

**QUESTIONNAIRE IN PREPARATION OF THE SEMINAR ON PARENTAL RIGHTS IN EDUCATION  
FLEMISH COMMUNITY OF BELGIUM**

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How does the law, in light of constitutional principles, regulate the legal relationship between school authorities and parents on the following points in the European member states:

Topic 1 primarily examines how the law regulates the legal relationship between school authorities and parents on school choice and admission?

- Can a school for primary or secondary education ask parents to pay fees?
  - *The Decree on Primary Education stipulates that primary education schools may not ask parents to pay registration fees and contributions for the costs they make with their students to reach the final terms or to pursue the development goals.*  
*Schools also organize many activities which, although not necessary for the goals, make learning more engaging and enjoyable for children. To limit the cost of those activities, primary schools work with a double maximum invoice.*
    - *The sharp maximum invoice includes activities such as drama, sports activities, one-day visits... Also the materials that are necessary according to the school (e.g. school magazine subscription) are including. The sharp maximum invoice has different base amounts, depending on the age and the education level of the child (pre-school or primary education).*
    - *The less sharp maximum invoice includes the outdoor activities: excursions for one or more classes (partly) during school hours. For example sea classes, rural classes... The less sharp maximum invoice is 0 euro for a toddler, and for a child in primary education the basic amount is 360 euro for the entire duration of primary education.*
  - *In Secondary Education the law defends the principle of 'freedom of charge' by banning any direct or indirect registration fee in the Community-funded or subsidized schools for full-time or part-time education. In secondary education, there is no absolute 'freedom of charge'. For certain educational activities and for didactic material may be passed certain costs to parents and adult learners. The list of the contributions that can be asked to parents and adult learners as well as the rules on derogations from this contribution scheme, must to be laid down by the school board after consultation with the school council. The contribution scheme is a compulsory part of the school regulations.*
- Can a school refuse parents to register their child? On what grounds?
  - *The 'decree on equal educational chances' guarantees the right to register of all children in primary and secondary education. There are two conditions:*
    - *The child must meet the admission requirements. E.g. the entry age for basic education, the enrollment report for the special education and succeeding in the underlying year for secondary education.*
    - *Parents should agree with the pedagogical project and the school regulations.*
  - *A school can only in a few cases refuse the registration of a child:*
    - *The school is 'full', the maximum capacity is reached.*
    - *The child is 'definitely ruled out'. This means that the child was removed from the school through a disciplinary procedure the previous or preceding school year.*

- *Certain secondary schools can refuse in the course of the school year students that were in other schools excluded.*
    - *The child has an enrollment report for special education and specific education, care or therapy is needed. Parents have the choice to enroll their child in mainstream or special education. A school can only refuse if the education requirements that are need to be made by the school go beyond the possibilities that the school has to offer.*
  - *Be aware: from 1 September 2012 there are new rules for the enrollment of children in a school!*
- *Can a child disagree with a parental decision on school choice and be heard to seek governmental review of a parental decision (right of the child to be heard)?*
  - *The law stipulates that children under 18 years are under the parental authority of their parents. That means that the parents are allowed to take all decisions regarding the upbringing of their children under this age. It is according to this law that parents have to decide in which school their minor children are enrolled. Fortunately, most parents involve their children in the school choice! However, if parents and children disagree on this decision, the choice of the parents will be decisive.*
  - *When both parents disagree regarding important decisions regarding the upbringing of their children, they can go to the juvenile court. The youth judge listens to both parents before he takes a decision. The youth court will also listen to the views of the child (= right to be heard) if it is 12 years or older. Younger children may ask to be heard by the Court but the judge is not obliged to do this.*
- *Can denominational schools established by parents be legally enforced to teach "alternative worldviews"?*
  - *Freedom of education is a constitutional right in Belgium. Any natural person or legal person may organize education and can therefore set up institutions. The Government should not act prevently against the establishment of free schools. Still according to the Constitution the Government is required to organize neutral education. There are three education networks*
    - *The GO! education of the Flemish community is the education that is organized in order of the Flemish Community. The GO! is by the Constitution committed to neutrality.*
    - *The officially subsidized education includes the municipal education (organized by the local councils) and the provincial education.*
    - *The subsidised free education consists mainly from Catholic schools. There are also Protestant, Jewish, Orthodox, Muslim... schools. There are also schools that are not bound to a religion.*
- *Are parents prevented from homeschooling their children?*
  - *Compulsory education in Belgium is not equal to school duty. Children need not necessarily go to school to learn. Parents can opt for home education and should communicate this to the Flemish Ministry of education and Formation. The Government checks or all school pupils learn effectively. Little parents choose for home education.*

Topic 2 examines how the law regulates the legal relationship between school authorities and parents on the school project?

- *What does the school's duty in loco parentis – to stand in the parent's place – essentially means? Is it interpreted that the rights of parents over their children end at the school door?*
  - *The parents sign the pedagogical project and the school regulations by which they confirm to act confirming the school rules. But parents stay the first educators of their child.*

Topic 3 examines how the law regulates the legal relationship between school authorities and parents on the exercise of fundamental rights within the school?

- What are the limitations on the freedom of expression in school, can pupils express worldviews of parents in schools?
- How is in educational environments the respect for the private life of parents regulated?
  - o *Each teacher has official secrecy. That means he is obliged to discretion but he can report to the Director. The Director decides what happens with the information. If more help is needed, the CLB will be contacted (centre for pupils tutoring). A teacher can never promise to keep information 'secret'. A CLB employee does have professional secrecy. He shares the information only with another professional.*

Topic 4 examines how the law regulates the legal relationship between school authorities and parents on the application of disciplinary measures/ questioning of pupils?

- What rights do parents have in discipline procedures against their child? Is parental notification part of student discipline procedures?
  - o *Parents are involved.*
- Can a child be interrogated by school officials and coerced to give a confession for noncriminal offenses without notification to the pupils and parents that an interrogation is taking place?
  - o *A child can be interrogated by school officials.*

Topic 5 examines how the law regulates the legal relationship between school authorities and parents on curriculum development?

- Can parents choose which religious instruction their child should follow in school? Or do parents only have the authority to give their children advice about religion?
  - o *See above*
- Can parents opt their children out of religious instruction?
- Can parents opt their children out of sex education?
- Do pupils have the right to reproductive health information and services, including abortions, without parental knowledge or consent?

Topic 6 examines how the law regulates the legal relationship between school authorities and parents on the quality of education?

- What legal procedures exist for the parents to submit a complaint for failure in provision of quality education to their child?
  - o *The school board is the first institution to appeal.*
  - o *The Inspectorate is a professional and autonomous functioning organization that monitors and stimulates the education quality within its competence. They evaluate, identify and consult on the basis of research and have attention for essential human and social values. The Government is their sponsor. Educational institutions, students, and parents are the target audience.*
- What is the responsibility of the school towards parents in case of failure to provide quality education?
  - o *The school has to make that children acquire the final terms and developmental goals obliged by the Government. In a 'declaration of commitments' school and parents subscribe mutual engagements in the interest of the children.*

Topic 7 examines how the law regulates the legal relationship between school authorities and parents on the evaluation of educational performances?

- What legal procedures exist for parents to submit a complaint against the evaluation of educational performances of their child?

- *Here the school board is again the institution to appeal. Schools are free to rule their evaluation policy.*