

## INSTRUCTION

### ON PARISH MEMBERSHIP AND ACCESS TO ELEMENTARY SCHOOLS

**Office of  
The Archbishop**

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TO: All Pastors, Parish Administrators and  
Elementary School Principals

FROM: Archbishop Daniel E. Pilarczyk

DATE: June 10, 2009

Because of some recurrent questions connected with parish membership and access to parish schools, I circulated in the autumn of 1996 a set of background considerations for a discussion of these matters to the members of the Archdiocesan Pastoral Council, the Archdiocesan Council of Priests, the Deans, and the Directors of the Archdiocesan Administrative Departments. In addition, several pastors submitted written material on the matters at issue. In August 1997, after having had an opportunity to reflect on these discussions and on the written material, I issued a canonical instruction (cf. canon 34) titled, *On Parish Membership and Access to Parish Schools*. Recently, several parishes have inquired as to the development of tuition policies relating to volunteer services, “active” and “inactive” status, and “in parish” and “out of parish” rates. After consultation with our attorneys, and further consultation with the Directors of the Archdiocesan Administrative Departments, I am now revoking the August 1997 canonical instruction and issuing this present instruction effective on the date above. The provisions of this instruction are to be followed in carrying out Church law throughout the Archdiocese of Cincinnati. This instruction pertains not only to parish schools, but any elementary school (together referred to as “school” or “schools”) under the administrative authority of the Archbishop of Cincinnati.

The purposes of this instruction are as follows:

- to delineate Church law regarding parish membership;
- to affirm the rights of parish members;
- to put parishioner registration into proper perspective;
- to clarify appropriate criteria for admission to schools; and
- to discuss the utilization of “volunteer services” as a criterion for determining which families receive a discounted tuition charge for their children attending the school.

**1. Parish membership in general.** All Catholics who live within the territory of a parish are members of the parish. This means that they have the right to orderly access to the sacraments, to personal ministrations from the pastor or his agents, to preaching, to religious education, and to all the other ministerial benefits (e.g., Christian funeral) that the parish offers. This right is not contingent on financial support of the parish, on participation in the liturgical life of the parish, or on the fulfillment of any other requirement.

While pastors should encourage Catholics within the boundaries of the parish to register, to offer their financial support, and to maintain a certain level of activity, the failure of a parishioner to register or otherwise participate in parish life does not allow the pastor to relegate that parishioner to any special category of membership (e.g., “inactive member”).

The 1971 Synod of the Archdiocese of Cincinnati (AO no. 8) stipulates, “each person must register officially in his own particular parish.” This provision is not to be interpreted as a condition of membership, but rather as an encouragement to parishioners to make themselves known to the parish in order to be more aware of the parish’s activities and in order to be better served. No rights of parish membership (e.g., the right to have a wedding or funeral in the parish church) may be denied to a member because the member has not registered.

The ministerial services that come with parish membership should be generously provided to those who request them. Parish membership is a right that comes with baptism and residence. It is not a privilege that is granted to those who fulfill certain requirements.

Also according to the Synod (AO no. 8) Catholics may register in a parish other than the one in whose territory they reside. They become members of the other parish if its pastor is willing to accept them and if they have informed the pastor of their proper territorial parish of the change. The pastor of the parish of choice then becomes responsible for these parishioners and remains responsible for them until they revoke their voluntary membership in that parish. No pastor is required to accept such non-territorial members for any reason, but, once accepted, they have all the rights of any other parishioner. At the same time, it is to be hoped that the pastor of the territorial parish in which such persons reside will not refuse them the Church’s ministry if circumstances compel them to request it.

**2. Eligibility for Access to a School.** A school, in addition to providing religious instruction, provides secular benefits (at verifiable cost) which parishioners can rightly be expected to help pay for. It is appropriate for parishes to establish criteria of eligibility for ordinary access to a school. These criteria may include payment of tuition and the participation in the liturgical life of the parish. Such criteria must be in accord with the regulations of the Internal Revenue Service (IRS) which prohibits counting school tuition or other required participation as a “contribution” to the parish, and with the laws of the State of Ohio which forbid any compensation of any sort (e.g., access to the school) to volunteers assisting in the operation of bingo and/or other games of chance.

School tuition should be determined by establishing its actual cost. Then, through consultation with the appropriate body(ies) like the Parish Pastoral Council, the Parish Education Commission, the Parish Finance Commission, the Board of Limited Jurisdiction, the Regional School Board, etc., a subsidized tuition rate for children of parishioners (parish subsidy) may be developed. Discounts can be offered based on special need. A stated level of financial contribution to the parish or the school is not permitted as a condition for receiving the subsidized tuition rate or a discount. Non-parishioners (e.g., non-Catholics and Catholics who do not belong to the parish, or to one of the parishes supporting a school) may be charged the full cost per student.

While involvement on the part of the parents and guardians is welcomed at a parish and/or a school, the utilization of "volunteer services" as a means of determining which families receive a discount (like the parish subsidy) on the tuition charged for their children is not permitted. There is a risk that a discount for "volunteer services" will be judged by the IRS as compensation. Such a judgment would have unwelcome consequences including the requirement of the issuance of an individual IRS Form 1099 to the parents and guardians receiving the discount. By definition, a volunteer is someone who gives services without any express or implied promise of remuneration.

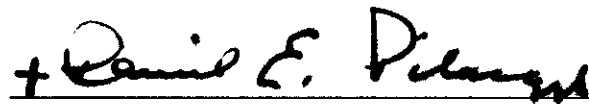
Additionally, if the "volunteer" exception is challenged by the IRS, some, perhaps most parish and/or school fund-raising could become subject to Unrelated Business Income Tax (UBIT) since such fund-raising should be conducted by true, not compensated "volunteers." Archdiocesan Policy forbids any activity that will generate UBIT.

The criteria for ordinary access to the services of the school should be realistic and should be implemented with pastoral sensitivity. Provision should be made for those parishioners who, because of personal circumstances, cannot comply with all the criteria. It is not inappropriate to request some sort of professionally evaluated financial disclosure if parents and guardians allege an inability to pay the required tuition for their children in the school.

At the same time, it should be made clear that compliance or non-compliance of parishioners with these criteria for eligibility for ordinary access to the school in no way affects their membership in the parish and in no way serves as a means to divide the parishioners into groupings such as "active" and "inactive."

Persons who do not qualify for ordinary access to a school (e.g., non-Catholics or non-members of the parish) may be allowed access to the school on other terms, e.g., by payment of the full cost per student instead of the ordinary tuition.

At the Chancery  
Cincinnati, Ohio



Most Reverend Daniel E. Pilarczyk  
Archbishop of Cincinnati

  
Notary

