

# ESPRIT SCHOOLS STUDENT CHARTER

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the Joint Participation Council

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### Frequently asked questions about the Student Charter of Esprit Schools



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SPRINGHIGH



### **Rights and obligations**

In the Netherlands, everyone has rights and obligations. You probably know some of the rights and obligations. For example, you can say what you want to say (freedom of expression) and believe what you want to believe in (freedom of religion), as long as you do not harm anyone by doing so. What is not allowed, for example, is to exclude someone or to treat them unequally because of what they believe, because of their opinion, skin colour, gender or sexual orientation (prohibition of discrimination).

To make sure that everyone always knows what their rights and obligations are, everything is written down in Dutch law. The constitution is the most important Dutch law. This law regulates the most important rights and obligations. The constitution actually makes agreements between the government and all inhabitants of the Netherlands. Everyone must adhere to these agreements.

### **What is a Student Charter?**

The constitution provides for agreements between the government and all inhabitants of the Netherlands. The Student Charter is similar to the constitution, but at school.

At school, too, students have rights and obligations. These rights and obligations are written down in a Student Charter. By writing down these rights and obligations, everyone at school knows where they stand.

### **Why is there a Student Charter?**

In the Netherlands, we consider the rights and obligations of students so important that it is mandatory for schools in Secondary Education to have a Student Charter. This is not mandatory for primary schools. Nevertheless, this Student Charter applies to all Esprit students because Esprit believes it is important that all students at all schools know what they are entitled to and what is and is not allowed.

### **What does a Student Charter contain?**

For example, it is your right to receive a good education and to file a complaint. An example of obligations is that you have to be present at school during the lessons and do your homework. The Charter also has rules about how everyone treats one another.

### **Will I know all the rules at school if I have read the Student Charter?**

The Student Charter sets out the most important rights and obligations. This does not mean that everything is in the Student Charter. For example, the school guide tells you how to register for school and gives information about the available courses, or what to do if you are ill. The examination regulations state everything about the examinations and how they work. You can see the Student Charter as a handy overview of where to find most of the rights and obligations. It often also refers to other regulations at Esprit Schools.

### **Esprit Schools, what is that?**

Esprit Schools (Esprit) is the administration that runs your school. Esprit has 14 schools. Esprit's schools work together to achieve the best results. Working together is useful because together, you can often arrange things more quickly, more easily and better. That is why many regulations look the same. Examples of this include the complaints procedure or the privacy regulations.

### **Do all the rules in this Student Charter apply to my school?**

Esprit has different types of schools. There are schools in Primary Education and Secondary Education. You can probably imagine that some rules apply in a secondary school and not in a primary school, or vice versa.

To avoid any ambiguity, each article has a pictogram of a bus. The red bus stands for Secondary Education and the yellow bus stands for Primary Education. If both buses are next to the article, then the article applies to both Secondary and Primary Education.



**Why aren't all the rules of my school included in this Student Charter?**

The Student Charter states the rights and obligations that apply to all students at Esprit, such as freedom of expression or the right to privacy. These are handled in the same way at every school.

Each school has its own rules in addition to this. You can think of subjects such as testing, the daily routine at your school or how to report sick. Each school has its own rules for this. You can find these rules on the school's website.

**As a student, can you have influence or involvement at school?**

We think it is very important that students can participate in discussions about all kinds of issues at school. That is why every school in Secondary Education has a Student Council. A Student Council consists of a group of students who can give solicited and unsolicited advice to the school management. Students who have problems or complaints can also go to the Student Council. The Student Council can lend a listening ear and try to solve the problems.

The primary schools do not always have a Student Council. However, there is always an opportunity for the students at a primary school to discuss matters with a teacher or the school leader.

Each school also has a Participation Council. In Secondary Education, the Participation Council also includes students. This is called the student section of the Participation Council. They can have a say and contribute to decisions on certain topics at school, for example, school rules, policy plans or holiday arrangements.

**Can I make changes to this Student Charter myself?**

As a student, you can influence the Student Charter. This Student Charter is discussed with Esprit's Joint Participation Council every two years. The Joint Participation Council then discusses with the Esprit Board whether everything in this Student Charter is still correct. If this is not the case, provisions can be added, removed or amended.

**How is this Student Charter structured?**

The Student Charter consists of several chapters. Each chapter deals with a particular subject. Each chapter begins with a short summary that describes what is discussed in the chapter. A chapter consists of several articles. An article is a piece of text which explains, for example rules, rights and/or obligations.

The red or yellow buses next to the article show who it applies to. If there is a red bus next to the article, it is about Secondary Education. If there is a yellow bus next to the article, it is about Primary Education. If you see both buses next to an article, the article applies to both Primary and Secondary Education.

## I What is a Student Charter?

This chapter explains what a Student Charter is. When you read the Student Charter, you may come across difficult words. The meanings of most words are explained in Article 1.

### ARTICLE 1. DEFINITIONS



This Student Charter uses the following definitions:

1. Board: the Executive Board of Esprit Schools. Hereinafter referred to as: 'Esprit'.
2. Students: all students who are registered at one of Esprit's schools.
3. Parents: the parents, guardians or carers of students.
4. Teachers/instructors: staff members with teaching duties, hereinafter referred to as: 'Teachers'.
5. Teaching support staff: staff with a role other than teaching.
6. Section: students, parents, staff or administration.
7. School leader: the head or principal of the school.
8. School management: the school leader (principal or head) and the deputy head or deputy principal, team leaders and department leaders of the school or organisational unit.
9. Confidential adviser: a person within the school who you can turn to with confidential matters and problems.
10. Joint Participation Council: the Council referred to in Article 4 of the Participation in Schools Act (WMS),
11. Participation Council: the Council as referred to in Article 3 of the Participation in Schools Act (WMS),
12. Student Council: a group of students who represent the interests of all students in a school.
13. Participation Charter and Participation Rules: the rules referred to in Article 22 of the WMS and Article 23 of the WMS.
14. WVO: Secondary Education Act.
15. WPO: Primary Education Act
16. WMS: The Participation in Schools Act, which regulates involvement in the management of schools in Primary Education and Secondary Education.
17. School Plan, School Guide and Complaints Regulations: the school documents as referred to in Articles 24, 24a and 24b of the WVO and Articles 12, 13 and 14 of the WPO.

### ARTICLE 2. STUDENT CHARTER



1. The purpose of this Student Charter is to clarify the rights and obligations of the students. This does not mean that all rules are included in the Student Charter. Some rules are described in school regulations that can be found on the school website.
2. The Board establishes the Student Charter. The Joint Participation Council must give its consent and may make proposals for improvement of the Charter.
3. This Student Charter is valid for two school years.
4. After two years, the Student Charter is submitted to the Joint Participation Council again. The Charter can then be amended. If the Student Charter is not

discussed after two years, it is extended for another two years. This is only possible with the consent of the Joint Participation Council.

5. The Student Charter is binding for:
  - the students;
  - the teachers;
  - the teaching support staff;
  - the school management;
  - the Board;
  - the parents, carers and/or legal representatives.
6. The Student Charter is published on the school's website and on the Esprit website.
7. The law states that the rights and obligations of students must be described somewhere. This is stated in Article 24g of the WVO and partly in article 13f of the WPO.
8. If any provisions of school regulations are in conflict with the Charter, the provisions of this Charter take precedence.

## II What rights do students have?

**In this chapter, we explain the most important rights of students. These are rights that are also found in the Dutch Constitution. Because Esprit considers the following provisions for students to be so important, they are described in detail in this chapter.**

### ARTICLE 3. RIGHT TO INFORMATION



1. When students are enrolled at a school, the students, and/or the parents of students, have a right to information. This is information about, for example, how the school works, admission requirements, school hours and other matters that may be important for students. This information is primarily found in the school guide.
2. The school plan, the school guide, the complaints procedure, the school timetable, participation regulations are important documents. These documents can be found on the school's website.

### ARTICLE 4. RIGHT TO PRIVACY



1. Data of all students at school is stored in a student file. Students and/or parents may inspect this data upon request. Students aged 16 or over can make their own decisions on their privacy. This does not apply to their academic results. The school will inform parents of students under the age of 18 of these results.
2. Esprit's privacy regulations govern everything to do with privacy. These regulations can be found on the school's and Esprit's websites.

#### ARTICLE 5. FREEDOM OF CONSULTATION



1. Students have freedom of consultation about matters relating to school. This means that students are allowed to come together and discuss issues. The school must ensure that there is a good place for students to hold meetings. Agreements as to where and when the students can meet are made together with the school management.

#### ARTICLE 6. FREEDOM OF EXPRESSION



2. Every student has the freedom to express their opinion.
3. Discrimination and racism are prohibited in the Netherlands. It is not allowed to exclude someone else or to treat them unequally because of what they believe, their opinion, skin colour, gender or sexual orientation.

#### ARTICLE 7. FREEDOM OF APPEARANCE



1. Students have the right to freedom of appearance. This means that you can wear what you like as long as it does not violate the school rules.
2. A school may set rules about clothing and accessories worn at school. These rules can be described in the school guide, for example. The rules must have a clear purpose. That purpose may be safety (e.g. safety gowns for practicals) or contributing to a good learning climate.
3. For safety reasons, wearing face-covering clothing is not permitted. This is regulated by the Partial Prohibition of Face-Covering Clothing Act. Examples of face-covering clothing are a balaclava, a burka, a niqab, a full-face helmet or a mask. Since a headscarf is not face-covering clothing, wearing head scarves is allowed.

#### ARTICLE 8. RIGHT TO PARTICIPATION IN SECONDARY



#### EDUCATION

1. Every school has a Participation Council. At a secondary school, the Participation Council consists of teachers, parents and students. It is up to the school to organise this.
2. Every secondary school has a Student Council. They can submit or discuss matters that are important to the students, to the school management, for example. If the Student Council wishes to discuss something with the school management, the Student Council can assume that the school management will respond within a reasonable time, but no later than six weeks.
3. The Participation Council and the Joint Participation Council have many powers. For example, the Board and the school management must ask them for their consent or advice on certain matters. The Participation Council and Joint Participation Council regulations contain all the information about what a Participation Council or Joint Participation Council is, how they work and what they are allowed to do. The Joint Participation Council regulations can be found on the Esprit website. The Participation Council regulations can be found on the school website.

## ARTICLE 9. RIGHT TO PARTICIPATION IN PRIMARY



## EDUCATION

1. Every school has a Participation Council. At primary schools, the Participation Council consists of parents and teachers. It is up to the school to organise this.
2. Most primary schools do not have a Student Council. However, a school can choose to establish a Student Council. If the school does not do this, it does not mean that there is no participation. Students can always discuss matters that are important to them with the school management.
3. The Participation Council and the Joint Participation Council have many powers. For example, the Board and the school management must ask them for their consent or advice on certain matters. The Participation Council and Joint Participation Council regulations contain all the information about what a Participation Council or Joint Participation Council is, how they work and what they are allowed to do. The Joint Participation Council regulations can be found on the Esprit website. The Participation Council regulations can be found on the school website.

## III How do we treat each other at school?

To ensure that school is a safe and enjoyable place for everyone, there are rules at school. These rules are about how you should behave at school (order and rules of conduct), what happens if something is broken (damage), and where you can go if you have a complaint.

## ARTICLE 10. ORDER AND RULES OF



## CONDUCT

### Rights

1. Students, staff and everyone in the school treat each other with respect. Not only in the school building, but also outside.
2. Students and staff have the right to hold each other accountable and expect them to respect the rules that apply to them in and around the school (including school-specific rules).
3. Students are entitled to equal treatment in equal situations.
4. Students have the right to make suggestions to the school management on all matters that may be important to them.

### Obligations

1. Everyone is obliged to contribute to a safe school climate.
2. Students and staff must behave in a manner that is customary in the Netherlands within and outside of the school. Discrimination, (sexual) harassment, bullying, aggression and the use of violence are never acceptable.
3. Students are obliged to adhere to the rules of the school. Students must cooperate with (preventive) measures related to safety and order in and around the school.
4. Students are expected to participate actively in class.
5. Rooms that are used at school should be left tidy.
6. In addition to the school regulations laid down for each school, the following



specific rules of order and conduct apply in all cases:

- In the educational buildings and during education organised by the school, rules apply regarding the use of electronic communication devices such as mobile phones, laptops, tablets, etc. These rules are determined per school.
- Being under the influence of drugs and using and/or possessing them in the school and during activities organised by the school is prohibited.
- Being under the influence of alcohol and using and/or possessing it in the school and during activities organised by the school is prohibited.

#### ARTICLE 11. DAMAGE



1. A student or the student's parents may be held liable for compensation of damage caused.
2. If a student has caused damage, the parents of that student are always informed.
3. The school management may impose a sanction if a student deliberately causes damage to the school building, school property or property of others.

#### ARTICLE 12. RIGHT OF COMPLAINT



1. Esprit's complaints regulations describe in detail what you can do if you have a complaint. You can read more about the complaint procedure in the school regulations and the complaints regulations. These complaints regulations can be found on the websites of Esprit and the school.
2. Complaints about bullying are dealt with according to the bullying protocol.
3. Each school has a confidential adviser. Students can always discuss problems/complaints with the adviser. The adviser can advise and assist students who have a problem or complaint.

## IV What is my school required to arrange when it comes to education?

**Good education is one of the most important things in a school. To ensure good education, students and school need to work well together. This chapter states some general rights and obligations. It is up to the school to elaborate on these rights and obligations in the school regulations.**

#### ARTICLE 13. PROGRESSION REGULATIONS



1. At the beginning of the school year, each school must make clear what requirements, standards or procedures are used to determine whether a student can progress to a higher year.

#### ARTICLE 14. CONDITIONAL ADMISSION AND ADVANCEMENT



1. Admission to the first year and progression to the final year cannot be

conditional at a secondary school.

#### ARTICLE 15. CONTENT OF EDUCATION



1. Students have the right to good education. It is the duty of the school management to oversee, promote and describe this in their school regulations.

#### ARTICLE 16. HOMEWORK



1. Students are expected to do the homework that has been assigned.
2. Teachers should ensure that the total amount of work is reasonably distributed.
3. If students have produced work, they have the right to discuss it with the teacher afterwards.

#### ARTICLE 17. TESTING AND ASSESSMENT



1. Because testing and assessment are important for students, schools set clear rules about these aspects. These rules can be found in the school regulations.

#### ARTICLE 18. SCHOOL EXAMINATION AND CENTRAL



#### EXAMINATION

1. The school examination and the final examination are very important for secondary school students. Esprit has examination regulations that apply to all schools. These examination regulations contain rules, for example, on the organisation of the exam, which grades count towards the exam and what happens in case of fraud. The examination regulations can be found on the websites of Esprit and of the school.
2. The school establishes a final examination programme for the higher years every year. Secondary school students receive this programme before 1 October. The final examination programme states, for example, how the school examinations will take place and how the grades are determined.

## V What do you need to know about the daily routine at school?

**This chapter describes what you need to know about the things that happen every day at school. This chapter explains what you need to know about attendance and class cancellations.**

#### ARTICLE 19. ATTENDANCE



1. All students are obliged to attend all classes that are on their timetable. This also applies to students who have reached the age of majority and/or are no longer subject to compulsory education.
2. If students cannot be present at school, the school must be notified. The school's rules on reporting sick, leave or, for example, exemptions, must be followed.

## ARTICLE 20. LESSON CANCELLATIONS



1. The school must ensure that there are as few lesson cancellations as possible and that the lesson timetable is optimally planned.
2. If lessons are cancelled due to the absence of teachers, the school will inform the students and/or their parents as soon as possible.

## VI What happens if I do something that is not allowed?

It can sometimes happen that a student does something that is not allowed. When this happens, a school can take measures. It is up to the individual school to decide what measures to take. In the worst case, a student may be suspended or even expelled. These are serious measures. To ensure that they are applied appropriately, rules have been drawn up for this. You can read these rules in this chapter.

## ARTICLE 21. MEASURES



1. If students do not adhere to the regulations and/or rules in and around school, the school can take measures against that student.
2. A measure imposed must be appropriate to the offence committed by a student.
3. The school will determine what measures are appropriate. These are described in the school regulations.
4. As a student, you can object to a measure. This is done by talking to the person who imposed the measure. The school regulations describe how the objection procedure works. You can also always file a complaint. The complaints procedure describes how you can file a complaint.

## ARTICLE 22. SUSPENSION



1. The Board may suspend a student for a period not exceeding one week.
2. Within Esprit, the Board grants the school management a mandate to decide on a suspension. This means that the school management can make suspension decisions on behalf of the Board.
3. The school management will send a letter or email to the student and/or parents explaining the reason for the suspension.
4. The school must inform the Inspectorate of Education of any suspension for a period longer than one day, stating the reason.



**ARTICLE 23. INTENDED AND PERMANENT EXPULSION**



1. The Board may permanently expel a student from a school.
2. Within Esprit, the Board grants the school management a mandate to decide on (intended) expulsion. The school management decides on (intended) expulsions on behalf of the Board. This means that the school management always consults the Board before a (proposed) expulsion decision is made.
3. Before the school decides on behalf of the Board to permanently expel a student, the school must inform the student and/or parents in writing of their intention to expel the student. The school must also indicate the reason for its intention to expel a student in writing. Further, the school must give the student and/or the parents the opportunity to comment on the intended permanent expulsion.
4. Before a secondary school decides to permanently expel a student on behalf of the Board, the school must consult with the Inspectorate of Education about this. After this consultation, the school may suspend the student. One of the reasons for the consultation is to determine alternative ways for the student concerned to pursue an education.
5. Before a primary school decides to permanently expel a student on behalf of the Board, the school must consult with the group teacher involved.
6. If the school decides on behalf of the Board to permanently expel a student, the decision must state why the student is being expelled. The school must send the written decision to the student and/or parents.  
The expulsion decision must also state that it is possible to file an objection to the decision within six weeks and request a review of the decision.
7. The school must also always inform the Inspectorate of Education in writing when a student has been permanently expelled. With this, the school must indicate why the decision was made to expel the student.
8. A student may not be expelled before the end of the year because of their educational performance.

**ARTICLE 24. DECISION PERIOD IN CASE OF OBJECTION**



1. If the student and/or the student's parents do not agree with the decision of final expulsion, they can object to the decision. The written objection must be submitted to the Board within six weeks after the day on which the decision was announced.
2. The Board will invite the student and/or the student's parents to give a verbal explanation of the objection submitted.
3. The Board will make a decision on the objection within four weeks of receiving the objection.

## VII How come this Student Charter does not answer my question?

Most questions are answered in this Student Charter. If a question is not answered, perhaps this article can help.

### ARTICLE 25. OTHER CASES



1. There may be cases in which this Student Charter does not provide an adequate answer to a question, issue or dispute. In such cases, the Board or the school management will give an answer or make a decision.