



Summary June 2020 bill on home education in the Netherlands

June 2nd, 2020 the Dutch government put forward a bill that would make it harder for parents to home educate their children. Until July 16th, 2020 citizens and non-citizens can respond to the proposal through an internet consultation. Based on this internet consultation, the bill may be amended or even discarded.

The Dutch home education association (Nederlandse Vereniging voor Thuisonderwijs, or NVvTO) has written a summary of the implications in case this law would be accepted by Dutch parliament as-is. This is a translation of that summary. The original can be found at <https://www.thuisonderwijs.nl/wetsvoorstel2020/toelichting/>.

If you have any questions, feel free to send us an e-mail at info@thuisonderwijs.nl

The first part is a brief overview of the law that is currently on the books. The second part is the summary of the new bill.

Summary of the current law

In principle, every child that resides in The Netherlands is subject to compulsory school attendance from their fifth birthday on. This means that s/he must:

1. be enrolled at a government approved school;
2. attend this school whenever it is open, barring certain circumstances such as illness.

The legality of voluntary home education is mostly based on article 5, clause b, of the Compulsory Education Law, which exempts parents from registering their child at a school if they object to the orientation (richting) of the education given by all schools located within a reasonable distance from their home (from around 6 km for primary schools to around 20 km for secondary schools, depending on the child's age). Court precedents have made clear that richting stands for the religious or life-philosophical orientation on which the school has been founded. Parents may object to public schools as well as other schools with a neutral orientation. These schools mostly entertain the secular norms and values of the majority of the Dutch population. However, expressing objections against educational methods or the legal set-up of schools does not qualify for exemption.

A child's special needs or the fact that he is unhappy or bullied in school does not easily qualify the child for exemption from compulsory school enrollment. In those cases, the municipality officials will at first point you to another regular school or towards one of the different special needs schools in the region. Only if an expert declares the child unfit to be

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admitted by any school at all, he/she qualifies for an exemption based on article 5 sub a of the Compulsory Education Law. The child's condition then has to be assessed by a medical doctor, a psychologist or a child educational specialist, assigned by the municipality to do this job. It may make a difference in the assessment if the assigned expert knows about the effectiveness of home education found by researchers.

For a more elaborate explanation of the Dutch home education laws please refer to:
<https://www.thuisonderwijs.nl/english/dutch-education-law/>

Effects of the new bill

Exemption

The parent who is responsible for the home education sends the school-enrollment-exemption-request to the municipality.

Exemption will only be granted if the parent receives 1) a 'statement of no objection' from the school inspections office and 2) can show evidence that her Dutch language skills are at least at B2- or 3F level (approximately college entry level).

To receive a 'statement of no objection' from the school inspections office, you have to request the exemption at least 30 weeks before the child reaches the age of 5.

In the request for a statement of no objection the parent has to produce an education plan for the child and the following details: BSN number, name, date of birth, address, city, zip code of both the child and the parent.

After sending in your request, the school inspections office will grant you an 'objection' or 'no-objection'.

When a statement of 'no objection' is given, the parent sends in the school-enrollment-exemption request to the municipality along with the evidence you have the required Dutch language skills.

Then follows a compulsory conversation with the Compulsory Education Officer ('leerplichtambtenaar or LPA') with the parent and the child. At the request of either one of the parties, other people can be present during this conversation.

If the parent refuses the compulsory conversation, you will not be granted exemption and your child needs to attend school.

The exemption should be granted after the conversation with the Compulsory Education Officer ('leerplichtambtenaar or LPA').

If the child is under the care of Dutch child protective services ("Veilig thuis"), the child automatically is not eligible for the school-enrollment-exemption.

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In the calendar year your child reaches the age of 12 you and your child are required to have a second conversation with the Compulsory Education Officer.

The school-enrollment-exemption voids immediately in case the school inspections office declares the education quality not satisfactory or if the school inspections office has not been able to establish the quality of the education provided. The school inspections office will notify both the parent and the municipality.

The school-enrollment-exemption also voids if the child comes under the care of Dutch child protective services.

Education requirements

The person who's sent the school-enrollment-exemption request is responsible for the child's education. The child has to be educated predominantly at the location where the responsible parent resides.

The parent has to write an education plan.

The education plan has to fulfill the requirements (see 'requirements education plan' below) and forms the basis of the child's education.

The responsible parent makes sure the child is educated sufficiently and that education takes place evenly spread over the year.

Education demonstrably takes place in a socially, psychologically and physically safe learning environment that attributes to reaching the educational goals as stated in the education plan.

Education is given with the use of educational materials which sufficiently contribute to the educational goals.

The child has to take a test at the age of 6 and the age of 9.

During primary education it is compulsory to use an education-tracking-system that shows the level of knowledge and skills the child has acquired in mathematics and Dutch language. The education-tracking-system includes tests (at 6 and 9 years old) which measure the child's knowledge and skills on the subjects of Dutch language and mathematics. The responsible parents have to incorporate the reference levels as required by law (see 'requirements education plan' below).

The child will take a central exam during a full week between April 15th and May 15th. This test includes knowledge and skills on the subjects of Dutch language and math and, if the responsible parents chooses, also the 'knowledge subjects' (see below).

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In case the child is prevented from attending the test, the test will be taken at a later moment. Unless this is not possible due to medical reasons.

For children with learning disabilities, children with a combination of physical and mental disabilities and children who have been residing in the Netherlands for less than 4 years (because of this don't master the Dutch language), can be exempted from taking the test.

For children of secondary school age, the education provided should prepare them for appropriate tertiary education that will prepare them for a job market qualification ("starkwalificatie").

Requirements for the parent responsible for the child's education

The parent is demonstrably pedagogically and didactically able ("bekwaam").

As long as the child receives home education, the parents maintain this ability. The way this ability is used depends on the needs of the child.

The parent has to demonstrate a college entry Dutch language skill level ("so-called b2 or 3f level").

Education supervision

The school inspections office supervises the quality of education. Annually they check the education plan and they pay a visit the first year and subsequently at least once every 4th year.

The school inspections office always has to be able to establish the quality of the education and the parent always needs to cooperate with the supervision. The parent needs to track the student's progression. For primary education, the use of an education-tracking-system is compulsory for the subjects Dutch language and math.

The inspections office will notify the parent in case they deem the quality of education below their standards or in case they haven't been able to establish the quality level of education. In both cases the school-enrollment-exemption voids.

The responsible parent will have to submit an education plan annually before the first of May.

The inspections office investigates whether the education plan conforms to the regulations and whether the actual education is given according to the submitted education plan.

During the first year of home education, the inspections office visits the location where the education takes place to investigate whether the education is given as written in the submitted education plan. In case you educate in your own home, the inspections office asks for permission to enter your home.

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If the parent does not give the inspections office permission to enter your home, the inspections office cannot establish the quality of education, which results in voidance of the enrollment-exemption.

The inspections office visits the education location again at least once every four years to investigate whether the education is given as written in the submitted education plan. In case you educate in your own home, the inspections office asks for permission to enter your home.

Again, if the parent does not give the inspections office permission to enter her home, the inspections office cannot establish the quality of education, which results in voidance of the enrollment-exemption.

The minister of education establishes instruction for the inspections officers. The instruction will include a guide on how to execute their tasks.

In case the inspections officer suspects shortcomings in regulatory compliance, they will start a follow-up investigation. This will include an investigation of the cause of the shortcomings. If deemed necessary, the inspections officer will again visit the education location.

The inspections office will notify the parent at least 4 weeks in advance of the date and the goal of the follow-up investigation.

In case the inspections office deems it necessary, they can start a follow-up investigation without notifying the parent.

The inspections office can consult independent experts for their investigation. They can do this for the investigation of the education plan, the visits to the education location and for follow-up investigations.

The inspections office will notify the parent in case they complied sufficiently with the regulations.

In case the inspections office deems the quality of education to fall short, they will notify both the parent and the municipality.

In that case the school-enrollment exemption voids.

The inspections office writes down their findings in a report. The inspections office will send the parent the draft report and give the parent the opportunity for a conversation in which the parent can tell her perspective. If the conversation doesn't result in a consensus, the perspective of the parent will be added in an appendix to the report. The parent will always receive the report.

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The report will not be made public.

Miscellaneous

The municipality and the inspections office are allowed to exchange data in case shortcomings have been ascertained. These data can solely be used for the purpose of supervision and will be deleted as soon as the data are not necessary anymore.

In case any of the personal details of the parent or the child change (BSN number, name, date of birth, address, city, zip code), then the parent has to notify the inspections office.

To the education given by the parent, articles 4 and 6 of the Dutch law on education supervision ('Wet van Onderwijstoezicht') apply:

- Article 4 states that the inspections office has to consider freedom of education in executing their task. Parents will not be burdened unreasonably for the necessary supervision. The intensity of the supervision depends on the level of quality of education, how professionalism is warranted within the institution and the level of compliance with the regulations. Task execution of the inspection's office is partially aimed at informing the stakeholders about the development, in particular about the level of quality, of the education.
- Article 6 is an elaborate article on confidential counselors within the inspection's office. These are available for the parent and the child.

In case the child already has an enrollment exemption based on article 5b of the Dutch mandatory education law ('leerplichtwet'), he has to comply with the new law from the first of August a year after the new law has taken effect.

Example: In case the new law would come into force on the first of January 2022, then parents have to comply on the first of August 2023. Would the new law come into force the first of October 2022, then compliance is required per first of August 2024.

Requirements of the education plan primary education

The education plan has to be based on the following points.

- Education is set up such that the student can finish school in 8 consecutive years.
- Education aims holistically include emotional and mental development and the development of creativity and necessary knowledge of social, cultural and bodily skills.
- It is assumed that students grow up in a pluriform society, which encourages active citizenship and social integration and also aims to provide students with knowledge on different backgrounds and cultures of people in their age group.
- Education provides, where possible, incoherence:
 - o Sensory and bodily practices;
 - o Dutch language;
 - o Math and arithmetic;
 - o English language;

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- o Some knowledge areas (at least geography, history, nature, among which biology, societal relationships, among which civics, philosophical orientation)
- o Expression activities;
- o Advancement of social skills, along which behavior in traffic;
- o Advancement of healthy behavior;
- o Optionally French or German language.
- The parent uses core goals (educational goals set by law, 'kerndoelen') that apply to primary education. Core goals give a description of knowledge, insight and skills.
 - o In case the parent has pressing objections against the set core goals, the parent can set his own goals, albeit from the same level. The parent has to send these core goals to the inspection's office.
- For Dutch language, arithmetic and math the reference levels from the law on reference levels Dutch language and math apply ('Wet referentieniveaus Nederlandse taal en rekenen').
- Education is given in the Dutch language. A living local language in the Netherlands can also be used. For students with a non-Dutch background, it is allowed in exceptional cases to speak the first language of the student. Part of the education may be given in English, German or French.
- The education plan has to include a method for quality assurance. In particular:
 - o One has to make sure the student can enjoy an uninterrupted development process. Education is adapted to the progression and development of the child and with the use of an education-tracking-system.
 - o One establishes which measures are necessary for improvement.

Requirements of the education plan secondary education

The education plan has to be based on the following points.

- One has to make sure the student can enjoy an uninterrupted development process. Education is adapted to the progression and development of the child.
- Classes are taught and exams are taken in the Dutch language, unless a subject is taught in another language. Hence the subject of English language doesn't have to be taught in Dutch.
- Education prepares the child for university, college, or vocational school. The time span of the education (6, 5 or 4 years) depends on that choice.
- Core goals are set. One pays attention to:
 - o Dutch language
 - o English language
 - o History and civics
 - o Geography
 - o Economics
 - o Math
 - o Physics and chemistry
 - o Biology
 - o Care skills
 - o Information technology skills
 - o Science

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- o Physical education
 - o Visual arts, music, drama and dance.
- It is assumed that the students grow up in a pluriform society, which encourages active citizenship and social integration and also aims to provide students with knowledge on different backgrounds and cultures of people in their age group.
- One takes care of the level of quality of education.

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