

## Regulations for the Participation Council of the Stichting Het Rijnlands Lyceum, location [ ], primary education

### *Chapter 1    General*

#### **Article 1        Definitions**

In the context of these regulations, the following terms are used:

- a. **the Act:** Wet Medezeggenschap op Scholen (Education Participation Act) (Bulletin of Acts and Decrees 2006, 658);
- b. **competent Authority:** Stichting 'Het Rijnlands Lyceum';
- c. **internal supervisor:** the Supervisory Board.
- d. **participation council:** the participation council as intended in Article 3 of the Act
- e. **school:** Eerste Nederlandse Montessori School/The International School of the Hague Primary School/The European School of the Hague, Primary School;
- f. **pupils:** pupils within the meaning of the Wet op het primair onderwijs (Primary Education Act);
- g. **parents:** the parents or guardians of the pupils;
- h. **school management:** the principal or vice principal as defined in Article 29 of the Primary Education Act;
- i. **staff:** the employed staff or the staff that are employed for the duration of at least 6 months without appointment by the competent Authority and that is employed at the school;
- j. **section:** the separate groups of members intended in Article 3(3) of the Act.

### *Chapter 2    The Participation Council*

#### **Article 2        Participation Council**

Each school has a Participation Council. This Council is elected directly by and from the parents, pupils and the staff in accordance with the provisions of these Regulations.

#### **Article 3        Scope and composition of the Participation Council**

The Participation Council consists of: 6 members of whom

- a. 3 members are elected by and from the staff; and
- b. 3 members are elected by and from the parents.

#### **Article 4        Incompatibilities**

1. Persons who are part of the competent Authority cannot take part in the Participation Council.

2. A staff member who is appointed to act on behalf of the competent Authority during discussions with the Participation Council cannot also be a member of the Participation Council.
3. A staff member who is also a parent of one of the pupils cannot take part in the Participation Council on behalf of the parent section.

#### **Article 5          Term**

1. A member of the Participation Council has a term period of three years.
2. A member of the Participation Council will step down after his/her term and can immediately be re-elected, at most for two times.
3. A member who is appointed or elected to fill an interim vacancy steps down at the moment the person in whose place he or she is appointed or elected would have stepped down.
4. Except for regular retirements on the basis of the retirement schedule, the membership of the Participation Council ends:
  - a. upon his or her death;
  - b. upon cancellation by the member;
  - c. when a member is under legal restraint;
  - d. as soon as a member is no longer part of the section from which and by which he/she was elected.
  - e. as soon as one of the circumstances as stated in Article 4 occurs.

### ***Chapter 3          The election***

#### **Article 6          Organisation of elections**

The organisation of the election of the members of the Participation Council rests with the Participation Council. The organisation thereof can be appointed to an election committee by the Participation Council. The Participation Council decides on the constitution, mode of operation, and the competences of the election committee, as well as the way in which complaints regarding decisions of the election committee is decided upon. To that end, election committee regulations have been formulated. The election procedure will be available to all parties on the website.

#### **Article 7          Election dates**

1. The Participation Council determines the date of the election (shortly before or after the summer holidays) as well as the times of commencement and ending of the voting, taking into account the time by which the schedule and duty elements for the new school year has to be known.
2. The new members of the Participation Council take up their post in the new school year during the first meeting after the elections.
3. The Participation Council informs the competent Authority, the parents and the staff on the time periods stated in the first Section.

#### **Article 8          Eligible and Enfranchised Persons**

Those who are part of the staff or are a parent on the day of the nomination are enfranchised and eligible as a member of the Participation Council.

#### **Article 9 Publication of Eligible and Enfranchised Persons**

Each Participation Council establishes a list four weeks before the election of the persons who are eligible and enfranchised. The relevant list is made available to the parents and the staff stating the possibility to nominate themselves, as well as the term established for that.

#### **Article 10 Insufficient Candidates**

1. If no more candidates are nominated from the parents and the staff than the number of seats in the Participation Council for that section, no election will take place for that section and the enfranchised candidates are assumed to be elected.
2. The Participation Council will inform the competent Authority, the Joint Participation Council, the sections, and the respective candidates in good time before the election date for this.

#### **Article 11 Election**

The election takes place by secret, written ballot.

#### **Article 12 Ballot; proxy**

1. An enfranchised person casts, at maximum, as many votes as there are seats for his or her section in the Participation Council. Only one vote can be cast on a candidate.
2. An enfranchised person can transfer his or her vote by written proxy and upon presentation of his/her ballot paper to someone else who belongs to the same section. An enfranchised person can, at maximum, vote for one other enfranchised person by proxy.

#### **Article 13 Election result**

1. Those candidates that have then acquired the highest number of votes are elected. If for the last seat to be occupied there are several candidates who have acquired an equal number of votes, the outcome will be determined by lot.
2. The election results are established by the Participation Council and published in writing to the competent Authority, the Participation Council, the Joint Participation Council, the sections and the candidates concerned.

#### **Article 14 Interim vacancy**

1. In case of an interim vacancy the Participation Council appoints the candidate as successor of the respective member from the respective section who qualifies first in accordance with the established election result intended in Article 13(1).
2. The designation takes place within one month of the vacancy arising. The Participation Council informs the competent Authority, the Participation Council, the Joint Participation Council, the sections and the candidate concerned on this appointment. The successor joins the Participation Council in the next consultative meeting.
3. If no more candidates are nominated from the parents and the staff than the number of seats in the Participation Council for that section or if no successor as intended in the first Section is available, the vacancy/vacancies can be filled by holding an interim election. In that case Articles 6 to 13 apply mutatis mutandis.

## **Chapter 4    General tasks and authorities of the Participation Council**

### **Article 15    Consultation with competent authorities**

1. The competent Authority and the Participation Council convene if this is required by the Participation Council, a section of the Participation Council or the competent Authority, stating the reasons thereto.
2. The competent authority conducts the discussion referred to in the first paragraph with each section separately if desired by two thirds of the members of the Participation Council and the majority of each section.

### **Article 16    Initiative authority of Participation Council**

1. The Participation Council is authorised to discuss all matters that concern the school. It is authorised to make proposals on these matters to the competent Authority as well as let its opinions be known.
2. Within eight weeks, the competent Authority will issue the Participation Council with a written response to these proposals, stating its reasons.
3. Before this response is provided, the competent Authority will offer the Participation Council, at least once, the opportunity to hold consultations with them on the proposals of the Participation Council.
4. The competent authority conducts the discussion and consultation referred to in the first paragraph with each section separately if desired by two thirds of the members of the Participation Council and the majority of each section.

### **Article 17    General tasks of the Participation Council**

1. To the best of its capacities the Participation Council will stimulate openness and mutual consultations within the school.
2. The Participation Council furthermore guards, in general, within the school, against discrimination for whichever reason, and enhances equal opportunities in equal situations, and especially the equal treatment of men and women, as well as the employment of the physically challenged and immigrant employees.
3. The Participation Council provides all those concerned in the school with a written report on its activities, and enables the sections to hold consultations with it on matters that specifically involve the respective section.

### **Article 18    Provision of information**

1. The Participation Council receives all information from the competent Authority, whether asked or unasked which, in all fairness, needs to carry out its tasks, in good time.
2. The Participation Council at least receives:
  - a. annually the budget and the corresponding policy plans in the financial, organisational and educational fields;
  - b. annually before 1 May information on the calculation that forms the basis for the means that the National Treasury allocates to the competent Authority;
  - c. annually before 1 July an annual report as intended in Article 171 of the Primary Education Act;
  - d. the points of departure that the competent Authority use for the execution of its authorities;
  - e. immediate information on each verdict of the complaints commission, as intended in Article 14 of the Primary Education Act, at which the commission has judged a complaint to be valid,

as well as on the possible measures that the competent Authority will take as a result of that verdict, such with due regard for the privacy of the staff, parents, and pupils;

- f. at the beginning of the school year the written data with regard to the constitution of the competent Authority, the organisation within the relevant part of the school, the management Charter, and the main points of the policy already established.
3. If the competent Authority submit a proposal for advice or approval to a section of the Participation Council, that proposal is presented for information to the other section of the Participation Council at the same time. In that, the competent Authority provide the grounds for the proposal, as well as the consequences that the implementation of the proposal is expected to have for the staff, parents, and pupils, and of the measures taken as a result of that.

#### **Article 19 Annual report**

1. The Participation Council annually prepares a report on its activities during the past year and informs all those involved.
2. The Participation Council shall see to it that the report for the benefit of interested parties will be available for inspection at a generally accessible place in the school.

#### **Article 20 Public nature and confidentiality**

1. The meeting of the Participation Council is public, unless individual persons are discussed or the nature of a matter to be dealt with opposes this, such to the judgement of one third of the members.
2. If during a meeting or a part thereof a personal interest of one of the members of the Participation Council is involved, the Participation Council can decide that the respective member does not attend that meeting or that part of the meeting. The Participation Council will then decide at the same time that the consideration of the respective matter will take place during a closed meeting.
3. The members of the Participation Council are obliged to observe confidentiality on all issues that they are introduced to in their capacity, with regard to which the competent Authority or the Participation Council have imposed confidentiality on, or of which they, in connection with the sworn confidentiality, must understand the confidential nature. The intention to impose confidentiality will be notified as much as possible before the consideration of the respective issue.
4. The person who implies the confidentiality as intended in the third Section of this Article, also informs which data provided in writing or verbally fall under the confidentiality and for how long this should last, as well as whether there are persons towards whom the confidentiality does not have to be complied with.
5. The obligation to confidentiality does not lapse by annulment of the membership of the Council nor by annulment of the ties that the respective person had with the school.

### ***Chapter 5 Special authorities of the Participation Council***

#### **Article 21 Positioning of the Participation Council and relationship with the Joint Participation Council**

1. When there are matters of common concern for all schools or for the majority of schools, the Joint Participation Council acts in the place of the Participation Council of those schools. The first sentence applies mutatis mutandis to the various sections of the Joint Participation Council if the competences concern a section of the Participation Council.

2. If the Joint Participation Council acts in place of the Participation Council of the individual schools in accordance with the preceding Section, the participation council of an individual school is not entitled to its own advisory or approval authority as intended in these Regulations and the Act. However, the Participation Council can make its views known in advance to the Joint Participation Council.

#### **Article 22 Approval authority of the Participation Council**

Insofar as a matter is concerned that exclusively relates to the school, the competent Authority require the prior consent of the Participation Council for the decisions intended by it with regard to:

- a. modification of educational objectives of the school;
- b. assessment or modification of the school plan or the learning plan and the care plan;
- c. assessment or modification of school regulations;
- d. assessment or modification of the policy with regard to carrying out supporting activities by parents for the benefit of the school and the education;
- e. establishment or modification of Regulations in the field of the safety, health, and welfare policy, insofar as those do not relate to the competences of the staff section;
- f. the acceptance of material contributions or financial contributions other than the parents' contribution as intended in Article 27, Section C of these Regulations and not based on the educational legislation. If the competent Authority take on obligations in that respect with which the pupils will be confronted during school hours or education respectively, and during the activities that are organised under responsibility of the competent Authority, as well as staying at school during the lunch break;
- g. the assessment or modification of the elaboration of the complaints regulations that apply for the school.
- h. transfer of a school or a part thereof, respectively a merger of the school with another school, or the establishment or modification of the policy in this respect, including the merger impact report, as referred to in Article 64b of the Primary Education Act;
- i. the separation of a branch, or part of the school or branch that is situated at a location other than the location of that school or branch by and turning it into an independent entity virtue of Article 84a of the Primary Education Act.

#### **Article 23 Advisory authority of the Participation Council**

Insofar as a matter is concerned that exclusively relates to the school, the Participation Council will be given the opportunity to issue advice in advance about decisions intended by the competent Authority with regard to:

- a. assessment or modification of the outlines of the long-term financial policy for the school, including the intended purpose of the resources that have been allocated by the competent Authority for the benefit of the school from the public funds, or that have been received from others, with the exception of the parents' voluntary contribution as referred to in Article 27, sub section c, of this regulations;
- b. termination, significant reduction, not being a separation, resulting in an independent entity pursuant to Article 84a(1) of the Primary Education Act, or extension of the activities of the school or a major part thereof, or establishment or modification of the policy with respect to commencing, discontinuing or significantly modifying an enduring collaboration with another institution, or the establishment or modification of the respective policy;

- c. commencing, discontinuing or significantly modifying an enduring collaboration with another institution on behalf of the majority of the schools, or the establishment or modification of the respective policy;
- d. participation or discontinuation of participation in an educational project or experiment, or the assessment or modification of the respective policy;
- e. establishing or modifying the policy with regard to the organisation of the school;
- f. establishing or modifying a regulation in the field of the appointment or dismissal policy insofar as that establishment or modification is related to the principles of the relevant part of the school or the modification thereof;
- g. appointment or dismissal of the school management;
- h. assessment or modification of the specific task division within the school management;
- i. assessment or modification of the policy with regard to admittance and removal of pupils;
- j. assessment or modification of the policy with regard to the admittance of pupils that are trained elsewhere for an educational position;
- k. regulation of holidays;
- l. new development or major renovation of the school;
- m. assessment or modification of the policy with regard to the maintenance of the school;
- n. assessment or modification of the way in which the facility, referred to in Article 45(2) of the Primary Education Act) (school lunchtime care) is organised.
- o. adoption or amendment of the school support profile, as referred to in Article 1 of the Primary Education Act (Wet op het primair onderwijs).

#### **Article 24 Approval authority of the staff section**

Insofar as a matter is concerned that exclusively relates to the school, the competent Authority require the prior consent of that part of the Participation Council chosen by the staff for each decision to be taken by the competent Authority with regard to:

- a. regulation of the consequences for the staff of a decision on a matter as intended in Article 23, Sections b., c. and d. of these Regulations;
- b. assessment or modification of the composition of the staffing;
- c. establishment or modification of Regulations with regard to continuing education of the staff;
- d. establishment or modification of possible work regulations for the staff, as well as of the organisation and implementation of the staff and management meeting, insofar as the decision has a general validity for all or a complete category of staff members;
- e. assessment or modification of the task division or the task load among the staff, not including the school management;
- f. assessment or modification of the policy with regard to transferring the financing.
- g. the appointment of the prevention officer and his/her role in the school.

#### **Article 25 Approval authority of the parent section**

Insofar as a matter is concerned that exclusively relates to the school, the competent Authority require the prior consent of that part of the Participation Council chosen by the parents for the decisions intended by it with regard to:

- a. regulation of the consequences for the parents and pupils of a decision with regard to a matter as intended for this in Article 23, Sections b., c. and d. of these Regulations;
- b. changing the principles of the school or transforming the school or a part thereof, or the establishment or modification of the respective policy;

- c. the assessment or modification of the level and assessment or modification of the allocation of the resources that are requested from the parents or the pupils without a legal obligation in that regard, or that have been received respectively on the basis of an agreement entered into by the parents (parents' voluntary contribution as referred to in Article 13, Section C, of the Primary Education Act);
- d. assessment or modification of the policy with regard to facilities for the benefit of pupils;
- e. assessment or modification of a possible parents' Charter or pupils' Charter;
- f. the way in which after-school care is organised;
- g. the assessment of the school guide;
- h. assessment of the education time;
- i. establishment or modification of a regulation on the processing and the protection of personal data of parents and pupils;
- j. assessment or modification of the policy with regard to the activities that are organised outside the regularly applicable education hours under responsibility of the competent Authority;
- k. assessment or modification of the policy with regard to the exchanging of information between the competent Authority and parents.

**Article 26      Applicability of extraordinary authorities**

1. The authorities based on the Articles 22 to 25 do not apply insofar as:
  - a. The respective issue has already been arranged with regard to its contents by means of a regulation or by virtue of the Act;
  - b. It concerns an issue as intended in Article 38 of the Primary Education Act, insofar as the respective consultations do not decide to leave the issue for the consideration of the staff section of the Participation Council;
  - c. the respective issue belongs within the competence of the Joint Participation Council in accordance with Article 21.
2. The competences of that part of the Participation Council that was chosen from and by the staff do not apply insofar as the respective issue has already been arranged with regard to its contents for the part of the school by virtue of the Act or of a collective labour agreement.

**Article 27      Terms**

1. The competent Authority provides the Participation Council or the section of the Participation Council concerned a period of 8 weeks within which a written standpoint must be issued on the intended decisions with regard to an issue as intended in the Articles 22 to 25 of these Regulations.
2. The term as intended in Section 1 can be extended by the competent Authority on a case-by-case basis, upon a motivated request from the Participation Council or the section of the Participation Council concerned.
3. The competent Authority will immediately notify in writing whether the term will be extended or not, and if necessary for which term the extension applies.

**Chapter 6      Organisation and mode of operation of the Participation Council**

**Article 28      Election of chairperson and secretary**

1. The Participation Council elects a chairperson, an acting chairperson, and a secretary from within its midst.
2. The chairperson, or in his absence the acting chairperson, legally represents the Participation Council.



3. The position of acting chairperson and secretary can be combined in one person, if desired.

**Article 29 Exclusion of members of the Participation Council**

1. The members of the Participation Council will comply with the obligations resulting from the membership.
2. The Participation Council can come to the opinion that a member of the Participation Council has not complied with the obligations as intended in Section 1, if the respective member:
  - a. is either grossly negligent in complying with the provisions of the Act and the participation regulations of the Participation Council;
  - b. or violates the obligation to confidentiality on data of which he knows the confidential nature or should in all fairness assume this;
  - c. or constitutes a serious impediment for the functioning of the Participation Council.
3. In the case of a judgement as intended in Section 2, the Participation Council can decide with a majority of at least two thirds of the members to point out the obligations to the respective member or to request the respective member to step down as member of the Participation Council.
4. In case of a judgement as intended in Section 2, the section from which and by which the respective member was elected can decide with a majority of at least two thirds, to exclude the member of the Participation Council from the activities of the Participation Council for the duration, at most, of three months.
5. In the event of the judgement as intended in Section 2 and in case of an intention as intended in Section 3, the Participation Council consults the section from which and by which the respective member was elected as far as possible, taking the confidentiality of data into account.
6. A judgement as intended in Section 2 is made known to the respective member, in writing.
7. A decision as intended in Section 3 and 4 cannot be taken before the respective member has been offered the opportunity to be informed, in writing, of the complaints made against him, and has also been offered the opportunity to defend himself or against those at which he or she can be counselled by a legal advisor if desired.

**Article 30 Filing of agenda items by staff and parents**

1. The staff, the parents, and the pupils of the schools can request the secretary, in writing, to place a subject or proposal for discussion on the agenda of a meeting of the Participation Council.
2. The secretary holds consultations with the chairman and informs the applicant whether the subject or proposal will be placed on the agenda for discussion or not, as well as when the meeting will take place.
3. Within one week after the meeting has taken place, the secretary will inform those persons that have filed a request as intended in Section 1 of this Article, in writing, regarding the result of the consultations on that subject or proposal by the Participation Council.

**Article 31 Consulting staff and parents**

1. The Participation Council or a section of that Participation Council can decide, before taking a decision with regard to a proposal of the competent Authority on the issues as intended in Articles 21 to 25 of these Regulations, to consult the staff and the parents or the separate sections regarding that proposal.

2. At the request of a third of the staff or 10% of the parents of the school, the Participation Council or a section of that Participation Council will, before taking a decision, consult the staff and/or the parents of the school on a proposal as intended in Section 1.

#### **Article 32 Rules of procedure**

1. The Participation Council establishes rules of procedure with due regard of the provisions of the participation regulations of the Participation Council and the Act.
2. In the rules of procedure at least the following are laid down:
  - a. the task description of the Chairperson and Secretary;
  - b. the way in which meetings are convened;
  - c. the way in which the agenda is formulated;
  - d. the manner of decision making;
  - e. the quorum needed in order to convene;
  - f. the means of reporting;
  - g. the retirement schedule.
3. The Participation Council sends a copy of the Rules of Procedure to the competent Authority.

#### **Chapter 7 Regulation concerning (other) disputes**

##### **Article 33 Association with disputes committee**

The school is affiliated with the Landelijke Commissie voor Geschillen WMS (National Disputes Committee; LCG WMS), P.O. Box 85191, 3508 AD Utrecht info@onderwijsgeschillen.nl www.onderwijsgeschillen.nl.

##### **Article 34 Arbitration of disputes; other disputes**

At the request of the competent Authority or the Participation Council or a section of the Participation Council, the LCG WMS arbitrates, as referred to in Article 36 of these Regulations, in accordance with the regulations of the LCG WMS, disputes between the competent Authority and the Participation Council or the section, concerning the participation as referred to in the Education Participation Act and for which the law does not provide for the arbitration of disputes. The committee's decision is binding.

#### **Chapter 8 Acting on behalf of the competent Authority**

##### **Article 35 Consultation on behalf of the competent Authority**

1. The Principal of the school conducts the consultations with the Participation Council provided for in these Regulations on behalf of the competent Authority.
2. At the request of the Participation Council or at the request of the staff member, as referred to in Section 1, the competent Authority can decide to relieve that staff member of his obligation to hold consultations on behalf of the competent Authority. In that case the competent Authority immediately ensures the replacement of the staff member.
3. In special situations and at the request of the Participation Council, the competent Authority will hold consultations with the Participation Council.

## **Chapter 9    Other stipulations**

### **Article 36        Facilities and costs of Participation Council**

1. The competent Authority allows the Participation Council the use of the facilities which it has at its disposal and that the Participation Council, in all fairness, needs to carry out its duties.
2. The costs that are reasonably necessary for the fulfilment of the tasks of the Participation Council, including training costs, are for the account of the competent Authority.
3. The costs that are reasonably necessary for consulting an expert and conducting of legal proceedings by the Participation Council are only for the account of the competent Authority if the competent Authority has been informed in advance of the costs to be incurred.
4. The competent Authority determines the costs in consultation with the Participation Council that the Participation Council will incur in any year and which the Participation Council can spend at its own discretion. Costs that exceed this amount are only for the account of the competent Authority insofar as the competent Authority agrees to bear these.
5. The substantiation of the facilities in time for staff, any payment to parents and the costs for administrative support are recorded in the participation Charter.
6. The facilities of the members of the Participation Council, as intended in the Act, have been further elaborated in the participation Charter by the competent Authority.

### **Article 37        Legal protection**

The competent Authority shall see to it that the persons who are listed or have been included on a list of nominated persons as intended in Article 9 of these Regulations, as well as the members and the former members of the Participation Council, will not be aggrieved in their position with regard to the school as a result of that.

### **Article 38        Modification of Regulations**

The competent Authority will present each modification of these Regulations as a proposal to the Participation Council and will only establish the modified Regulations insofar as the proposal, possibly modified upon consultation, has been approved by at least two thirds of the members of the MR.

### **Article 39        Citing Title; commencement**

1. These Regulations can be cited as: Regulations of the Participation Council [ ]
2. These Regulations become effective as of 28 March 2018

\*\*\*