

**“Public financing and private management of schools”**

**CASE: THE NETHERLANDS**

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# The Netherlands example:

## Roots of the system

1. To understand the Netherlands model for financing and regulation of schools, it is important to go back to the roots of the system. A driving force behind the idea of a well developed system of education for all, was the society for “Nut van het algemeen” (Society for general interest). This society was founded in 1784 and promoted institutional development for the welfare of the citizens, like hospitals, schools, libraries. Their vision was humanitarian, not based on religion, and regarding education by Enlightenment philosophers like Locke, Voltaire, Rousseau. A development at international level was the example in other European countries (France 1791, Prussia 1794) to start a national system of education, for reasons of quality and development of the population. The first national laws (1801, 1803, 1806) on education were developed during the Batavian Republic, later Batavian Commonwealth (1795-1806), which was linked to the French Republic. In 1806, Napoleon proclaimed his brother Lodewijk as King of Holland. The first education laws were rather centralistic: teachers had to use prescribed schoolbooks, education should be given in classes, a set of compulsory subjects. Very important is that schools should be open for any religion and municipalities should care for sufficient education in their community. This was strongly promoted by the Society for “Nut van het algemeen”. On November 30, 1813 Prince William of Orange landed in Scheveningen and became the first king Willem I of the Netherlands (at that time the whole Benelux). He put forward the development of the concept that the state should be supportive to its citizens, fitting in the aftermath of the revolution in the 18th century in several EU countries against monarchies and aristocracies. The parliament suggested to change the constitution, reducing the power of the King and strengthening the responsibility of ministers and the role of parliament. After first resistance, finally the second King Willem II agreed and a committee under chairmanship of the liberal Rudolf Thorbecke developed the new constitution of 1848. Being a liberal, Thorbecke’s design was based on the idea of limiting the role of the state to essential tasks and providing room for initiative and diversity. He also had to cope with growing resistance in the Belgian provinces from Catholics and in the Netherlands from Catholics and Protestants, against the schools’ mixed character (children of different religious backgrounds). They wanted education that should take into account the religious background of the children. The balance between the role of the state and private initiative, including the opening for religious based education, came together in the way Freedom of Education was introduced in the new constitution of 1848. Article 194 of the constitution declared that education is a continuous concern for the government, that public education is regulated by law (respecting all religions) and is sufficiently provided in the country, that provision of education is free under condition of quality of the teachers and supervision by the government.

We highlight two elements of the 1848 constitution: first is the responsibility of the state to supply public education, respecting all religions. Second is the right of private groups to organise and offer education. The constitution did not say anything about the basis for organisation. In practice, especially religious groups made use of this

possibility and especially the Catholic part of the population, long suppressed, started Catholic schools. Later on, the article also was used by other groups. The earlier mentioned Society for “Nut van het algemeen” took the opportunity to start schools, and at a later stage schools were founded by groups that adhere to a certain pedagogical concept.



Besides the important role of the liberals, forces also came from religious groups. The Catholic population accepted supervision by the state on quality but claimed that parents should be free to choose education that fits with the upbringing of their children. The Protestant Anti-Revolutionary party had yet a similar reason to support the concept of freedom of education: parents should be able to send their children to schools that they can account for to God.

This first step in 1848 was good in principle, but in practice it was far from easy for private initiatives to start their schools, since they had to finance it almost completely by themselves. It took another 69 years of struggle and debate, until in the 1917 constitution also in financial terms equal treatment of public schools (provided by the state or municipality on behalf of the state) and private schools (schools initiated by (groups of) citizens) became reality. This agreement was called the Onderwijspacificatie (education peace treaty). It is precisely due to the equal treatment in financial terms, that in the Netherlands the concept of “private schools” simply means “not publicly run schools”, and does not imply private financing of the school! Besides equal financial treatment, another new element in article 192 of the 1917 constitution (later nr 208 and now nr 23) was that the conditions set by the government to private education, never should limit the freedom of schools and teachers to choose their educational methods and tools and the autonomy of the school in recruiting teachers (freedom of organisation of education). The agreement in 1917 was a deal between the various religious parties in parliament and the social democrats and liberals. The social-democrats and liberals wanted a general voting right and needed

the support of the religious parties, while the religious parties wanted equal financial treatment of private schools.

2. Until today, freedom of education is regularly debated in the media and time after time, the interpretation of the constitution is challenged. What appears is that the article on freedom of education is able to answer new questions that could not have been foreseen 100 years ago, but can be answered according to the same principles underlying the article. One of the strengths of the constitutional freedom appeared to be that (groups of) citizens can take initiative and responsibility themselves to organise schools according to their religion or philosophy, what has made the system flexible and adaptive to changes over time. Maybe the evolution of practice can be described by three waves: the first wave is the use by religious groups of article 23. The mainstream has a Roman Catholic or Protestant (various churches) denomination, but also some Jewish schools were started. The second wave is the start of schools, based on a general humanitarian concept (Society “Nut van het algemeen”) or pedagogical concept (like Steiner, Montessori, Jena, Boeke). However, the number of general private schools (neutral schools, not based on a religion) was and is relatively low (in primary less than 150 in the period until the Second World War (2% of the students) and it has reached now the level of about 400 schools (6% of the students). The third wave we witness now, is that partly “traditional” claims by new groups are made (f.e. Islamic schools) and partly new basis for identity of a school are emerging. For example some schools give special attention to science and technology (Technasium, Jet-Net schools), other schools offer bilingual education (part of the lessons in English, French or German), or new approaches for first vocational education for 14-16 age groups (“vakscholen”). This development together with a very rapid process of secularisation and individualisation in Dutch society in the last 4 decades, led to questions among members of Parliament if the article on the freedom of education in the Dutch constitution (article 23) which stayed almost unchanged since 1917, is still useful and valid in the beginning of the new century. It was Parliament itself that wanted to overcome discussions between different political parties about the interpretation of article 23 of the constitution and that asked the national Education Council to advise about the question what should be the right interpretation of this article nowadays. We will come back to this question later, when describing the latest developments in this discussion.

### **How the system works**

3. In figure 1 you will find a scheme of Dutch education. For the whole system a basic principle is that *money follows the feet of the students*. This means that schools, apart from minor details and exceptions for small schools, get a budget according to the number of students. For universities there is a substantial additional budget for research. What is most important in the context of this publication is that all schools in the same sector are treated equally, whether their status is public or private. After changes in the last decades in higher education and vocational education, there are in fact only privately ruled institutions in these sectors! Public schools still exist in primary and secondary education. They care for about 30% of the students, so the vast majority of students in the Dutch educational system go to private schools. Originally the public schools were governed directly by the municipality. Since 2002, the municipality can delegate the governance of a public school to a private foundation, established by the municipality. This can be compared with the concept of Charter

School in for example UK, Sweden, US, Canada. In the Netherlands, for public schools that are delegated to a semi-private foundation, the members of the board are appointed by the municipality (one third on proposal by the parents) and in the statute of the school, the character of public school has to be guaranteed (according to article 46 of the law on primary education). Respecting these conditions, the foundation's board can take its own decisions. Already 95% of public schools are in hands of such a semi-private foundation. This makes the difference with private schools smaller.

4. Main characteristics of the system: we will discuss: (i) the financing system; conditions to start and to run a school in the system, role of exams (ii) free parental choice (iii) governance of the school (iv) the inspectorate

4.1: The financing system: we recall that in the Netherlands' context, the concept of private school does NOT mean that it is privately financed, but it refers to the fact that it was not initiated and not governed by the state, but by citizens (private initiative). Both public and private schools are equal within the financing system. This principle, included in the constitution, is unique in the world! As already mentioned, of course the government sets certain conditions to the schools in order to get subsidy. There are two kinds of conditions: conditions to enter the system and conditions while being part of the system. *To enter the system*, both in primary and secondary education, you need to prove that there is sufficient demand for the school with the signature as proposed. This proof can be delivered by statements of parents or by quantitative research, based on the % of denomination in the region, and corrected with the number of students that are already visiting a school of the requested denomination. For primary schools, this test is done by the municipality, for secondary education also the province plays a role, since the "direct neighbourhood" for teenagers may be for example a town at 5 km distance. In case the different school boards in the region agree on a common regional school-plan, this will have priority without further quantitative requirements. The minimum number of students to start a school depends on the density of the population in the municipality and varies between 200 and 337. There is also a provision that subsidy will stop if, after a period of growth and success, the enrolment declines below a certain minimum level. This is now the case especially in rural areas, with a shrinking population and low birth rate. For primary schools the minimum number for existing schools depends on the density of population in the municipality and varies between 23 and 202 students. For 87% of the municipalities the minimum is 50 students or more. Since especially primary schools are very important social meeting places in small villages, this often means that schools of a different denomination have to consider closer cooperation or even merger. In a sense, this sets practical limits to the freedom of education: it is obvious that it is impossible to run a school with only a few students.

*Once in the system*, the school has to comply with all kinds of *quality conditions*. For primary education, it consists of a set of learning goals. This is not exactly a national curriculum, but on the other hand, it sufficiently steers the schools and the developers of learning material with regard to the content and goals of education. At the end of primary school, there is an assessment. The most frequently used test is the CITO-assessment, taken by 85% of the schools. Schools are not obliged to use the CITO-assessment, but if they don't use this test, they have to use a similar test that also covers the learning goals of primary education. For secondary education, there are exam programmes and central exams, organised by a national Exam Committee, under authority of the government. This is combined with school exams in the last year of

secondary education. The idea behind this is that the final exam should give a good picture of the student and also that some elements are difficult to test by central written exams. Schools that have much better results in their own exams than in the national exams, are supervised more closely by the inspectorate, so in general, the opinion and the experience in practice is that this mixed type of exams gives a reliable picture of the performance of the student. There is no room for schools to cheat the system and let students pass the exams without deserving it. And since the end results of the schools are published, some schools advise the poorly performing students to switch to a lower stream in the system, rather than doubling classes and ending with meagre results at a higher age.

Those who pass the exam of 5-year HAVO can enter Higher Vocational Education (Universities of Applied Sciences), those who pass the exam of 6-year VWO (which includes the gymnasias) can enter both HVE and a university study. There is NO entry exam in higher education. Both types of universities, however, can set conditions to the range of subjects taken in the final exam. There are 4 streams, each of which has some compulsory subjects and some freedom of choice from a certain range of subjects. The streams are: nature and technology, nature and health, economy and society, culture and society. It is evident that for example a technical university demands one of the two streams that include nature. There is not a national list for these entry conditions, but in practice, universities try to have consensus about entry conditions for the same study.

4.2: Corresponding with the origin of freedom of education, namely the political wish (for different reasons) that parents can organize the education that corresponds with their religion or vision on upbringing, in principle there is *free parental choice*. Some big towns limit that freedom, asking parents to choose a school within the town-district where they live. Important is the other side of the coin, namely that if you choose for a school with a certain identity, you have to accept certain rules and conditions, set by the school, in relation with the identity of the school. For example the curriculum includes religion-education or the education follows the approach of Montessori. The same for the recruitment of teachers: for example some orthodox religious schools do not recruit gay-teachers, although they are professionally qualified for the job. In practice we see many nuances. For example Catholic schools also accept non-Catholic students and recruit also non-Catholic teachers. Some critics on freedom of education use this as an argument: private schools don't live up to their own identity and therefore don't deserve public finance. Indeed it is true that in many cases the religious background of the school is more or less historical. On the other hand, it still is true that for example Reformatoric schools have order, discipline and working hard still as high values and parents, even not belonging to the Reformatoric church, may nevertheless choose such a school for their child.

4.3: *Governance of the school*: The subsidy to private schools is given as a block-grant, which means that schools are autonomous in spending the money. Decisions are taken by the management of the school. In primary education, usually the management consists of the head-teacher and only larger schools have assisting middle management. In secondary education, usually the management consists of a director with several assisting directors, who lead one of the sectors of the school (and often combine management tasks with a number of teaching hours). The management works under the supervision of a governing board, but within the adopted year-plan, it can take all the decisions.

The growing responsibility for board and management in primary education has led to clustering of more schools under one foundation and one over-all management. In that situation, the school-head is the local manager within the framework of the over-all management (mostly one or two full time managers). Figures of the ministry of Education (2012) show that 45% of the school boards in primary education govern only one school and that 8% of the school boards in primary education govern 2-5 schools (fig 4). This looks like a modest development, but in terms of number of students, it means that 82% of the students in primary education visit schools that are governed by a board that rules 6 or more schools! In secondary education 42% of the schoolboards govern one school and 41,8% govern 2-5 schools (see fig 5). This seems less concentrated, but in fact the average number of students of secondary schools was already considerably higher (now 1470, CBS statistics 2013) compared to the average number in primary schools (now 222, CBS statistics 2013). Expressed in numbers of students, it means that 50% of the students in secondary education visit schools that are governed by a board that rules 6 or more secondary schools. There is some discussion about this development, in particular to what extent especially mighty boards with a lot of schools, diminish the autonomy of their schools, by setting all kind of rules that are not directly following from national regulation. These rules can imply more uniformity and less diversity between the schools that are run by the same board. This discussion is valid and important, but belongs to the internal matters of that cluster of schools. In principle, those schools have the same rights and autonomy as schools under a single-school board.

Very important is the *freedom to hire and fire teachers*. Private schools can select according to the identity of the school. However all schools have to comply with qualification criteria for teachers, according the sector and level of the school. For primary education, the minimum is a 4 year professional bachelor for primary teacher. For the lower grades of secondary education, a 4 year professional bachelorship for secondary teacher is required at minimum. For the higher grades, preparing for university, a double master degree (in a subject and in education) is required. Now and then the discussion starts whether not all teachers should have at least a master degree, but besides doubts whether the master level is necessary in all sectors, we have already difficulty in getting enough academic teachers in the higher grades of secondary education. The usual procedure for hiring is that the schoolboard recruits and appoints the head of the school. The head in turn recruits the teachers and proposes the recruited teachers for appointment to the board of the school (or signs the contract on behalf of the board, if the board has delegated this task to the head).

For the working conditions of teachers, including salaries, there is a collective agreement between the associations of school-governors with the teachers' unions. In practice, the total amount of the subsidy for each sector of education is set yearly as part of the national budget, taking into account the predicted number of students. This means that the school management has to manoeuvre within the given budget. For example if they agree with a salary increase, while the budget remains the same, then the consequence will be to increase the class size (since the minimum number of teaching hours is fixed). Assessment of performance of teachers is not done in a systematic way. The salary system implies that within a salary-scale, each additional year of practice gives a bonus, until the maximum of the scale. Every year there are nominations and elections for teacher of the year. This is one of the activities of the "Onderwijscoöperatie", a platform of teacher unions and professional organisations (English site: [www.onderwijscooperatie.com](http://www.onderwijscooperatie.com)), to reinforce the image of the teacher as



a professional. Certainly, this is a signal that the teaching profession is valued, but it is far from a systematic and school-based evaluation of teachers. An interesting Italian experiment, carried out in 2012, that shows how in every school in a pragmatic way the top 20% teachers could be detected and rewarded, is the Valorizza-experiment (see [www.treelle.org/valorizza-experiment](http://www.treelle.org/valorizza-experiment))

For the infrastructure (school buildings) there is a special arrangement. For primary and secondary education, the municipality has to provide the school buildings. The maintenance is carried out by the schools. The municipalities get subsidy from the national government for this task. Some municipalities are very creative in combining investing in school buildings, with town-development, which often results in win-win projects. For vocational education 16-20 yr and for higher education, the schools get the money for the school buildings themselves, as part of the subsidy per student.

There is regulation for the participation of parents and teachers, via chosen representatives in a council that can advise the management on important issues. In secondary schools, also students of higher grades are represented. Given the state financing of primary and secondary education, there is no compulsory fee that parents have to pay. However, all schools ask a modest parental fee, for special and mostly extra-curricular activities of the school, like school-trips, Christmas-feast, learning material produced by teachers. Also the schoolbooks are financed by the government and schools arrange the right sets of books. In the Netherlands, the compulsory education age limit is 16. From 16 to 18 is a period of compulsory qualification (in vocational education or upper secondary education). From 18 years old onwards, students have to pay a quite substantial student fee of 1118 euro (2014/2015). The norm for this is that it should cover about ¼ part of the real costs. Therefore, the student fee for higher education is higher, namely 1906 euro (2014/2015). The principle of free compulsory education was not challenged in the current period of economic crisis and budget cuts, which shows the high value that all political parties attach to broad access to education. What is debated, however, is whether for master-level at universities, students should not receive student-grants, but take a loan for their costs of living. The argument for this is that there is a great private rate of return for those students on that investment, by better jobs and higher income later. But this debate is far from the area of primary and secondary education.

4.4: *The inspectorate*: in addition to regulation with respect to the quality of teachers, the content of education, the assessments and examinations, there is also a national inspectorate. The inspectorate is operating under the law on supervision of education and works independent of the ministry. It can take own initiatives to study more in depth certain issues and it makes a yearly report to the minister of education on the state of education in the Netherlands, presented by the inspector general. Since 2007 the inspectorate works on a risk based method. Yearly it collects through desk research the information about the performances of the school, like the exam-results. If a school is performing well, the school is visited once every 4 years. During site visits, the inspector meets the management, attends lessons in the classroom to observe the skills of the teachers, has a look into the textbooks and other material that is used. The inspector also has a look into the system applied by the school to follow and coach their students and checks the qualification of the teachers. If a school performs badly, the inspectorate will intensify its work and ask the school to deliver a plan for improvement and to implement it. To assist with this work, the help can be asked of peer-managers from well performing schools. Failing schools have to improve their



results within one year to comply with the basic standards. If after one year, the situation still is unsatisfactory, the minister can stop the subsidy to the school (of course this is “ultimum remedium”, but it has been used: in 2013 óne secondary school had to close due to underperformance for several years).

The quality reports of schools are public. A development of recent years is the use of online information, put together by the inspectorate in a file called “Toezichtskaat” (supervision-card). In that file, besides the latest report of the inspectorate, also basic information is gathered like number of students, average score in final assessment, age-statistics of the personal, school-advice for secondary education. At the moment the files are being completed for all the primary schools in the Netherlands ([www.scholenopdekaart.nl](http://www.scholenopdekaart.nl)). The school itself can add information to the file, for example in case of a low average score, to give additional information of the student population, that can explain this result. Since end 2013, the inspectorate can also add information about the financial situation of the school. For secondary education, the file only contains the latest report of the inspection.

Under construction is a facility only accessible to school management, to compare the data of their own school with other schools and to see the position of the own school against a benchmark of national average. A facility that already exists and that also only is accessible for the school management is a platform called “Internet Schooldossier” via which the school can deliver to the inspectorate documents, filled in questionnaires, modifications in contact data and access all previously delivered documents.

Parents more and more use the quality related information as one of the elements for choosing the school for their children. Other important elements are the pedagogical climate, the denomination of the school, the distance from home to school. This development, that no longer the religion of the parents is the only or most important factor that determines the school choice, evokes the quest for modern interpretation of art 23 of the constitution.

## **Statistics and trends**

5. Figure 1 shows a chart of the Netherlands Education System. For primary and secondary education, figure 2 shows a breakdown of the number of schools, by denomination of the school measured in 2005 and 2010. Figure 3 provides a similar breakdown of the number of students in the same years. What is striking is that the percentages are quite stable, in spite of the process of secularisation especially since the post war period. In the period 1958-1993 the percentage of 21-70 year old persons not attached to any Church increased from 25% to 60% (Ritzen, 1997) and this stabilized (61% in 2012). Indeed the population of schools has become much more a mix of denominations than at the time of the new constitution in 1917. This is hidden behind the figures on the denomination of the schools, but very important for the discussion on further development of the system. Only certain schools, like Reformatie schools, Islamic schools or Jewish schools, still have a student-body that consists mainly of students that belong to the religion on which the school is based. This observation is one of the reasons to discuss, whether the constitution should be understood nowadays in a broader way, namely that private initiative can be taken to start a school based on a profile which may be based on a religion, but also on a

pedagogical concept or on any philosophy or ideology, of course respecting law and basic values as laid down in the constitution. We will come back to this later.

6. In the figures, two categories are missing, because they attract very small numbers of students, but they have to be mentioned. One category is the privately financed schools. There are some for secondary education and even fewer for primary education. The student fee per year is in the range of 10000 to 15000 euro per year for primary education and 15000 to 25000 euro for secondary education. (f.e. Luzac, Blankestijn, Windsor). The number of students in privately financed schools is very low (in 2009 about 3000 students, Inspectorate 2012, pg 85). To get recognition as a school in the sense of compulsory education, these privately financed schools comply with the main quality conditions of the system and allow supervision by the inspectorate. In secondary schools, the students participate in the national exams, which results in a nationally valid diploma. A second category are the children who receive education at home, either from their parents and/or from teachers at home. The ultimate consequence in the Dutch regulation of freedom of education is that if parents cannot find any school that corresponds with their vision on education, they can get dispensation from sending their children to school and permission to arrange education at home. Although no more than about 300 children are in that situation (Onderwijsraad 2012), the public concern is that parents probably never can provide education of sufficient quality and that in any case the children miss the social context of school and classroom.
7. In international literature a well known finding is that in general independent schools perform better than public schools (Coleman, USA, 1981). This is also the case in the Netherlands, but the differences are rather small. In primary education, according the reports of the inspectorate, in 2012 there were 3,5% weak public schools, whereas only 1,8% weak Catholic schools. Other denominations scored in between, except the Islamic schools: 7,3% of these schools are weak schools. (Inspectorate 2012, pg 63). A similar recent breakdown for secondary education is not available, but the overall number of weak schools is higher: about 10% (Inspectorate 2012, pg 69).

### **Flexible school careers in a pluralistic and differentiated system**

8. Freedom of education in the Netherlands and the way it is realised in funding and regulation, allow parents to choose the education they believe is the best for their children. The origin of the political debate (“schoolstrijd”) was that religious groups wanted education in conformity with their religion. But to appreciate the Netherlands system, it should be clear that it is not only pluralistic and differentiated according religion, philosophy or pedagogical concept. There is also a variety of streams and levels.
9. Especially in secondary education, there are different streams. Schools can opt for a mixed start in the first year (age 12/13), but most schools, also those offering all the streams, already differentiate in the first year, at least in two main streams: VMBO (about 60% of the students from primary schools, a stream for pre vocational education) and HAVO/VWO (about 40%, a stream for pre university education). In VMBO there is a sub-stream of general lower secondary education and a sub-stream of more practical oriented education. Both give entry to MBO, which is intermediate

vocational education. The streams HAVO and VWO give entry to higher education. HAVO leads to HBO, higher vocational education (Universities of Applied sciences) and VWO to (research-)Universities as well as to HBO. There was an attempt in the 70-ies to introduce comprehensive secondary education for the age group 12-15 (“middenschool”, comparable with Gesamtschule in Germany and Scuola Media in Italy), but this got no majority support in parliament. Generally, schools and parents work together in finding the right place for every student, rather than doubling a year in the same grade. Nevertheless 22% of the 15year old students have doubled at least once during their school career (Inspectorate Newsletter, 28-3-2012). This is quite above the OECD average of 14.3%. For many of those retarded students, the problems started already in primary education: 17% took more than the regular 8 years to finish primary education. The OECD, when reviewing the Netherlands system, criticizes the streaming approach, stating that according a social stratification of the educational streams, the highly gifted of the lower classes will have less chance to enrol in the higher streams. There is indeed some overrepresentation of the higher classes in HAVO-VWO, but most likely the differences are already made during primary education. In any case, there is no debate at the moment to change essentially the structure of secondary education.

10. In primary education there is no streaming. Learning methods try to offer more challenging elements for gifted children, but in large classes (average size is 23, which means that many classes count 25-30 students) it is difficult for the teacher to give individual feedback and attention to every student. There is a support system for children with low educated parents: the schools receive additional “back pack money” to arrange additional support for those students. However, often schools decide rather to reduce the class size, instead of tailor made assistance for the weaker students. For severely handicapped children, special schools exist.
11. A recent development is that what started already 10 to 15 years ago in Higher education, namely special attention for the highly gifted (honours programmes, university colleges). This is now considered also as a policy issue for primary and secondary education. The idea is that just as there is special attention in primary and secondary education for students at risk, there should also be invested in the development of the highly talented and motivated students. This can be organised in the form of special classes (“plus class”) or via additional learning tasks and additional activities while remaining in the regular group. Without bearing the name of excellence programmes, there are already schemes for highly performing grammar school students, taking courses and projects at a university in the region. Another remarkable development is the success of bilingual secondary education (mostly Dutch-English, some Dutch-German, provided in 122 secondary schools). In the “Jet-Net” project, 171 (upper) secondary schools give special attention to math and sciences, in cooperation with 87 companies (figures January 2014), to show the relevance of these subjects in society and economy (Youth and Technology Network Netherlands; “Jeugd en Techniek Netwerk Nederland” website [www.jet-net.nl](http://www.jet-net.nl)). The Jet-Net project is seen as a good practice example for STEM (Science, Technology and Math) policy by the European Commission and under the 7<sup>th</sup> framework programme for research and technology, a EU-wide similar initiative was launched under the title Ingenious, see website [www.ingenious-science.eu](http://www.ingenious-science.eu)). A third example in secondary education is the association of “Begaafdheidsprofiel scholen” (schools with special attention for highly gifted students in a broad sense).

## **International schools as a challenge for a national education system**

12. The constitution of 1815 was designed as a tool for creating a nation state based on a constitutional monarchy, which is far from thinking about global citizenship. Given the roots of the system, it is not surprising that international education does not fit easily in the system. First a picture of the situation. There are about 40 international schools in the Netherlands for primary and secondary education. Some of them have a home-land curriculum, such as the Lycée Française, two American schools, the British School, the Deutsche Internationale Schule, two Japanese schools and the Indonesian school. These schools are located in The Hague, Amsterdam or Rotterdam and are privately financed. The average fee is about 10000 euro per year. Most of the international schools have a supra-national curriculum, such as: International Baccalaureate, the International Primary Curriculum, the IGCSE (international certificate of secondary education), the European Baccalaureate. Those programmes are offered by special units of Dutch schools, well spread over the country. They are financed by the government to the same extent as regular schools, based on the idea that this enables Netherlands companies to attract experts from other countries. Nevertheless, since the class size is smaller and coaching more intensive, also the parents have to pay a fee of about 5000 euro per year average. The argument for the government to finance this type of education is reflected in the entry conditions for those programmes: only children from incoming expatriates or from Dutch employees who will leave to work for their firm in other countries, can register. We will come back to this point later. A third type is the European school (only 2 in the Netherlands), for children of employees working for European organisations or companies and institutions closely linked to the European Union.
13. Also the other way around exists: Netherlands education abroad. There are Dutch schools in several countries. In total about 13000 students are registered. The governments pays a small subsidy for this education (about 400 euro per year per student), but as one of the budget cuts for 2014 this will stop from that year on. Political pressure is nevertheless still there to restart financing.
14. In a sense, the position of international schools is an interesting challenge for the system. The success of bilingual secondary education as described before suggests high interest from parents to prepare their children for a future in a globalised world. Several schools get questions, why Netherlands children cannot register (even when father and/or mother have other than Netherlands nationality). Two important questions are: (1) should the state finance international education for children of Netherlands citizens if those parents want such education for their children and (2) to what extent should parents from other countries, who work in the Netherlands, be able to send their children to schools with international orientated programmes? Of course in both cases the question “and who pays” follows immediately. We will come back to this in the next paragraph.

## Strong and weak points of the system

15. Looking back at the long history of the Netherlands education system and its actual performance, we sum up strong and weak points. As *strong points* we consider:

The Netherlands system is a mix of a guarantee by law of availability of public schools in every region and the freedom to start private schools, based on religion or (pedagogical) philosophy, equally financed by the government as the public schools. It gives parents the choice, resulting in a demand-led system, responsive to new developments and growing diversity in society.

Since groups in local communities or regions take the initiative and not the government, private schools have a strong connection with the community.

The governance of the school is based on a high level of autonomy, balanced by quality conditions and instruments for quality assessment (tests, exams, inspectorate, qualification standard for teachers). It leaves room for innovation, for educational entrepreneurship, albeit within the framework of quality conditions. In the post war period, dozens of private schools started on the basis of a pedagogical concept (Montessori, Parkhurst, Dalton, Boeke, Steiner), whether or not linked to a philosophy.

Research findings show that in general private schools perform better than public schools (f.e. Coleman 1981; National Assessment of Educational Progress 2000, USA). Critics argue that this research did not sufficiently take the student's background into account. Indeed, later studies showed advantages only for specific kinds of private schools, for example the Center on Education Policy study 2007 found better results in independent private high schools and in Catholic schools run by holy orders (such as Jesuit schools). To what extent there is a causal relation may not be clear, but fact is that the Dutch system, with a vast majority of the students in private schools (70%), performs well. Looking at OECD rankings, we find the Netherlands well above average: TIMMS 2011: Math nr 12 out of 50 countries, Science nr 14 out of 50 countries; PISA in 2012: nr 9 for Math and overall nr 13 out of 65 countries, although these PISA-rankings were even better in earlier years.

Until far in the 20<sup>th</sup> century, religion was the binding force and determined which schools came into the picture for the children. This resulted in schools with a mix of social backgrounds of the children. This positive element has become weaker in the last decades, while quality of the school and vicinity, began to play a stronger role in the parents' choice

The link of freedom of education with religion or (pedagogical) philosophy, implies a value-orientation of education, along with the subject-content of education. The positive side is that mainstream religions and (pedagogical) philosophies share a lot of common values and therefore schools based on these orientations, will contribute to social cohesion. The downside is the *risk* that rather *extreme groups* organise their education according to values that are not widely accepted and therefore rather could reinforce *segregation* than social cohesion.

With this we enter the *weak points* of the system. Other weak points are the following: in practice the freedom of choice for the parents is limited due to the historical roots of

the existing schools. The majority of the private schools have a Protestant or Catholic denomination (in primary more than 4000 schools) and there are, for example, 40 Islamic schools in primary education. This means that a substantial number of parents send their children to schools with a denomination, that does not correspond with their religion, if they are still a registered member of a church at all. In some cases, still some values play a role. For example some parents choose a Protestant school because they have a reputation of order and discipline. So yes, there is parental choice, but to a certain extent, the supply is inherited from the past.

Linked to this, is the current interpretation of the constitution that the denomination of the school should be based on a religion or (pedagogical) philosophy. An important nuance was already the emerging of pedagogical concepts as leading for the educational practice of the school, but often it was combined with a traditional (religious) denomination. A real demand driven system, would be open to any durable, sustainable identity, not only based on religion. Such an interpretation of the constitution would be in line with the Treaty of Lisbon, which includes art 14 of the Charter of Fundamental Rights of the EU:

*“the freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right”.*

A white spot is certainly the position of international schools. The constitution is written for the nation state and by no means took into account the globalisation and mobility of our time. The expansion of bilingual schools in the Netherlands as described earlier, shows interest of parents to educate their children in an international atmosphere. However, parents cannot send their children to international schools in the Netherlands, unless one of them will be sent abroad as expat for a Dutch company. The same for European schools: one of the parents has to be employee of or closely related with one of the European agencies that operate in the Netherlands. One may dispute whether living and educating in an international perspective is a philosophy or not in the sense of art 14 of the EU Charter, but it is remarkable that freedom of education in the sense of free parental choice seems to be limited to national education. When it comes to the costs, a reasonable solution would be that the government pays the standard block grant per student for Dutch students, if they visit an international school, and parents pay the difference, since in most cases the fee is higher than the average costs at a regular school. The same for education of Dutch children abroad: they are Dutch citizens so why not pay for their education while living in any country?

What some call a weak point, but at least a risk if not treated well, is the concern to keep the balance between freedom and autonomy for the school and all kinds of control mechanisms to guarantee the quality of education. In recent years, indeed the most audacious new approaches came up in privately financed schools (for example Iederwijs: very flexible primary education based on the individual demands of the pupils). Almost all of these schools had to close, partly due to bad results, partly due to shortage of pupils. There are examples of well performing schools based on a totally new concept that, nevertheless, had to close, as the school did not reach the number of



200 pupils within 5 years. More success was booked by schools based on innovative pedagogical concepts, as mentioned earlier, and most of these schools still exist and flourish. So maybe the balance is right at the moment, although a slightly lighter condition of 200 pupils within 8 years (since primary education is for 5 - 12 years old) would give more room for innovative approaches. In any case, it is a point to keep in mind that the conditions should not become a straightjacket that kills the vitality of the system.

Finally a word about the ethics of (financial) governance in education: due to up-scaling, especially big clusters of schools and big institutions in higher and vocational education, have a considerable budget available. Some managers introduced risky methods of the commercial world into the management of publicly financed institutions (such as asset management, lease-back constructions, trade in stocks and derivatives), sometimes with considerable losses. Also the salary of the top-management increased considerably in the big institutions. This phenomenon was not exclusively occurring in the sector of education, but also in health care, housing-coöperations and even in public governance like provinces and municipalities. With the risk of over-reaction, the parliament answered with limitations of the freedom of the management, to be included in the regulations for the different sectors. At the same time national associations of schools, colleges and universities in education, include in their code of governance paragraphs that make clear that all the decisions and acts should be focussed on serving education. There is a broad consensus that the government should limit itself to general rules of behaviour and not try to prevent by detailed regulation any possible 'faut pas' and that at the same time higher demands have to be set to the moral compass of the managers in education.

## **Recent discussions and opinions:**

### **(1) The report of the Education Council on Art 23 of the constitution (2012)**

16. In 2011, the Parliament asked advice from the national Education Council, whether article 23 of the constitution (text: see box fig 6) is still adequate, given the changes in society. In 2012, the council presented its report: "*Article 23 of the Constitution in social perspective*". We will refer to this as ECR (Education Council Report). The report carefully analyses the essential meaning of article 23 and concludes that not the text in the constitution, but the interpretation in legislation and regulation, has to be adapted, in order to realise the meaning of article 23 in today's society.

Article 23 of the constitution is a mix of classic basic right (art 23.2: one is free to deliver education services) and a social right (sufficient public schools and financing of private schools, under conditions of quality art 23.4-7). The classic right regulates the room to manoeuvre without interference of the state; the social right implies tasks for the state, in this case to provide public education and to finance private education on equal terms (pg 17, ECR)

To understand the report of the Education Council, we have to go into the concept of "richting" of the school to which the end of art 23.5 refers. There is a problem and it starts already with the official translation in English published by the Ministry of

Interior and Kingdom Relations, because “religious or other belief” in that English version of the constitution, is not exactly what the Dutch word “richting” (literally: “direction”) means, but it is an interpretation of “richting”. Originally, “richting” was mentioned as an open concept of what the founders of a school had in mind as underlying ideas. It is about a philosophy of life, that can be a religion, a set of values, a mental framework. A more neutral wording would be “denomination”, “orientation” or “identity”. At the time of origin of the constitution, almost all private schools were based on a religion, mainly Protestant or Catholic. A first broadening of the concept of denomination, was to introduce the category “general private”, which is a humanistic oriented philosophy that gave an umbrella especially for schools who wanted to provide education according to a certain pedagogy. More recent forms of identity focus on certain aspects of education, like math and science, languages, use of ICT. The present distribution of school denominations however is still strongly based on religion and does not reflect the fact that for many parents, religion no longer is the most important factor in school-choice.

*This brought the Education Council to the solution, that the constitution itself can remain unchanged, but government should revise the interpretation as laid down in legislation and regulation, in order to keep pace with developments in society.*

It is worth noting that there is no Constitutional Court in the Netherlands. Therefore, there are no practical tests by court decisions whether the constitution still functions according to the original intentions in the actual context. In a sense the advice of the Education Council, almost 100 years after the 1917 constitution, filled that gap.

17. Firstly, we will summarize the main changes, proposed by the Education Council, and then give an overview of the reactions and discussions, including the reaction by the government. The recommendations of the Education Council are the following:

**Recommendation 1:** provide more freedom to start schools. The planning of schools should become denomination-free. It should be sufficient to collect a (minimum) number of declarations of parents, who will send their children to the new school. This proposal is called “direct measurement” of parental preference which would replace the current method, that primarily takes into account the division of denomination (religion or (pedagogical) philosophy) in a certain area (“indirect measurement”, is now the regular method, unless the municipal council decides to use direct measurement). Part of the renewal would be that also parents can take the initiative to start a *public school*. At present this initiative has to be taken by the local government. The Education Council has considered to give a broader definition of “richting”, but it argues that the broader the definition will be, the more difficult it will be for the government to check whether the proposed identity meets the new definition. We will comment on this later. The choice of the identity is not completely free: it has to fit within the principles of the constitution and democratic legal order (ECR pg 48). Another important proposal related to this recommendation is that after recognition of the new school, it has to undergo a quality check before the school will get state subsidy. At the moment, quality control starts after the start of the school. In practice this can mean that only after years of bad results and a lot of legal procedures, subsidy can be stopped. Another problem in the present situation is the difficulty to supervise education at home (by parents or home-teachers, see par 6 before).

**Recommendation 2:** *reduce the role of denomination in legislation.* The Education Council detected 7 areas where denomination plays a role. We give some examples: first is the subsidy of travel costs in case children have to go further from home to their school of choice. This regulation goes back to 1920! The ECR suggests that in modern times, distance is less a problem, certainly for secondary education, and that more neutral criteria should be set, such as a minimal kilometre-distance, a minimum own contribution, an eventual subsidy related to parent-income (which would mean less for higher incomes). The denomination of the school should not play a role any more. Second example is the possible tension of freedom of education with the other constitutional right for equal treatment. The Education Council refers to the European Directive for equal treatment outside the workplace and concludes that only schools who have a religion based identity, can select students. This would mean that part of the private schools will have to accept every student that asks for admission, of course within the general rules of admission for the particular type of school. A third change would be to lift the protection of “the last school”. At the moment, the last school of a certain denomination has special protection: it will continue to receive state subsidy, even when the number of students got below the minimum level. In a denomination-free system of planning, the concept of “last school” would become meaningless. So far, some examples.

A new proposal to introduce in legislation is that periodically (for example every 4 years), parents should have the opportunity to express whether the identity of the school still meets their wishes. This could lead to adjustment of the identity, or to opt out from an umbrella organisation (foundation, association, cooperation) of schools, if parents no longer endorse the denomination of the umbrella organisation.

**Recommendation 3:** *requirements of reliability should include quality requirements.* The constitution itself does not regulate the quality of education. In legislation there is a difference between the requirements of reliability to be recognized and to get subsidy and the quality requirements, once in operation and supervised by the inspectorate. The requirements of reliability are quite general, such as the requirement to have a schoolplan, to meet the national key learning targets, check on the competence and the moral integrity of teachers. The quality standards are more specific, indicating subject content and levels of achievement. And even these are not in extension included in legislation on the inspection of schools, but laid down in working documents of the inspectorate (their framework of inspection). This gives problems to correct underperforming schools, since there is no formal penalty if they fail to meet the specific requirements, but comply with the general requirements. The Education Council proposes to set standards in three areas: (1) subject content and achievements; (2) examination; (3) qualifications of teachers.

Contrary to secondary education, there is no final exam in primary education. The Education Council suggest that primary schools should assess the achievements at the end of the last grade (nr 8) of primary, at least for mother tongue and arithmetic. It does not propose to organise this at a national level. In practice however, a vast majority of the schools (85%) already use, on voluntary basis, the CITO-assessment, which is a national assessment at the end of primary education.

More precise quality standards should, according the Education Council, also apply to the situation of education at home, when parents don't find a school with the identity that meets the needs of their children and government should supervise this home-education.

## (2) Reactions on the report of the Education Council

18. So far the suggestions of the Education Council. We now come to the reactions on the report by various stakeholders:

**The government**, asked by Parliament for a position regarding the report, reacted in July 2013, one year after the report came out. The overall reaction was positive and necessary legal work was announced to be presented within a year to parliament. This included full endorsement of *recommendation 1*, which is of course very fundamental!

Regarding *recommendation 2*, the government stipulates that when parents wish to change the identity of the school or to opt out from an umbrella organisation of schools, nevertheless the decision is up to the board of the school. In practice this will mean that parents have to look for support for their wishes among the members of the board. Regarding freedom of education and equal treatment, the government already decided to review this relation and will take into consideration the advice of the Education Council. On the issue of “the last school”, the government does not take a position yet. On the issue of travel costs of students, the government shows sympathy for the proposal of the Education Council, but it foresees a reshuffling of schools in the years to come, due to decreasing number of students, especially in rural areas. For some denominations this may imply longer travel distances. Therefore the government wants to wait until the situation has stabilized and then adapt the arrangements for travel costs to the new situation. The suggestions of the Education Council will then be taken into consideration.

Regarding *recommendation 3*, the government agrees that a more clear set of standards is needed. This is also in accordance with international legislation (ICESR International Covenant on economic, social and cultural rights, UN, 1966, art 13). However, there is no indication given, how this will be implemented, nor a time-table. With regard to education at home, the government deviates from the proposal of the Education Council, because it sees too much practical problems to bring this type of education under the supervision of the inspectorate. The government chooses for a more radical approach, already existing in Germany, namely it proposes to change the law in such a way that compulsory education means education at school. This is the best way to guarantee a basic quality and moreover, argues the government, parents with similar ideas always can start a school according to their vision.

### **Political parties:**

On the most important recommendation nr 1, the reactions overall are positive. However, several politicians have doubts about practical problems that can arise. The Christian-democratic parties for obvious reasons were satisfied that the Education Council recommended to keep article 23 of the constitution as it is.

The social democrats and the liberals, support the continuation of art 23, but from both sides come wishes in favour of reinforcement of freedom of choice for parents and freedom for teachers to apply for a post at any school. Before the Education Council presented its report, already in 2005 the social-democrats launched a law-initiative that also private schools should have to accept every student who asks for entry. This was

supported by some centre and centre-left parties (D66, SP, Groen Links), but did not get a majority. The perception behind this was that Christian schools acted like a closed bastion and denied entry especially to immigrant children. Figures of the Education Council however showed that this is not the case: the population of Christian (protestant and catholic) schools is mixed and has almost the same percentage immigrants as public schools.

An initiative from D66 for teachers, namely to abolish the possibility of exemption in the equal treatment act and allowing private schools by principle not to hire for example gay-teachers, since it would contradict the religious base of the school, has more chance. This is also supported by the right wing parties VVD and PVV. However, it still has to be discussed in Parliament. The report of the Education Council found a compromise for the first issue, namely that only private schools based on religion, would be able to continue selecting students according their identity. For other private schools, it would be completely up to parent's choice. Regarding the second issue, the Education Council recommended to maintain the present situation: private schools based on religion can select their teachers accordingly and in certain circumstances, for example, in case a homosexual teacher wants to express his preference openly during his teaching, the school can refuse him or her as a teacher. Given the majority in Parliament to change the law on this point, a possible outcome can be that no exemption will be made for private schools to comply with the law on equal treatment. However, then jurisprudence will point out to what extent the identity of the school, can be a legitimate ground for the selection of teachers and it is not unlikely that, as far as criteria are linked with the demands on a teacher as a professional, private schools still will have the possibility to select teachers according to their religion or pedagogical philosophy.

### **Teacher Unions and Associations of governors of schools:**

**The teacher unions** (CNV onderwijs; AOB) welcomed the report of the Education Council and especially the recommendation to continue article 23 of the constitution, but in a modern interpretation.

**The associations of governors of schools** (PO-raad, VBS (association of independent schools, not based on religion), public schools VOS/ABB, Christian schools council, Catholic schools council, Reformatoric schools, Islamic school boards ISBO) also welcomed the report. Without exception, they endorsed the first recommendation to make the planning of schools denomination-free. Although supporting the first recommendation, VOS/ABB (public schools) signalled the risk that small religious groups possibly could use it rather for segregation than for integration. They welcomed the suggestion that in case of new building areas, the first school should be a public school. Furthermore an appeal was made to the government by VBS to reconsider the norm that new schools should have at least 200 students within 5 years, since it occurs that new schools with high quality and innovative approach, nevertheless have to close their doors after 5 years, whereas for longer existing schools the minimum is 50 students or even less (depending on the density of population in the municipality). The only critical reaction on the first recommendation, came from the chairman of the association of Reformatoric schools. Whether ironically or not, he raised the question that if enough parents want for example a "flowerschool", then will there be a "flowerschool"? He doubts whether the state can finance endlessly any type of school and looks forward to more precise

proposals of the government. Although he did not express himself in that way, maybe indeed the example raises the question whether a broader interpretation of the constitution, nevertheless requires a kind of school-identity that is meaningful in the context of educating young people in a democratic society. Obviously for him, simply replacing “the school with the Bible” by “the school with flowers” is not good enough. This is a very interesting question and we will come back to this in the next paragraph.

Most of the comments referred to the second recommendation on reducing the role of denomination in legislation. A positive comment in several reactions was on the concern of the Education Council for “the last school” of a denomination in a region (VBS, Christian school governors, Reformatoric schools). A negative comment came from VOS/ABB (public schools) on the recommendation of the Education Council to continue the freedom of private schools to select students and teachers. The Christian school governors opposed the advice to make a stronger appeal on parents’ responsibility and to introduce more neutral parameters like distance, in order to review the regulation of support of travel-costs for students who visit a school outside their region for the sake of denomination of the school.

The vast majority of organisations supported the third recommendation, but the Catholic and the Christian association of governors warned that a combination of quality requirements and requirements of reliability as condition for state financing, should respect the room for schools to organise education in their own way.

## **The way forward in the Netherlands**

19. Although the present government gave a rather clear reaction on the recommendations of the Education Council, one may expect further discussions when the government will translate it in law and regulations. Although the present government is a centre right – centre left coalition (social democrats and liberals), the Christian parties are still very influential, because the coalition has a majority in Parliament but not in the Senate. Therefore the support of the Christian parties for law-projects regarding Freedom of Education, will be very important. An important question is what parliament will do with the wish of some parties that private schools also should be obliged to accept every student and to treat all those qualified for teaching, equally when they apply for a job. In combination with respect for every religion and philosophy, we would end up with 100% public schools! (see the bottom line characteristics of a public school, hereafter). More or less the other extreme is also thinkable. In practice we are already very close to a model of 100% private schools, since already 95% of the public schools are in the hands of private foundations, with only modest links with the municipalities! The members of the supervising board of the school are appointed by the municipality (one third on proposal by the parents) and in the statute of the school, the character of public school has to be guaranteed (according article 46 of the law on primary education). This means:

- (1) contribution to the development of the students with attention for the religious, philosophical and societal values as living in the Netherlands society and recognizing the meaning of the diversity of those values
- (2) accessibility for all children without discrimination according to religion or philosophy
- (3) respect for any ones religion or philosophy



In the report of the Education Council, only schools based on religion, will keep the possibility to select students. One could argue that this should be possible for a larger category of schools, namely those schools who are based on a fundamental and recognized orientation (religion, philosophy, pedagogical concept); not the “flowerschool”. This would be in harmony with the earlier mentioned art 14.3 of the EU charter of Human Rights: *“The freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right”*.

This also was the explanation by the Education Council (pg 40 ECR), but at the end the council wants to leave it totally to the founders of the school, on what basis they want to ground their education. The only restriction mentioned by the Council is that the statute of the private school should not contradict the constitution or the law. However, it is not unlikely that further elaboration of the recommendations of the Education Council will show a need to give some criteria for “richting” of the school. That would mean that no longer the historical origin or legal status would determine the character of the school (public or private) but the kind of basis for the identity of the school, chosen by the founders and confirmed (or adjusted) by the parent body. Without any definition of “richting”, at the end the dual character of the system may be lost. A more modern and durable approach, in line with the EU-charter, would be to define a *private school* as a school based on a fundamental orientation (religious, philosophical, pedagogical) that may expect at least respect for that orientation by students and teachers who want to enter. A *public school* on the contrary should profile itself as a meeting place of all kinds of orientations.

## 20. Concluding remarks.

The easy part is to list from the perspective of financing and governance, the most essential characteristics of the Dutch system for 4-18 year education:

- It is publicly financed
- There is a state guarantee for sufficient public education
- There is freedom to initiate private schools based on religion or philosophical conviction
- At the same time equal financing for private education, based on religion or philosophical conviction
- State financing is under quality conditions supported by several quality instruments (such as qualification criteria for teachers, assessments and exams, inspectorate)
- Freedom of choice for parents, freedom of selection of students for private schools.

It is important to underline the coherence of the dual character of the system (public-private) with the relatively high autonomy of the schools, within the frame work of quality conditions. These three pillars cannot do without each other. For example, coming back to the history of Netherlands education: it would have been impossible to organise freedom of education in a highly centralised administrative culture, with less autonomy for the schools and even national schoolbooks, as we saw in the early 1800 ! Another example: it is irresponsible to give schools high autonomy without clear

quality conditions. Parents and students could suffer from failing schools and public money could be wasted.

The less easy part is to make clear that this result did not come overnight, but it is the outcome of a process that took more than two centuries! Our journey started as early as the end of the 18<sup>th</sup> century. We started in the Batavian Republic, later Kingdom of Holland with Lodewijk Napoleon as King, with a centralized system, teachers who had to use prescribed schoolbooks, education that had to be given in classes, a set of compulsory subjects. Very important was that schools had to be open for any religion and that municipalities had to care for sufficient education in their community. But the combination of a liberal concept of the state in the post revolution era and the growing resistance of the Catholics in Belgium and Catholics and Protestants in the Netherlands, led to a constitution in 1848 in which Freedom of Education was guaranteed: citizens themselves could take initiatives to start a school according to their religion or philosophy. After a 70 years' period of an increasing number of initiatives, it became clear that for a durable development, a financial arrangement between the state and private foundations who started schools, was necessary. This was realised in the constitution of 1917. Gradually, even the majority of schools in the Netherlands, became private schools, and based on the 1917 constitution, publicly financed. At the end of the last century, a possibility came for municipalities to delegate the governance of their public schools to a private foundation. Nowadays, already 95% of the public schools are governed by private foundations. One could say that finally, also public schools were given the same autonomy as private schools already had from the beginning.

What does this history teach us:

In essence, it is a process of redefining the relation between state and school.

- a) This is a step by step process and can take many years
- b) The process is about untwining the supervision role and the operational management: the school management should have the maximum autonomy but is bound to deliver results according to the goals, set by the government, and supervised by quality instruments (inspectorate, exams, assessments).
- c) It was first developed for schools, based on religion or (pedagogical) philosophy, but finally also the public schools in vast majority enjoy now the same autonomy as private schools
- d) This will lead in the future to questions about redefining the difference between public and private schools. It may end in the situation that no longer the legal status determines the public or private character of the school, but the set of values that determines the identity of the school (such as religious, philosophical and pedagogical convictions)

Seen at the surface, the most important feature of the Dutch system is the fact that in spite of the legal status of the school, public or private, both types are financed equally for the government. We would say that in the end, it is the autonomy of the school and the empowerment of parents to take initiatives to start a school, that characterizes the Dutch system the best. As a result, the system has a variety of options (religion, pedagogical/philosophical approach, streams and levels): a pluralistic system for a pluralistic society. A balance has been achieved between protection of identity and

culture of minorities and basic civic education and integration in society, respecting law and democracy. This was important ages ago and seems to be increasingly important in this century, with polarizing forces all over the world.



Every 25 years the landing of Willem I at the Scheveningen beach on the 30<sup>th</sup> of November 1813 is celebrated and the picture of this scene taken at the 200th anniversary in 2013, may be symbolic for the fact that the concepts of freedom of education and equal treatment for public and private education are as vivid today as at the time of the early constitutions of the Kingdom of the Netherlands.

### **Chiel Renique**

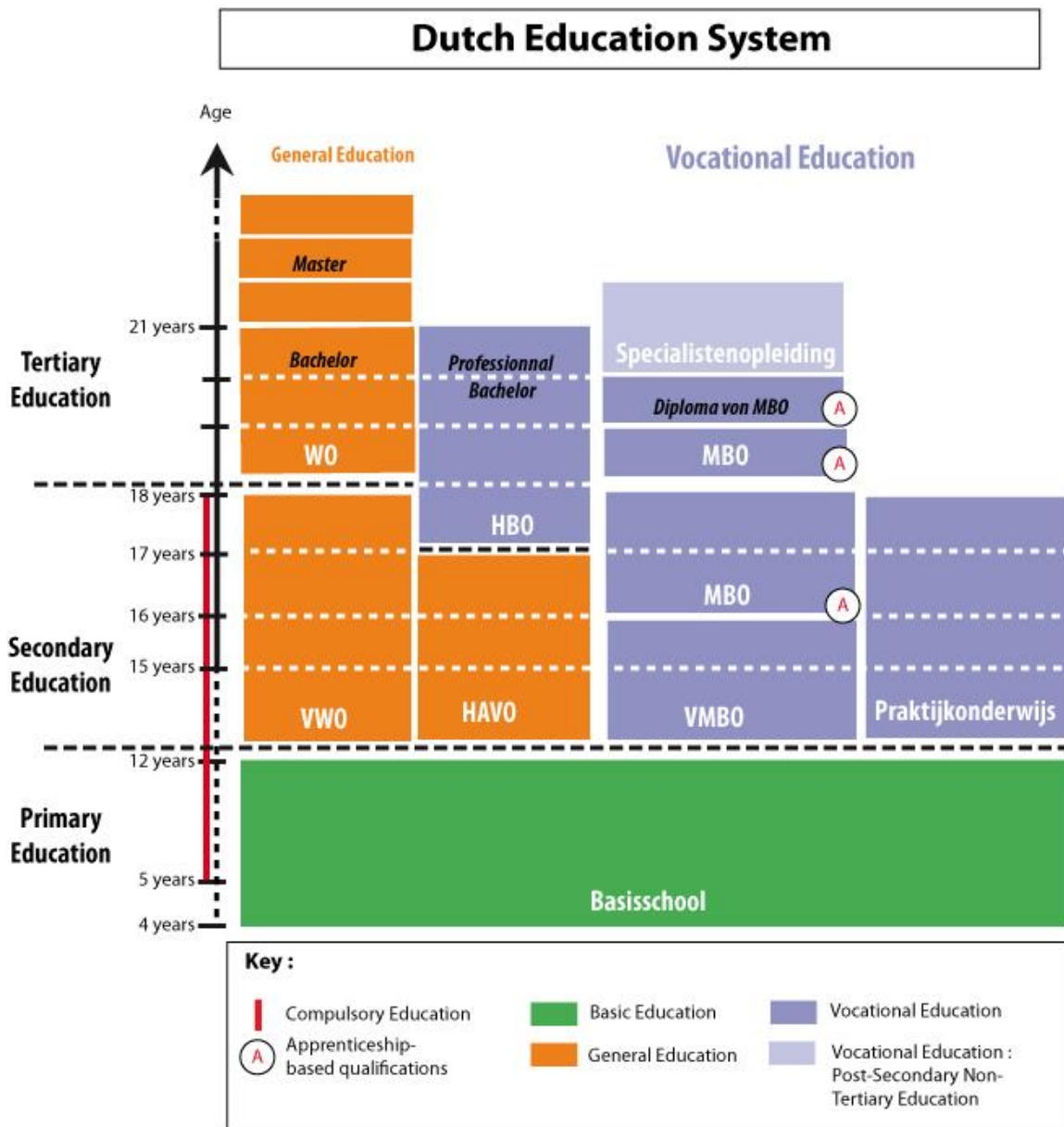
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Figure 1:



Source: 2012:

<http://voieproeurope.onisep.fr/en/initial-vocational-education-and-training-in-europe/dutch-system/>

**Figure 2: schools by denomination 2005-2010**

	Primary education						Secondary education			
	1994	%	2005	%	2010	%	2005	%	2010	%
denomination										
Public	2861	35	2471	32,4	2405	32,2	186	28	186	28,2
general private	399	4,9	468	6,1	473	6,3	98	14,7	100	15,2
Protestant-Christian	2214	27,1	1961	25,8	1915	25,6	123	18,4	122	18,5
Catholic	2391	29,3	2271	29,9	2233	29,9	161	24,1	154	23,3
small denominations	272	3,3	334	4,4	354	4,7	25	3,7	27	4,1
Islamic	30	0,4	45	0,6	37	0,5	2	0,3	2	0,3
Cooperation private-private			45	0,6	57	0,8	5	0,8	5	0,8
Cooperation private-public			7	0,1	6	0,1	67	10	63	9,6
Total	8167	100	7602	100	7480	100	667	100	659	100

(Source: ECR table 1, page 24, 2012)

**Figure 3: students by denomination 2005-2010**

	Primary education				Secondary education			
	2005	%	2010	%	2005	%	2010	%
denomination								
Public	502236	30,3	492792	30,2	238129	25,3	246212	26,2
general private	109907	6,6	114677	7	123464	13,1	120171	12,8
Protestant-Christian	396648	24	393180	24,1	173305	18,4	173792	18,5
Catholic	559355	33,7	550883	33,7	241793	25,7	237977	25,3
small denominations	66261	4	55449	3,4	48909	5,2	49993	5,3
Islamic	9170	0,6	9120	0,6	1628	0,2	959	0,1
Cooperation private-private	1253	0,1	897	0,1	5218	0,6	4909	0,5
Cooperation private-public	11589	0,7	15804	1	107173	11,4	106145	11,3
Total	1.656.419	100	1.632.802	100	939.619	100	940.158	100

(Source: ECR table 2, page 25, 2012)



**Fig 4: primary education; up-scaling in governance-reach:**

Number of schools and % of students per governing board 2011/2012			
# schools	# boards	% of the boards	% of students
<b>1</b>	539	45,8%	7,6%
<b>2 to 5</b>	217	18,4 %	10,2 %
<b>6 to 10</b>	162	13,8 %	17,9 %
<b>11 to 20</b>	182	15,5 %	34,8 %
<b>More than 20</b>	77	6,3 %	29,5 %

Source: PO-Board 2012

**Fig 5: secondary education: up-scaling in governance-reach:**

Number of schools and % of students per governing board 2011/2012			
# schools	# boards	% of the boards	% of students
<b>1</b>	148	42%	13,9 %
<b>2 to 5</b>	147	41,8 %	36,4 %
<b>6 to 10</b>	41	11,6 %	20,4 %
<b>11 to 20</b>	7	2 %	7,7 %
<b>More than 20</b>	9	2,6 %	21,6 %

Source: VO-Board 2012

fig 6: **Article 23 of the Netherlands constitution:**

1. Education shall be the constant concern of the Government
2. All persons shall be free to provide education, without prejudice to the authorities' right of supervision and, with regard to forms of education designated by law, their right to examine the competence and moral integrity of teachers, to be regulated by Act of Parliament.
3. Education provided by public authorities shall be regulated by Act of Parliament, paying due respect to everyone's religion or belief.
4. The authorities shall ensure that primary education is provided in a sufficient number of public-authority schools in every municipality. Deviations from this provision may be permitted under rules to be established by Act of Parliament on condition that there is opportunity to receive the said form of education, whether in a public-authority school or otherwise.
5. The standards required of schools financed either in part or in full from public funds shall be regulated by Act of Parliament, with due regard, in the case of private schools, to the freedom to provide education according to religious or other belief.
6. The requirements for primary education shall be such that the standards both of private schools fully financed from public funds and of public-authority schools are fully guaranteed. The relevant provisions shall respect in particular the freedom of private schools to choose their teaching aids and to appoint teachers as they see fit.
7. Private primary schools that satisfy the conditions laid down by Act of Parliament shall be financed from public funds according to the same standards as public-authority schools. The conditions under which private secondary education and pre-university education shall receive contributions from public funds shall be laid down by Act of Parliament.
8. The Government shall submit annual reports on the state of education to the States General.

Source: Ministry of the Interior and Kingdom Relations, 2008.

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