

**Assembly on Mission  
District of San Francisco  
Saint Mary's College of California  
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**THE LASALLIAN EDUCATION CORPORATION AND OUR EDUCATIONAL  
MISSION**

**by  
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**Introduction**

As Auxiliary Visitor, my major responsibility is in the area of the initial formation of Brothers. While as a member of the District Leadership I have, with the other members, a collective responsibility for the educational mission in the District, my involvement in the mission is not as direct nor as extensive as that of some other members of the Leadership Team. But because I am a member of the Lasallian Education Corporation, which is the sole member of most of the school corporations, and because I serve as a trustee on two of the school boards in the District, namely, those of Cathedral High School and of De La Salle High School, I have chosen to speak with you on the Lasallian Education Corporation and its role in the educational mission in this District.

A brief explanation of the purposes of the Lasallian Education Corporation (otherwise known as LEC), its reserved powers, relationship to the school corporations in the District, and indication of who its members were originally and who they are now appears as an appendix in *A Response to the Context for Action/Action Plan* in reference to item C.2 in the Action Plan. I trust that you have read or will soon read that explanation because it may serve to clarify what I will say here.

I will dwell briefly on three points framed as questions: 1) Why does LEC exist and how does it function? 2) What have been both positive and challenging effects issuing from the functioning of LEC? and 3) What are some questions

born of experience with LEC to date that we might consider to make it a more effective instrument furthering our educational mission?

### **The Three Questions**

Let's look, then, at the first question: **Why Does LEC Exist and How Does It Function?** Prior to 1994 the schools of the District (with the exception of Saint Mary's College) were not separately incorporated. They were parts of De La Salle Institute (otherwise known as DLSI), the non-profit, religious corporation which is the legal, public form of the Brothers' religious congregation in the District of San Francisco. Brother Visitor, the Brother who was Director of Education, other Brothers in the District Administration, and the District Council of the Brothers could and did give direction to the schools. But direction was not altogether top-down. The Brothers of the District, taking seriously the promise in their vow formula to conduct schools "together and by association" collaborated among themselves regarding curricula, syllabi, teaching methodologies, and extra- or co-curricular activities—to name but a few topics. This collaboration occurred informally in many ways, but particularly, many years ago, as I recall from my early years as a Brother, at convocations held during Christmas vacations. As Brother David mentioned in his address last night, however, in the mid-1960's, it began to be evident that the Brothers could not continue to conduct the educational enterprise successfully in the District by themselves alone and by virtually excluding their lay colleagues from administrative positions, from consultation, and from long-term involvement in the mission.

In 1966-67 the Brothers 39<sup>th</sup> General Chapter affirmed the principle of subsidiarity and spoke much more favorably than any previous General Chapter of lay collaboration in the Lasallian educational mission.<sup>1</sup> The principle of subsidiarity is described in the material on LEC which appears as Appendix 8 in the *Response to the Context for Action/Action Plan*. But it bears repeating here since it is a fundamental reason for the establishment of LEC and the school corporations. While the principle has several meanings, the one pertinent here is

the following: A more universal authority should leave to a local authority that which the local authority can well accomplish on its own and intervene only when issues are beyond the responsibility of the local authority or when the local authority cannot or will not fulfill its responsibilities. Succeeding General Chapters have continued to affirm both the principle of subsidiarity and, even more emphatically, in an increasingly welcome manner, the collaboration of Brothers and Partners in the educational mission.<sup>2</sup>

And so, in 1994, viewed in this historical context, it was understandable that Brother Mark Murphy, Visitor at that time, and his District Administration and the District Council decided to separately incorporate the schools which had been entities within De La Salle Institute and to establish LEC as the sole member of each new school corporation. Thereby, LEC could exercise a certain supervision or oversight of the schools through reserved powers but leave to local boards of trustees and chief administrators the major roles, respectively, in the governance and management of these schools. This move, then, gave expression to the principle of subsidiarity. The school corporations did become more independent, and their boards of trustees have engaged with increasing understanding and effectiveness in the governance of these schools in their unique contexts. LEC, at the District level, has kept a more comprehensive watch on the conduct of the mission in these schools. Later today you will hear more from Rick Sprague, Director of Lasallian School Boards, on the functioning of the boards of trustees.

There were other reasons, however, beyond implementing subsidiarity for the establishment of LEC and the school corporations. These are mentioned in Appendix 8, which I referred to earlier, but I would like to draw your attention to them here and dwell on some of them more fully.

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<sup>1</sup> See Brothers of the Christian Schools, *The Book of Government* (Winona: St. Mary's College Press, 1967) 2; *The Brother of the Christian Schools in the World Today: A Declaration* (revised translation; Lincroft: La Salle Provincialate, 1997) 46.3.

<sup>2</sup> Brothers of the Christian Schools, *The Acts of the 40<sup>th</sup> General Chapter*. Circular 403 (Rome: Generalate, 1976) 76; *The Rule of the Brothers of the Christian Schools* (Rome: General Council, 1987) art. 17; *42<sup>nd</sup> General Chapter*. Circular 435 (Rome: General Council, 1993) 13-16, 41-42; *43<sup>rd</sup> General Chapter*. Circular 447 (Rome: General Council, 2000) 1-17.

First, the Second Vatican Council had called the laity in the Church to be more fully involved in the Church's mission because by their baptism they are incorporated into Christ and into the Church. Thus, they participate directly in Christ's and the Church's mission to proclaim the Gospel everywhere and to all.<sup>3</sup> The Council also asked religious to inspire lay members of the Church to take their rightful places in fulfilling the Church's mission.<sup>4</sup> The Brothers, then, by establishing LEC and the individual school corporations with their boards of trustees rather than by maintaining the schools as entities of De La Salle Institute could allow for more Brothers and many more lay people to collaborate in the direction of the schools and could provide, by so doing, for new and significant participation in one facet of the Church's mission.

Second, the 41<sup>st</sup> General Chapter in 1986 approved the new, definitive Rule of the Brothers which called on them to "gladly associate lay persons with them in their educational mission" and provide them with appropriate formation in the Lasallian heritage so that they could exercise this mission responsibly.<sup>5</sup> Through its reserved powers of approving the schools' bylaws and policy handbooks, LEC could ensure that each school through a consulting agreement with De La Salle Institute would have services from the Institute providing this formation not only for trustees, but for administrators, faculty, staff, and students as well.<sup>6</sup>

Third, by separately incorporating the schools and giving to LEC some reserved powers only regarding them, assets and liabilities of the schools could be separated from those of De La Salle Institute. That separation could work to the advantage of both the school corporations and the Institute when or if there were legal action against any one of these entities.

Fourth, since the Code of Canon Law requires religious congregations which operate or sponsor Catholic schools to ensure and to supervise the Catholicity of these schools, LEC, of which the membership would be Brothers

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<sup>3</sup> See Second Vatican Council, *Dogmatic Constitution on the Church (Lumen Gentium)*, n. 31.

<sup>4</sup> See Second Vatican Council, *Lumen Gentium*, n. 44 and *Decree on the Up-to-Date Renewal of Religious Life (Perfectae Caritatis)*, n. 2.

<sup>5</sup> See *The Rule of the Brothers of the Christian Schools* (Rome, 1987) art. 17.

only, could exercise that responsibility efficiently and effectively through reserved powers.<sup>7</sup> The Brothers also have, one might say, their Lasallian responsibility to oversee or to ensure the Lasallian character of the schools. The latter responsibility was articulated by the 42<sup>nd</sup> General Chapter in the now well-known designation of the Brothers as "the heart, the memory, and the guarantors of the Lasallian charism."<sup>8</sup> Neither of these responsibilities, canonical and Lasallian, could be exercised effectively if the school corporations were entirely independent without any supervision by a body such as LEC.

Finally, by separating the schools from De La Salle Institute, LEC would promote greater financial responsibility at the local level and less dependence on De La Salle Institute or other entities at the District level that the Institute might establish to finance the educational mission.

We move on, now, to the second half of the first question: How does LEC function? Originally LEC consisted of four members—the Brothers who constituted the District Administration, namely, Brother Visitor, Brother Auxiliary Visitor, the Brother who was Director of Education, and the Brother who was Director of Finance. These Brothers as LEC members exercised fourteen reserved powers in the school corporations. These powers were those judged best suited to allow the Brothers to exercise in an official, formal way both their canonical and Lasallian responsibilities over the schools.

In 1995, with the appointment of Brother David as Visitor, the District Administration became the District Leadership, and this Leadership Team consisted of three Brothers and four Partners. Brothers no longer held the positions of Director of Education and Director of Finance, so, on the understanding that LEC members need to be Brothers, Brothers Visitor and Auxiliary Visitor became the only members of LEC. However, LEC was not without the assistance and the counsel of the Partners on the Leadership Team, particularly the Coordinator of Lasallian School Programs (who later became

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<sup>6</sup> See Articles 2.2 (c), 2.2 (i), and 5.7 in the bylaws of the school corporations.

<sup>7</sup> *The Code of Canon Law* (1998) canon 803.

<sup>8</sup> Brothers of the Christian Schools, 42<sup>nd</sup> *General Chapter*. Circular 435 (Rome: General Council, 1993) 15. See also *The Rule*, art. 17.

Director of the Office of Education) and the Coordinator (later Director) of Lasallian School Boards.

Meetings of the LEC members consist mainly in approvals or non-approvals of the matters listed in the reserved powers, now reduced from fourteen to twelve. But LEC has also developed three policies applicable to the school corporations of which it is the sole member. The first sets standards for religious studies and campus ministry; the second gives criteria for membership on the school boards of trustees, and the third specifies requirements for board chairpersons.

Activating the first of these policies, that for religious studies and campus ministry, became one way for LEC to fulfill the Brothers' responsibility to ensure the Catholicity of the schools it conducts or sponsors. Against the standards in this policy each school's religious studies and campus ministry program is evaluated every three years by a highly qualified religious studies educator. LEC, among other groups, reviews the reports of these evaluations and can take whatever appropriate action it may deem necessary, although in almost all cases where some remediation is necessary, Brothers and Partners at the local level readily undertake this themselves after consultation with the evaluator.

So, to summarize, LEC exists to implement subsidiarity, to promote broader lay participation in the mission of the Church and of the international Institute, to allow for the Brothers' supervision of the Catholic and Lasallian character of the schools, and to provide for a beneficial separation of assets and liabilities among all entities--the school corporations and De La Salle Institute--that were formerly one entity, namely, De La Salle Institute. LEC functions through its Brother-members' implementation of the reserved powers and the development of appropriate policies to better carry out those powers.

Let's move, then, to the second question: **What have been both positive and challenging effects from the functioning of LEC?** Certainly, a positive effect has been the implementation of subsidiarity. This has allowed for a greater independence for individual schools leaving LEC to use only its limited reserved

powers. Most of these powers consist in approvals of matters previously approved at the local level. Boards of trustees and school administrators, consequently, have been able to direct their schools more extensively according to local needs and circumstances.

Positive, too, have been the few interventions LEC has made, again in the name of subsidiarity, to improve a local situation that local authority could not handle. These interventions are not always seen as positive at the time they occur, but generally speaking, hindsight reveals both their necessity and their value.

Still another positive result from the establishment of LEC's Policy on Religious Studies is the steady improvement in religious studies departments throughout the District. This has resulted, moreover, without exception from strong efforts in the schools, as part of the evaluative process, to respond positively to the evaluator's recommendations, particularly those calling for the strengthening of the academic character of religious studies.

A positive result, too, that is most remarkable is the increase in the numbers of those caught up in the Lasallian educational mission. Through the LEC-established boards and the formation in the Lasallian heritage required of new trustees, increasing numbers of men and women, some of whom had never heard of St. John Baptist de La Salle and the Brothers of the Christian Schools prior to their selection as trustees, have been captivated by the history, the ideals, the values, and the methods of the Lasallian mission. There are currently 79 trustees for the LEC related schools.

A fifth positive result from the establishment of LEC has been the ability to expand the educational mission even while the number of Brothers decreases. Having LEC, the board structure, and the attendant services provided by De La Salle Institute in place continues to make possible the establishment of new educational works. As most of you know, the District has agreed to sponsor a new high school for students from very poor families on the south side of Tucson, Arizona. The school is preparing to open in August of 2004. It would have been

difficult, if not impossible to do this, without there being in place already LEC, the board structure, and the services provided by De La Salle Institute

As a sixth positive result, the establishment of LEC with its reserved powers and the school corporations with their boards of limited jurisdiction has resulted, surprisingly, in a relatively large number of Brothers involved in the governance of the schools. Twenty of the 79 trustees are Brothers. Thus, Brothers constitute 25% of those charged with overseeing the accomplishment of the mission in the schools, a striking contrast to the 6% of Brothers at the level of direct involvement in teaching and administration.

Finally, and perhaps most strikingly of all the results from LEC's functioning and the more independent operation of the schools, there has been the increased financial responsibility assumed by each school with a corresponding reduction of financial dependence on the Benilde Trust as established by De La Salle Institute. Boards and presidents have worked and continue to work very hard to provide for capital expenditures, endowment, and financial aid for students in need. This effort has freed De La Salle Institute through the Benilde Trust and LEC to envision new educational possibilities for the poor and to launch new undertakings such as the 5% program for students from families at or below the federal poverty level in our current schools and the founding of entirely new educational works for the poor.

On the challenging side, LEC has been perceived by some as exercising too much oversight over the school corporations through its twelve reserved powers. Some might go so far as to say that the local school boards are not boards of limited jurisdiction, as they are described, but simply advisory boards because LEC must approve almost every major decision a board makes. Furthermore, LEC has appointed one of its own members and some DLSI personnel to boards of trustees and has even asked some of these people to serve as board chairs. All of this has created an impression in some localities, that Brother Visitor or DLSI or LEC or all of these together—summed up in the words of one of my fellow trustees, as "the folks in Napa"—must be reckoned

with since they are, to use the colloquialism made popular at a recent Brothers' convocation, "driving the bus."

But this challenge has already been addressed in two ways. First, District Leadership, aware of this impression, recently reviewed the operation of the school corporations with a view to LEC's appropriate involvement in them as member. A couple of recommendations have resulted from this review: 1) Consider reducing the number of approvals boards of trustees are required to seek from LEC, and 2) consider withdrawing DLSI and LEC personnel from the boards of trustees and allowing them to serve only if they are called by the local school corporations to do so or if there is a very serious need, known to LEC members, requiring their presence on a particular board.

A second way in which this challenge was addressed was to bring together, at the invitation of the Association of Board Chairs, presidents, board chairs, and District Leadership at a meeting in which these issues and other related issues were discussed. This served, at least in the opinion of many, to dispel a number of concerns regarding the perceived encroachment of LEC on the operation of the school corporations. An annual meeting of these administrators, chairs, and District Leadership has been suggested for maintaining an accurate understanding and trouble-free collaboration between the school corporations and their member, LEC. This kind of cooperation and dialogue will certainly help to dispel the notion that the "folks in Napa" are always "driving the bus" and, pushing the image a little further, encourage the view that there is really a whole fleet of busses out there all over the West Coast with a bunch of different drivers. They all belong to the same bus company, if you will, and they're all headed in the same direction, but they don't even have to travel in a caravan, one after the other, along the same freeway. They are free to choose any of many roads so long as they lead to the same destination.

So, we come to the third and final question: **What are some questions, born of experience with LEC to date, that we might consider here in the Assembly to make it an even more effective instrument in furthering our**

**educational mission?** Since the Brothers have always undertaken the educational mission as a community or—in the precious words of our vow formula—"together and by association," and since all of us, Brothers and Partners, seek today to expand and deepen that associational value among ourselves as an essential dimension of the way in which we do the mission, one series of questions we could ask with respect to the future of LEC revolves around its composition and general functioning: How could we make LEC itself more inclusive of both Brothers and Partners so that direction of a major part of the educational mission at the District level is undertaken in even wider collaboration—a collaboration which could ideally become a communion and thus be the near-equivalent of the very strong sense we Brothers attach to the meaning of "association"? Related to that, would it be advantageous for Partners as well as Brothers to become trustees of LEC since nothing in LEC's bylaws stipulates trustees must be Brothers? And shouldn't the bylaws be modified, then, to allow for more than the four trustees that are maximum now? Since LEC even now collaborates with the Secondary Schools Administrators Association, with the Association of Board Chairs, and with District Leadership personnel who serve in the Office of Education and the Finance Office, could not the proposed restructuring allow for an even wider collaboration and permit more of our Brothers and Partners--those who are already deeply involved in the educational mission at the District level as well as those in the schools--to bring their expertise and varied perspectives to contribute to the oversight which is LEC's responsibility? Could the canonical responsibilities the Brothers have as a religious congregation and those they have as "the heart, the memory, and the guarantors of the Lasallian charism" be fulfilled if certain Brothers only were members of the corporation, as distinct from trustees of the corporation, with reserved powers touching only those responsibilities?

A second series of questions revolves around LEC's reserved powers. Are the twelve too many? Does exercise of all of these reduce the boards, described as boards of limited jurisdiction, to advisory boards, with the ultimate decision-making left to LEC? Furthermore, ten of the twelve reserved powers

are simply powers of approval of actions already undertaken by the local school boards. If LEC is to engage in appropriate monitoring and direction with respect to the Catholicity and Lasallian character of the schools, should not more of the reserved powers provide for a more proactive stance by LEC without violating the principle of subsidiarity? Could not the reserved powers be both more limited and more focused on oversight of the essentials of the mission?

Finally, a third series of questions centers on LEC's role in transmitting other influences on the conduct of the educational mission. By other influences here I mean particularly General Chapter Acts, District Chapter Acts, and items in a District Action Plan. Is it better to let the requirements of these Acts and action items come to the schools and other educational works outside the LEC structure, as is now the case, or would there be greater clarity and fulfillment if LEC were the vehicle by which they were transmitted? And if LEC were the vehicle, how would it handle transmission of these requirements in terms of its reserved powers? Would it be better, on the other hand, to have a balance of formal structures, such as LEC, and more informal means both be conduits for the influence of Chapter legislation and action items in a District Action Plan since both can be?

## **Conclusion**

In conclusion, let it be said that whatever the future is for LEC, it will need to serve both the Catholic and Lasallian quality of our educational mission and the communion we must have among ourselves for its effective accomplishment. We need to bear in mind, too, that our District structures, including LEC, may be short-lived. While the educational mission is expanding throughout the United States/Toronto Region, thanks to the dedication of both Brothers and Partners and the increase in number of Partners, the number of Brothers is rapidly decreasing. Consequently, a restructuring of Districts (which are organized largely around the number and vitality of Brothers) with attendant reorganization of structures within Districts is almost inevitable in the near future. But whatever may be the future of this District with respect to the rest of the United

States/Toronto Region, a well established and effective structure such as LEC can at least be a model for other areas of the Region if not for the entire Region.

In the end, however, it is important for all of us to recall that as good and as effective as structures like LEC, school corporations, and boards of trustees may be, it is not the structures that ultimately accomplish the mission, but people—Brothers and Partners—committed heart and soul to this mission who make the difference. With that commitment, with the inspiration of the Holy Spirit, and with an ongoing collaboration that verges into communion, the minds and the hearts of the young, especially of the poor, can be touched. And that, finally, is what matters!