

Administrative rule no. VO/28225728 on international secondary education programmes (Administrative rule IGVO 2021), issued by the Minister for Primary and Secondary Education and Media on 7 June 2021

The Minister for Primary and Secondary Education and Media,

Having considered section 4.81, paragraph 1 of the General Administrative Law Act (*Algemene wet bestuursrecht*) and section 75 of the Secondary Education Act (*Wet op het voortgezet onderwijs*);

Has decided as follows:

CHAPTER 1. GENERAL PROVISIONS

Article 1. Definitions

The following definitions will apply to this administrative rule:

Competent authority: the competent authority as referred to in section 1 of the Act;

Upper years of international secondary education: IB CP or IB DP or both;

International secondary education programmes: IB CP, IB DP, IB MYP or a course leading to the IGCSE;

IB CP: International Baccalaureate Career-Related Programme;

IB DP: International Baccalaureate Diploma Programme;

IB MYP: International Baccalaureate Middle Years Programme;

IGCSE: International General Certificate of Secondary Education;

Student: student as referred to in article 8 of the Secondary Education Act (Funding) Decree 2021;

Minister: Minister for Primary and Secondary Education and Media;

Lower years of international secondary education: IB MYP or a course leading to the IGCSE or both;

School: a publicly-funded school as referred to in section 1 of the Act;

Act: Secondary Education Act.

Article 2. Scope of the administrative rule

1. This administrative rule governs how the Minister may exercise his competence to recognise the eligibility of international secondary education programmes for funding.
2. The following programmes may be eligible for funding: IB MYP with IB CP or IB MYP with IB DP.

CHAPTER 2. APPLICATIONS AND FUNDING

Article 3. Application procedure for a new international secondary education programme.

1. The competent authority of a school that wishes to be eligible for funding of international secondary education programmes should submit an application to the Minister before 1 November of the year preceding the school year to which the application relates.
2. The application should specify in which annexe of the school the competent authority wishes to provide international secondary education programmes, and be accompanied by a prognosis showing that the IB MYP and IB DP or IB MYP and IB CP will be attended by at least 120 students, each satisfying the admission requirements referred to in article 9, paragraph 1, once these programmes are provided in each year/grade.
3. The prognosis relates to the expected number of students:
 - a. in the sixth and tenth school year after the date of the application referred to in paragraph 1 above;
 - b. living at a reasonable distance from the school where the international secondary education programmes will be taught.
4. The prognosis will not include students living at a reasonable distance from another school at which they can attend international secondary education programmes, or to students living outside the territory of the Netherlands.

5. The competent authority will submit a copy of the application referred to in paragraph 1 above and the prognosis referred to in paragraph 3 to the municipal executive of the municipality in which the international secondary education programmes will be provided. On the basis of these documents, the municipal executive can advise the Minister on the need to expand provision of international secondary education programmes in the region.
6. If the competent authority of a school that has been found eligible for funding of international secondary education programmes plans to expand provision of these programmes at this school it will suffice for them to give the Minister written notification of their intention. The competent authority
 - a. will notify the Minister no later than 1 May prior to the start of the school year in which the new international secondary education programmes will start; and
 - b. will specify with which programmes provision will be expanded, the date on which they will start and the annexe of the school at which they will be taught.
7. The application referred to in paragraph 1 and the notification referred to in paragraph 6 should be sent to *het Ministerie van Onderwijs, Cultuur en Wetenschap, directie Voortgezet Onderwijs, Postbus 16375, 2500 BJ Den Haag* (Ministry of Education, Culture and Science, Secondary Education Department, Postbus 16375, 2500 BJ The Hague).

Article 4. Assessment of the application and commencement of funding

1. In assessing the application, the Minister will take the following into consideration:
 - a. that the types of education provided by the school include pre-university education (VWO), as referred to in article 7 of the Act, and senior general secondary education (HAVO), as referred to in article 8 of the Act;
 - b. that it is in accordance with the principle of a balanced, evenly distributed national provision of international secondary education programmes;
 - c. that on the basis of the prognosis referred to in article 3 paragraph 2 and, where applicable, the advice of the municipality concerned, referred to in article 3 paragraph 5, it can reasonably be assumed that, as referred to in article 9 paragraph 1, at least 120 students will be attending the international secondary education programmes within six years.
2. The Minister decides on the application referred to in article 3 by 1 February of the following year.
3. If the international secondary education programmes have been found eligible for funding, the competent authority will inform the minister of the programme or programmes that will start on 1 August of that year. Within two months, the Minister will issue a decision awarding funding to the competent authority of the school.
4. If international secondary education programmes have been found eligible for funding, but if none has started within three years of the date on which funding would have been awarded, eligibility for funding will be withdrawn.

Article 5. Continuous learning trajectory

The competent authority of a school provides international secondary education programmes at both lower and upper level.

Article 6. Funding

1. Each international secondary education programme will be funded by calendar year.
2. To supplement the funding referred to in paragraph 1, the Minister will release additional funding for students referred to in article 9 paragraphs 1 to 5. No additional funding will be released for students referred to in article 9 paragraphs 6 and 7.

Article 7. Withdrawal of funds

1. The Minister may decide to withdraw the funds, wholly or in part, or to suspend funding if the competent authority contravenes the provisions of this administrative rule.
2. The Minister will resume funding if the reason for application of the provisions of paragraph 1 no longer applies.

Article 8. Termination of funding

1. Funding of international secondary education programmes will be terminated if these programmes are provided in all years/grades, but have been attended by fewer than 100 students for three consecutive years.

2. If the international secondary education programmes are not yet being taught in each year/grade, funding will be terminated if, for two consecutive years, the programmes have been attended by fewer than twelve students in any year/grade.
3. In calculating the number of students referred to in paragraphs 1 and 2, the reference date will be 1 October, and only those students referred to in article 9 paragraphs 1 to 5 will be taken into account.
4. The Minister will inform the competent authority of the school that funding is to be terminated by 1 May prior to the start of the new school year.
5. Funding will be terminated as of 1 August of the three consecutive school years referred to in paragraph 1, or the two consecutive school years referred to in paragraph 2.

CHAPTER 3. ADMISSION AND EXPULSION OF STUDENTS AND MOVING UP

Article 9. Admission

1. Students may be admitted to IB MYP or IB CP and IB DP programmes if they can provide evidence that they
 - a. possess a nationality other than Dutch nationality, and at least one of their parents, guardians or carers will be working temporarily in the Netherlands or one of its border areas;
 - b. possess Dutch nationality and have attended school abroad for two years or longer because at least one of their parents, guardians or carers was working abroad for a given period of time; or
 - c. possess Dutch nationality and are living with a parent, guardian or carer who, according to a written statement from the employer, will be working abroad within two years of the date of the student's admission to the school.
2. In addition, students may only be admitted to the IB MYP if:
 - a. they have reached the age of 11 at the start of the first school year; and
 - b. have had sufficient education to follow the IB MYP successfully.
3. Students may only be admitted to IB CP if:
 - a. they have successfully completed the IB MYP; or
 - b. have had sufficient education to follow the IB CP successfully.
4. Students may only be admitted to the IB DP if:
 - a. they have completed the IB MYP successfully; or
 - b. have had sufficient education to follow the IB DP successfully.
5. The provisions of paragraph 1 notwithstanding, students possessing a nationality other than Dutch nationality and not meeting the conditions referred to in said paragraph may be admitted to the IB DP and IB CP provided at the United World College in Maastricht.
6. Students living in the Netherlands not falling in the categories referred to in paragraph 1 may also be admitted to the IB CP provided:
 - a. they can produce a document showing that they have been unconditionally admitted to the fourth year of a school for senior general secondary education (HAVO) and
 - b. they can produce a document satisfying the competent authority that they are capable of following instruction in the English language.
7. Students living in the Netherlands not falling in the categories referred to in paragraph 1 may be admitted to the IB DP provided:
 - a. they possess a leaving certificate from a school for senior general secondary education (HAVO) or a document showing that they have been unconditionally admitted to the fifth year of a school for pre-university education (VWO); and
 - b. they can produce a document satisfying the competent authority that they are capable of following instruction in the English language.
8. The competent authority decides whether a student will be admitted.

Article 10. Admission and financial contribution

Admission to an international secondary education programme depends on payment of a school fee, based on an agreement between the parents, guardians or carers of the student and the competent authority of the school. The competent authority sets the size of the school fee by year/grade.

Article 11. Moving up, suspension and expulsion

Articles 12 to 15 of the Secondary Education Act (Organisation of Teaching) Decree (*Inrichtingsbesluit WVO*) apply to the suspension or expulsion of students, and to students moving up provisionally to the following year/grade.

CHAPTER 4. ORGANISATION OF TEACHING AND EXAMINATIONS

Article 12. Language of instruction

1. International secondary education programmes will be taught and the examinations held in English.
2. The provisions of paragraph 1 notwithstanding, another language may be used if teaching relates to that language.

Article 13. Lower years of international secondary education

1. The lower years of international secondary education will comprise four or five school years. The school will provide a curriculum comprising an average of at least 950 clock hours per school year.
2. In the lower years of international secondary education, students will have the opportunity to
 - a. take tests leading to the IB MYP Certificate or modular certificates or take the examinations leading to the IGCSE or modular certificates;
 - b. continue their education in the first year of the upper years of international secondary education after being awarded the IB MYP Certificate or IGCSE; and
 - c. continue their education by transferring to pre-university education (VWO), senior secondary general education (HAVO) or junior general secondary education (MAVO) at their own or a different school at the end of any year of their course.
3. The competent authority will ensure that students in the lower years of international secondary education are able to receive sufficient instruction in the Dutch language and to familiarise themselves with Dutch culture. The competent authority will ensure that for at least 10% of the clock hours referred to in paragraph 1, teaching will be in Dutch or devoted to the Dutch language.

Article 14. Upper years of international secondary education

1. The upper years of international secondary education comprise two years. In the first year, the school provides all student with a curriculum comprising at least 950 clock hours, and in the second year a curriculum comprising at least 700 clock hours.
2. The upper years of international secondary education programmes focus on enabling students to take the examinations leading to the IB CP Certificate or International Baccalaureate Diploma.
3. Students whose only nationality is Dutch are also required to take Dutch as a subject.

Article 15. International secondary education programmes: examinations

1. The competent authority draws up examination regulations.
2. The competent authority enables students in the final year of the lower years of international secondary education to take the tests leading to the IB MYP Certificate or modular certificates or to take the examinations leading to the IGCSE or modular certificates.
3. The competent authority enables students in the second year of the upper years of international secondary education to take the examinations leading to the IB CP Certificate or International Baccalaureate Diploma, in accordance with the applicable regulations.
4. The permission of the International Baccalaureate Organisation in Geneva is required for holding examinations.
5. Students whose only nationality is Dutch are required to take Dutch as one of their examination subjects. Students admitted to international secondary education programmes under the provisions of article 9, paragraphs 6 and 7 will take the examination at the level in question.
6. Articles 5, 43, paragraph 1 and 55, paragraphs 1 and 2, and the Secondary Education (Final Examinations) Decree (*Eindexamenbesluit VO*) are also applicable.

Article 16. Appointment and qualifications of teaching staff

The provisions of or pursuant to sections 33 to 37 of the Act will apply to the appointment and qualifications of teaching staff for international secondary education programmes, on the understanding that

- a. the first three years and the fourth and fifth years of the IB MYP will be regarded as the first three years and fourth and fifth years respectively of senior general secondary education.
- b. the first and second years of the IB DP will be regarded as the fifth and sixth years of pre-university education;
- c. the first and second years of the IB CP will be regarded as the fourth and fifth years of senior general secondary education.

CHAPTER 5. FINAL PROVISIONS

Article 17. Withdrawal of earlier rule

The 2010 Administrative rule on international secondary education programmes (Administrative rule IGVO 2010) will be withdrawn.

Article 18. Entry into force

This administrative rule will enter into force as of 1 August 2021.

Article 19. Official title

This administrative rule will be known as: Administrative rule IGVO 2021.

This administrative rule will be published, with explanatory notes, in the Government Gazette.

Arie Slob,
Minister for Primary and Secondary Education and Media

EXPLANATORY NOTES

General

1. Reason

In 2017, the International Education Task Force was instructed to draw up tangible, structural measures to address problems within international education in the short and medium term. In its action plan 'Prepared for the Future' (*Voorbereid op de Toekomst*¹ [in Dutch]), the Task Force advised the Minister to introduce two amendments to the 2010 Administrative rule on international secondary education programmes (Administrative rule IGVO 2010). In addition, from the many queries received by the Ministry of Education, Culture and Science (OCW) from head teachers, school boards, municipal authorities and parents about this administrative rule in recent years, it may be concluded that there was a clear need to clarify its provisions.

2. Background

For the government, it is essential that internationals living in the Netherlands should be able to send their children to an international school at relatively low cost. The education that these children will receive or have received abroad is usually in English and based on English or international curriculums. The Administrative rule on international secondary education programmes has been drafted in response to this, with the aim of ensuring a continuous learning trajectory for these students. Adequate provision of affordable international secondary education is a major factor in creating and maintaining an attractive business climate in the Netherlands, enabling us to attract international talent, address shortages of qualified personnel in some sectors and encourage foreign companies to locate here.

3. Description of and approach to the problem

The level of the international curriculum is not suited to every student

At present, schools for international secondary education are only able to provide the International Baccalaureate Diploma Programme (IB DP) in the upper classes. The curriculum is at pre-university (VWO) level, which is not suited to every student. This administrative rule therefore follows the advice of the Task Force by giving these schools the opportunity to provide the International Baccalaureate Career-related Programme (IB CP). According to the Netherlands Organisation for International Cooperation in Higher Education (Nuffic) the level of the IB CP certificate is comparable to at least senior general secondary education (HAVO), with career-related subjects, and holders of this certificate may be admitted to higher professional education (HBO).

Decision on funding international secondary education programmes was not based on all relevant information

It is essential for all parties involved to be prepared for future trends in demand for international education, so that provision may be attuned to it. This is where, in the first place, school boards and municipal authorities have a role to play. But the Minister also plays a major role, since they are responsible for assessing applications for funding of international secondary education programmes. The Minister bases their decision on such an application on the prognosis accompanying it. Unlike the prognoses for mainstream Dutch schools, this prognosis is not based on demographic data, but on the number of internationals in the region and expected economic growth. In arriving at a prognosis, a research agency uses publicly accessible information. Information on existing schools' expansion plans and a foreign company's plans to locate in (or leave) the region is highly relevant in assessing expected student numbers, but it is seldom made public in time to be taken on board in the prognosis. This information is however available to the municipal authorities. For this reason and in accordance with the recommendations of the Task Force, this administrative rule entitles the municipal authorities concerned to advise the minister on the prognosis issued with an application. Neighbouring municipalities belonging to the catchment area for the new international secondary education programme may also be consulted. The municipal authorities' recommendations are not legally binding, but help the Minister assess the prognosis and reach a decision on the application. The Minister does not assess the contents of the municipal authorities' recommendations.

¹ Annexe to Parliamentary Papers II 2016 – 2017, 22 452, no. 55.

The queries received by the Ministry of Education, Culture and Science show that the text and implications of a number of the provisions of Administrative rule IGVO 2010 were not very clear, possibly leading to misunderstandings and undesirable situations. No procedure was set out under its provisions for competent authorities wishing to expand their international secondary education programmes. A procedure has been added to the new administrative rule. Provisions have been clarified, where necessary, while explanatory notes have been provided on each article.

Given the many changes to the text, Administrative rule IGVO 2010 has not been amended, but withdrawn and replaced by a new administrative rule.

4. Territorial scope

The administrative rule applies exclusively to the European Netherlands since there is no statutory basis for international secondary education programmes in the Caribbean Netherlands.

5. Administrative burden

The administrative burden relates to the costs of fulfilling the information requirements arising from government legislation and regulations. This entails collecting, processing, recording, and storing information and making this available to the government. This administrative rule imposes no new information requirements on schools, and thus no new administrative burden.

6. Feasibility

This decision has been assessed by both the Education Executive Agency (DUO) and the inspectorate to establish whether it is both feasible and enforceable. The text has been adapted in some places, in response to DUO's comments and questions.

Explanatory notes, by article

Article 2

International secondary education programmes may only be eligible for funding if the competent authority ensures a continuous learning trajectory. This means that at a school or annexe where international secondary education programmes may be provided, these must include both IB MYP and IB CP and/or IB MYP and IB DP.

Articles 3 and 4

Provision of international secondary education programmes is always linked to the annexe of a school which has been found eligible for funding under Section 64 of the Secondary Education Act, thus ensuring a sound basis for cooperation and exchange between international and mainstream education. For a school to be able to provide international secondary education programmes both effectively and responsibly to a highly mobile, extremely varied student population, it is essential for there to be sufficient numbers of potential students living in its catchment area, i.e. in an area within a reasonable distance from the school. The size of catchment areas will differ by region and will be larger in a region where relatively few internationals live than in the Randstad conurbation. Potential students need to live at a reasonable distance from the school that provides international secondary education programmes. In an area where many internationals live, what may be construed as a reasonable distance will be shorter than in an area with fewer internationals. The standard for establishing an international school or department in a school is set at 120 students in the lower and upper classes combined. In applying for funding, the competent authority is required to submit a prognosis showing that this number can be expected to be reached within a period of six years.

If the competent authority plans to submit an application for funding of international secondary education programmes, they will give the authorities in the municipality in question the opportunity to issue recommendations. In these recommendations, the municipal authorities may provide information to show that the figures included in the prognosis are both accurate and complete, and that the application is in accordance with the principle of a balanced, evenly distributed national provision of international secondary education programmes, taking distance for potential students and catchment area into account.

Because international secondary education programmes do not only attract students from the municipality in which the school is located, close collaboration between municipal authorities and school boards is essential in order to identify the need for these programmes in the region. To encourage this collaboration and prevent the emergence of monopolies, applications from schools

whose catchment areas overlap and which are submitted before 1 November of a given year will be considered together. This means that if the competent authorities of schools in two neighbouring municipalities, with overlapping catchment areas, submit applications in the same year, the number of students in these overlapping catchment areas will be divided by the number of applications (in this case, two). In drafting their recommendations, municipal authorities may consult neighbouring municipalities that belong to the catchment area of a school wishing to provide a new international secondary education programme.

The municipal authorities' recommendations are not legally binding, but serve to enable the Minister to assess expected number of students. The municipal authorities are not obliged to submit recommendations. If the Minister rejects an application, the usual scope applies for objection and appeal.

If a competent authority wishes to expand existing provision of international secondary education programmes it will suffice for them to give the Minister written notification of their intention. The Education Executive Agency (*DUO, Dienst Uitvoering Onderwijs*) will then add the code (*elementcode*) of the new course to the school's BRIN (Educational Institutions Database) number.

Article 5

Schools usually start by providing the first or first two years of an international secondary education programme. The competent authority must be providing all years of the programme within six years.

Article 6

Costs per student of international secondary education are considerably higher than for mainstream secondary education

Given their parents' international mobility, students tend to stay in these programmes for a relatively short period, and English is often not their mother tongue. This makes special demands of the organisation of teaching: groups cannot be too big. Personnel costs (recruitment, housing, and further training at international level) are relatively high, as are the costs of English-language teaching materials. For this reason, apart from normal funding, schools receive additional funding for students for whom this type of education is the most appropriate. These additional funds are not provided for students who do not fall in this category, such as Dutch secondary school students doing IB CP or IB DP. These students do not need to attend an international school.

Article 8

If a school has started a programme and is as yet providing teaching in only one or two years, the minimum number of 120 students does not apply. Instead the school will be assessed for number of students per year, i.e. 12 students. Schools providing international secondary education programmes in each year, but with student numbers in three consecutive years below the statutory norm of 100 will no longer be eligible for funding.

Article 9

These provisions indicate which students may be admitted to international secondary education programmes. International secondary education is in principle intended for students who, given the work of one or both parents, have attended or will attend school abroad. The students referred to in paragraph 1 a and b are the children of parents who, given their work history, can be expected to move abroad again in the not-too-distant but unforeseeable future. For this reason, no period is specified. A period has been specified for the students referred to in paragraph 1 c, since these are the children of parents who do not yet have a work history. In this case, an employer's statement will be needed to show that they will soon be moving abroad. By attending an international school, these children can prepare for school abroad. Schools are urged to continue talking to parents about their future plans after their children have been enrolled. If the parents decide to stay in the Netherlands for a longer period, it is advisable to inform them of opportunities at mainstream Dutch schools. It is usually easier for younger students to transfer to a Dutch school.

In response to the motion submitted by members Ursie Lambrechts and Eric Balemans and approved by the House of Representatives (Parliamentary papers II 2004-2005, 29 800 III, no. 56) and to the pilot project implemented from 2007 to 2012 (Government Gazette 2010 no. 9401), the upper classes of international secondary education are now open to every student with at least one parent living in the Netherlands who are sufficiently conversant in the English language and have received sufficient education for them to complete the programme in question successfully.

Article 10

Funding of international secondary education programmes was never intended to be totally cost effective. Because one of the main reasons for providing this type of education is to ensure an attractive business climate, it is reasonable to expect interested parties i.e. businesses and/or

students' parents to contribute to the costs. Payment of an obligatory school fee as a condition for admission to international education is accepted practice in countries abroad. Each year, the school management team decides on the size of the school fee, and discusses any changes to it with the participation council. The competent authority is responsible for ensuring that the school fee does not form an obstacle for admission to international education.

Arie Slob,

Minister for Primary and Secondary Education and Media