

Regulations for the Participation Council of [the Secondary School of the International School of The Hague /or: European School The Hague / or: Rijnlands Lyceum Oegstgeest]

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:** [The Secondary School of The International School of the Hague / or: The Secondary School of The European School the Hague / Rijnlands Lyceum Oegstgeest], a school as intended in the Wet op het voortgezet onderwijs (Secondary Education Act);
- f. **Students:** students in the meaning of the Secondary Education Act and enrolled at Secondary school of the International School of The Hague/ the European School The Hague / Rijnlands Lyceum Oegstgeest;
- g. **Parents:** the parents or guardians of the pupils;
- h. **School management:** the principal and deputy principals as defined in Article 32 of the Secondary 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, Section 3, of the Act.
- k. **Year:** a set school year;
- l. **Joint Participation Council:** the Joint Participation Council of the Stichting 'Het Rijnlands Lyceum' on behalf of the schools for secondary education and to be distinguished from the Joint Participation Council on behalf of the schools for primary education

Chapter 2 The Participation Council

Article 2 Participation Council

A Participation Council is associated with the school. This Council is elected directly by and from the parents, students and the staff in accordance with the provisions of these Regulations.

Article 3 Scope and composition of the Participation Council

1. The Participation Council consists of 8 or 12 members, to be decided on by the participation council, of whom:
 - a. 4 or 6 members are elected by the staff; and

- b. 2 or 3 members are elected by the parents; and
 - c. 2 or 3 members are elected by the students.
2. If the stipulations in Section 1 sub b and c cannot be complied with because insufficient parents and/or students are prepared to become a member, the position for a section that was not able to find an eligible member can be assigned to the other group for the duration of the term.

Article 4 Incompatibilities

1. People that are part of the competent authority or the school management cannot be a member of 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 students 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 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 interim retirement, the membership of the Participation Council ends:
 - a. upon his or her death;
 - b. upon cancellation by the member;
 - c. as soon as a member is no longer part of the section from which and by which he/she was elected.
 - d. when a member is under legal restraint;
 - e. as soon as one of the circumstances as stated in Article 4 occurs.

Chapter 3 The Election

Article 6 Organisation of elections

1. 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.
2. 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 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 by the commencement of the new school year during the first meeting of the new school year.

3. The Participation Council informs the competent authority, the Joint Participation Council, the parents, the students and the staff on the time periods referred to in Section 1.

Article 8 Eligible and Enfranchised Persons

Those who are part of the staff, the Joint Participation Council or are a parent or student of the school 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, the students 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, the staff and/or the students than the number of seats in the Participation Council for the 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 of 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 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, Section 1.
2. The designation takes place within one month of the vacancy arising. The Participation Council informs the competent authority, the sections and the respective candidate on this appointment. The successor joins the Participation Council in the next consultative meeting.
3. If no more candidates are nominated from the parents, students 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 authority of the Participation Council

Article 15 Consultation with the competent authority

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 Section 1 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 the 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 3 months, 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.
4. The Participation Council makes the written report of its activities available to the competent authority and the Joint Participation Council.

Article 18 Provision of information

1. The Participation Council receives all information from the competent authority, whether asked or not 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 103(1) of the Secondary Education Act;

- d. the strategic vision that the competent authority uses as guiding principles for the execution of its authority;
 - e. immediate information on each verdict of the complaints commission, as intended in Article 24b of the Secondary Education Act, in 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 students;
 - f. annually after the end of the school year, but no later than the following 1 October, information about the actual number of hours of an education programme provided by the school, as referred to in Article 6g of the Secondary Education Act. (Wet op het voortgezet onderwijs).
3. If the competent authority submits a proposal for advice or approval to a section of the Participation Council, that proposal is presented for information to the other sections of the Participation Council at the same time. The competent authority also provides 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 meetings 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 has 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 Section 3 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 requires the prior consent of the Participation Council for the decisions intended by it with regard to:

- a. modification of the educational objectives of the school;
- b. establishment or modification of the school plan or the curriculum or the education and examination regulations, and the educational support and special needs plan;
- c. establishment or modification of school regulations;
- d. establishment 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 25, 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 establishment 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 of the Secondary Education Act; .
- i. adoption or amendment of the information, referred to in Article 17 of the Secondary Education Organisation of Teaching Decree (Inrichtingsbesluit W.V.O.) and Article 6g(4) of the Secondary Education Act (Wet op het voortgezet onderwijs).

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. establishment or modification of the timetable (hours allocated to the subjects)
- b. establishment 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 25, Section 2c, of these regulations.

- c. discontinuation, substantial reduction or expansion of the activities of the school or of an important part thereof, or the establishment or modification of the respective policy;
- d. commencing, discontinuing or importantly modifying an enduring collaboration with another institution, or the establishment or modification of the respective policy;
- e. participation or discontinuation of participation in an educational project or experiment, or the establishment or modification of the respective policy;
- f. establishing or modifying the policy with regard to the organisation of the school;
- g. 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 school or the modification thereof;
- h. appointment or dismissal of the school management;
- i. establishment or modification of the specific task division within the school management;
- j. establishment or modification of the policy with regard to admittance and removal of students;
- k. establishment or modification of the policy with regard to the admittance of students that are trained elsewhere for an educational position;
- l. regulation of holidays;
- m. new development or major renovation of the school;
- n. establishment or modification of the policy with regard to the maintenance of the school building;
- o. adoption or amendment of the school support profile, as referred to in Article 1 of the Secondary Education Act (Wet op het voortgezet onderwijs).

Article 24 Approval authority of the staff section

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

- a. regulation of the consequences for the staff of a decision on a matter as intended in Article 25, Sections c., d and e. of these Regulations;
- b. establishment or modification of staff composition;
- c. establishment or modification of Regulations with regard to continued professional development of 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. establishment or modification of the distribution of tasks or task hours among the staff, not including the school management;
- f. establishment or modification of the policy with regard to the transfer of government subsidies.
- g. establishment or modification of the Regulations as intended in Article 28 of the Act, insofar as they are related to the staff.
- h. adoption or amendment of the way in which the days, as referred to in Article 22i of these regulations, are interpreted and,
- i. the appointment of the prevention officer and his/her role in the school¹

¹ On the basis of article 13 sub 1 of the Employment conditions law.

Article 25 Approval authority of the parent and student section

1. The competent authority requires the prior approval of that section of the Participation Council that was elected from the parents and students for the decisions they intend concerning the school with regard to:
 - a. the establishment of the school guide;
 - b. establishment 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;
2. The competent authority also requires the prior approval from the section of the Participation Council that was elected from and by the parents for each decision that the competent authority takes with regard to the following matters:
 - a. regulation of the consequences for the parents of a decision with regard to a matter as intended for this in Article 23, Sections c., d. and e.;
 - 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 establishment or modification of the level and establishment or modification of the allocation of the resources that are requested from the parents or the students 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 14, Section 2c, of the Secondary Education Act – not applicable to IGVO education);
 - d. the establishment or modification of the policy with regard to keeping manageable the financial means requested from the parents or the students for school costs, with the exception of learning materials as meant in Article 6e subsection 2 of the Secondary Education Act (Wet op het voortgezet onderwijs), which are deemed necessary by the competent authority;
 - e. establishment or modification of a possible parents' statute;
 - f. establishment or modification of a regulation on the processing and the protection of personal data of parents;
 - g. establishment or modification of the policy with regard to the exchanging of information between the competent authority and parents.
3. The competent authority also require the prior approval from the section of the Participation Council that was elected from and by the students for the decisions the competent authority intends to take concerning the school with regard to the following matters:
 - a. policies concerning the consequences for the students of a decision with regard to a matter as intended in Article 23, Sections c., d. and e.;
 - b. establishing or modifying the students' statute;
 - c. establishment or modification of the policy with regard to facilities for the benefit of students;
 - d. establishment or modification of a regulation on the processing and the protection of personal data of students.
 - e. adoption or amendment of the student participation policy, as referred to in Article 24a(1)(ia) of the Secondary Education Act.
4. Prior to giving its consent with respect to the adoption of the entire school guide, as referred to in the first paragraph, under a, the competent authority requires separate consent from the part of the (Joint) Participation Council that is chosen from and by the parents and the students for the part of the school guide that concerns the annual determination of the total number of hours and the type of activities that are programmed as teaching hours as

referred to in Article 6g(1) of the Secondary Education Act, as well as the part with respect to the policy concerning the cancellation of lessons as referred to in Article 24a(1c1) of the Secondary Education Act (Wet op het voortgezet onderwijs).

Article 26 Applicability of extraordinary authorities

1. The authorities based on the Articles 21 to 25 do not apply insofar as:
 - a. the respective issue has already been arranged for the school with regard to its contents by means of a regulation by or by virtue of the Act;
 - b. it concerns an issue as intended in Article 40a of the Secondary 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 jurisdiction 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 by means 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 21 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.

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;
 - 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, parents and students

1. The staff, the parents, and the students 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, parents and students

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

Article 32 Rules of procedure

1. With due regard to the provisions of the participation regulations and the Act, the Participation Council establishes Rules of Procedure.
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 and the Joint Participation Council.

Chapter 7 Regulation concerning disputes

Article 33 Association with disputes committee

The competent authority is associated with the national disputes committee, which is part of the foundation 'Stichting Onderwijsgeschillen' in Utrecht. (info@onderwijsgeschillen.nl)

Artikel 34 Geschillenregeling overige geschillen

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 Staff member holds consultations

1. Based on the mandate as established in the management statute, the Principal, or his deputy, not being a deputy head, holds consultations with the Participation Council, as intended 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 Executive Board will hold consultations with the Participation Council.

Chapter 9 Other stipulations

Article 36 Facilities

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 organisation of facilities in time for staff, any holiday payment to parents and the costs for administrative support are recorded in the Participation Charter.

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 26 March 2018