case, the school is to promptly notify the Bishop, through the Diocesan Director of Schools, of any grave matter regarding the operation, Catholic identity, or viability of the school.
6. The above norms are to be promulgated on the Diocesan website and take effect as particular law for the Diocese of Fargo in accord with canon 8 §2. All things to the contrary notwithstanding.



†Most Rev. John T. Folda  
*Bishop of Fargo*

Given at the Chancery  
This 9<sup>th</sup> day of June, 2025.



Mr. Timothy Olson, JCL  
*Chancellor*