

Explanatory memorandum

General section

1. Introduction

This decree ('algemene maatregel van bestuur' or 'besluit') sets out rules on education and examinations at the Gwendoline van Putten School in Sint Eustatius (GvP) and the Saba Comprehensive School in Saba (SCS). The decree has a number of objectives. First, the decree sets out the required framework within which GvP and SCS can provide secondary education and vocational education based on the education and examinations structure of the Caribbean Examinations Council (CXC). The CXC offers lesson plans, teaching materials and examinations and has the requisite procedures in place to guarantee the quality of these products and their implementation and application in practice. Second, this decree sets demands, in addition to the CXC regulations, that the government considers important for education in Saba and Sint Eustatius. For example, this decree stipulates that the Dutch language is to be taught as a subject in the school and it seeks to strike a sensible balance between classroom time and internships as part of vocational education programmes. This decree also guarantees an ample supply of recognized companies offering practical training experience ('erkende leerbedrijven') and a school curriculum that is aligned with the needs of the local job market. In combination with the education and examinations structure of the CXC, these supplementary rules are to form the basis of education at GvP and SCS. Third, this decree sets out the criteria for obtaining a school diploma required to arrange further education in Bonaire or the European Netherlands. More specifically, it obliges schools to offer, at the student's request, advanced Dutch as a subject at the level that students will need to be able to participate in Dutch-taught further education programmes. Finally, this decree sets out what shape 'praktijkonderwijs' should take at the schools.

2. Key points

Background

At the time of the transition on 10 October 2010, the Saba Comprehensive School was not providing the type of education set out in the 'Landsverordening voortgezet onderwijs'. Instead, the language of instruction was English and examinations were administered in accordance with the Caribbean Examinations Council's methodology. This is why when the 'Wet voortgezet onderwijs BES' (WVO BES, hereinafter also: 'the act') took effect, the school was designated as an institution for secondary education and a decree, i.e. the 'Tijdelijk besluit Saba Comprehensive School BES' (the Temporary Decree or 'Tijdelijk besluit'), was taken on ground of Section 117 of the WVO BES to structure the education and arrange the examinations provided at the school. That decree had a temporary character because at the time it was not clear whether English would remain the language of instruction in Saba and whether the curriculum would also need to be structured in accordance with the methodology of the CXC in the long term. Consequently, Section 207(d) of the WVO BES expressly leaves open the possibility to revert to the curriculum as arranged in the WVO BES.

Following a study of the language of instruction in Sint Eustatius, it was decided in 2014 to introduce English as the language of instruction. As a result of this, the Temporary Decree was amended: the Gwendoline van Putten School in Sint Eustatius was also designated as an institution for secondary education and the CXC education and examination programme was introduced at the school.¹

¹ Stb. 2015, 274.

Motive

In the '*Second Education Agenda for the Caribbean Netherlands 2017–2020; Working together on the next step*' (*Tweede Onderwijsagenda Caribisch Nederland 2017–2020; Samen werken aan de volgende stap*), the Minister of Education, Culture and Science, the executive councils of the public entities of Bonaire, Sint Eustatius and Saba, the school boards and affiliated organizations made agreements about education development in the 2017-2020 period.² One of those agreements is that the education and examinations structure of the Caribbean Examinations Council (CXC) would be fully implemented at the Gwendoline van Putten School (GvP) and the Saba Comprehensive School (SCS) in 2020. This means that not only general education at the school will adhere to the CXC programme, but vocational education as well. The Second Education Agenda stipulates that at both schools secondary education as well as vocational education will switch definitively to the CXC education and examinations structure in order to create a better alignment with further education opportunities and the job market in the region.

Now that it has been decided to adhere to the CXC education and examinations programme for both secondary and vocational education, it has become necessary to set out the funding conditions for the schools in a definitive decree. The temporary character of the 'Tijdelijk besluit Saba Comprehensive School en Gwendoline van Puttenschool BES' did not do justice to the decision to abandon a possible transition to education in accordance with the WVO BES. That transition had remained a possibility until now.

Moreover, the Temporary Decree determined that vocational education must be focused on the administering of the TVET1 examination of the Heart Trust Foundation. In practice, however, that examination has not been administered for some time: the schools have switched to the vocational-oriented programme of the CXC.

This decree means a definitive choice for the English-taught education and examinations structure of the CXC for secondary and vocational education at GvP and SCS.

Problem description

The Temporary Decree provided no clear rules for the vocational-oriented curriculum and has a temporary character with respect to the other types of education. It also made no clear decision about the status of the Dutch language in the curriculum. Furthermore, the provisions regarding 'praktijkonderwijs' were in need of revision. And finally, the decision was not sufficiently clear about the possibilities to transfer to Dutch-taught further education in Bonaire or in the European Netherlands.

In the explanatory memorandum to the 'Besluit van 29 juni 2015 tot wijziging van het Tijdelijk besluit Saba Comprehensive School BES' in connection with the implementation of an English-taught curriculum at the Gwendoline van Putten School in Sint Eustatius³, the government has announced its intention to lay down in a decree the more definitive education and examinations structure of the schools, including the position of the Dutch language, when the final outcome of the developments for the schools have crystallized. With the developments that the curriculum and the underlying policy decisions have undergone, the character of the Temporary Decree has changed to one of a transitional decree. After all, while the Temporary Decree was initially intended to facilitate a possible return to the Dutch system, it became a transitional decree that would last until such time as CXC education is laid down in Dutch legislation and regulations. This means, also in light of the agreement in the Second Education Agenda that also

² Kamerstukken II 2015/16, 30420, no. 243.

³ Stb. 2015, 274, p. 5.

vocational education is to be structured in accordance with CXC education, that a new decision is required.

Statutory basis: Section 117 WVO BES

Pursuant to Section 117 of the WVO BES (the act), institutions for secondary education as referred to in Section 6(e) of the act can be designated as being eligible for funding from the State Treasury.

Section 117 of the act provides a legal basis for a specific regulation for the education institution, examinations, legal status and staff appointment eligibility criteria and regarding the funding of an institution. It is possible to deviate from the provisions under and pursuant to the act were necessary.

Education and examinations at GvP and SCS are to be based on the education and examinations structure of the CXC. The education and examinations structure of the CXC is not equivalent to the education and examinations structure in the Netherlands (including Bonaire). For CXC, the first two levels of the CVQ are an integral part of secondary education, while the Netherlands makes a distinction between secondary education ('voortgezet onderwijs') and vocational secondary education ('middelbaar beroepsonderwijs').

The education and examinations structure of the CXC is leading and the act allows for other forms of secondary education to be arranged and implemented by means of a decree. This is why all forms of education provided at the schools, i.e. not only general education but also vocational education and 'praktijkonderwijs', are enshrined in this decree.

Applicability of the WVO BES

In principle, the WVO BES simply applies to GvP and SCS. Many general provisions apply directly, for example those on safety, social safety, facilities planning, method of funding and the supply of data. CXC education forms the basis for the education and examinations programmes at the schools. However, this in no way precludes that a part of the education programme will be determined by the WVO BES. For example, physical education must be part of the curriculum. Furthermore, section 4 explains why this decree contains supplementary requirements for CXC education.

A number of sections in the act were specifically written for one or more of the types of education referred to in Section 6 of the act, to wit 'vwo', 'havo', 'mavo' and 'vbo'. However, the education provided at GvP and SCS is a different type of secondary education as referred to in Section 6(e) of the act. Consequently, the sections in the act that specifically relate to the 'vwo', 'havo', 'mavo' and 'vbo' types of secondary education do not apply to GvP and SCS. The underlying regulations, which relate particularly to large parts of the 'Inrichtingsbesluit VO BES', the 'Eindexamenbesluit VO BES' and the 'Besluit kerndoelen onderbouw VO BES', also do not apply.

The 'kerndoelen' in sections 34 and 35 of the act relate to the 'onderbouw' of secondary education, as provided in Bonaire or the European Netherlands. They are part of the Dutch education and examinations structure. This decree is based on the education and examinations structure of the CXC. Schools have the freedom to organize the first three school years in accordance with the CXC system, during which they are not required to follow the learning standards.

3. CXC education

It is stated above that the education and examinations structure of the CXC will form the basis for how education at the schools is organized. CXC education is not equivalent to

the Dutch education and examinations structure. To help facilitate a better understanding of the structure of education at GvP and SCS, below follows a basic explanation of the CXC system.

The Caribbean Examinations Council was founded in 1972 by the Caribbean Community (CARICOM), a cooperative alliance of 15 mostly English-speaking Caribbean nations and several associated members that focuses on the promotion of trade and economic development. From that perspective, CARICOM members also cooperate in the area of education. With the establishment of the CXC, CARICOM aimed to improve, safeguard and harmonize education quality. All affiliated countries that use the CXC system work with the same qualification levels, making comparisons and transfers within the region easier. With respect to vocational education, this also means that the regional professional standards adopted by CARICOM are attuned to the regional job market since these professional standards were drawn up in consultation with employers in the Caribbean region. Because a large number of countries work with the same system, there is international recognition and acknowledgement of the diplomas and certificates issued by the CXC.

The CXC has an education and examinations system with a number of levels. Four types of education are offered to schools:

CCSLC = Caribbean Certificate of Secondary Level Competence
CSEC = Caribbean Secondary Education Certificate
CVQ = Caribbean Vocational Qualification
CAPE = Caribbean Advanced Proficiency Examination

CCSLC: Caribbean Certificate of Secondary Level Competence

Under the CXC system, secondary school pupils start out with the CCSLC, which is a kind of broad core phase for the other types of education. CCSLC education offers pupils a basic level of knowledge, competencies and skills that will allow them to move up to a CVQ or CSEC programme. The nominal programme length of the CCSLC is three years. A pupil must take at least five subjects, of which English and Mathematics are mandatory. The competent authority (i.e. school board) must make a selection from the CXC offering for the other three subjects. The CCSLC subjects can be concluded with a CCSLC examination, whereby the pupil receives one certificate for each subject. The CXC has not made the examination obligatory, however. Although the nominal programme length of the CCSLC is three years, the competent authority is free to deviate from this programme length. Depending on the needs of the pupil, the programme can be accelerated, a larger number of subjects taken or parts of a CVQ or CSEC already commenced. A pupil who has completed CCSLC has not yet finished their secondary education.

CVQ: Caribbean Vocational Qualification

From CCSLC pupils can transfer to the first two levels of CVQ education that count as part of the CXC system for secondary education. CVQ is a type of vocational education that is based on practical and competence-oriented education and on competence-oriented examinations. The professional standards for each CVQ are drawn up by the Caribbean Association of National Training Agencies (CANTA) in close collaboration with experts and employers active in the sectors concerned. These professional standards are subsequently adopted by CARICOM. This means there is clarity in the Caribbean region regarding the qualifications and various levels, and certificate-holders have an easier time navigating the job market.

As opposed to vocational education in the Netherlands, the CXC does not prescribe a mandatory period of practical training outside of school (an internship or 'stage') for these levels. According to CXC regulations, practical situations are simulated in

vocational training classrooms. However, the higher CVQ levels (3, 4 and 5) that students can only enter after obtaining CSEC or a CVQ 2 certificate are partially arranged by the private sector.

Pupils who enrol in a CVQ programme after CCSLC normally obtain their CVQ level 2 in two years. On obtaining a CVQ 2 certificate, a student can pursue further education or enter the job market.

CSEC: Caribbean Secondary Education Certificate

CSEC education is a type of general education that follows the CCSLC programme. On obtaining a CSEC final certificate, a student can pursue further education. The nominal CSEC programme length is two years. The length of the CSEC programme depends in part on the pupil's performance. The CSEC programme consists of at least five subjects, of which English and Mathematics are mandatory. CSEC is concluded with certificates issued for each subject, in accordance with the rules and procedures of the CXC. A pupil who obtains all subject certificates for CSEC receives a CSEC final certificate. This provides the pupil with a number of options. The pupil can continue secondary education with CAPE, opt for further education or decide to enter the job market.

CAPE: Caribbean Advanced Proficiency Examination

The programme length of CAPE is two years. Pupils may only start CAPE after obtaining the CSEC certificates in the subjects that the pupil wishes to take in the CAPE programme. The CXC offers three different methods of certification within CAPE:

- 1) a certificate is awarded for each completed CAPE unit.
- 2) the CAPE diploma is awarded to candidates who satisfactorily complete at least six units, including Caribbean Studies.
- 3) the CXC can award a CAPE Associate Degree to candidates who successfully complete a prescribed cluster of seven CAPE units, including Caribbean Studies and Communication Science.

To earn a CAPE diploma or a CAPE Associate Degree, candidates must complete the cluster of required units within a period of no more than five years.

Grades

A certificate is awarded for each completed CAPE and CSEC subject. CAPE awards the grades of I, II, III, IV, V, VI and VII, with I being the highest and VII the lowest. The grades that can be awarded for each CSEC subjects are I, II, III, IV, V and VI, with I being the highest and VI the lowest.

For the units of a CVQ programme, the pupil must take a number of assessments which are graded as either a 'pass' or 'fail'. No actual grades are given. The CXC does not administer central examinations for CVQ programmes. The pupil does one or more assessments for each component of a programme. These could be practical assessments, oral examinations, papers and written tests. Together, the various assessments make up the pupil's portfolio. The CVQ certificate is awarded to the pupil who has passed all prescribed units.

The various CXC certificates and grades are generally known and recognized outside the CARICOM region. They provide clarity about the pupil's professional and intellectual ability.

4. Education at the Gwendoline van Putten School and the Saba Comprehensive School

The education and examinations structure of the CXC form the basis of education at GvP and SCS. The Netherlands has no influence on the substance of the structure. To maintain a grip on the quality of the education and on the curriculum that forms the basis for transferring to further education in the European Netherlands or Bonaire, the Netherlands may place additional requirements on the structure of the education provided at the schools, in addition to those under the CXC system. This is done for Dutch language as a subject and for internships ('stages') in the vocational education programmes.

Furthermore, this decree includes provisions for 'praktijkonderwijs'.

Dutch

For most inhabitants of Saba and Sint Eustatius, English rather than Dutch is their mother tongue. This was one of the reasons to switch to English as the language of instruction at school. However, this does not change the fact that Dutch is an important language for the inhabitants of Saba and Sint Eustatius. After all, the islands are part of the Netherlands, Dutch is the language of administration in the islands and Dutch is also required to pursue further education in Bonaire or the European Netherlands. It is therefore self-evident that the Dutch language has a prominent place in education on both islands.

This decree arranges the following with respect to education in the Dutch language:

1. Dutch is a mandatory subject for 'praktijkonderwijs', CCSLC, CVQ and CSEC, in addition to the mandatory CXC subjects;
2. the school-leaving levels for Dutch are related to the Common European Framework of Reference for Languages (CEFR or ERK);
3. the school must offer advanced Dutch as a subject for pupils who wish to move on to Dutch-taught further education in Bonaire or the European Netherlands. The school-leaving levels are related to the 'Wet referentieniveaus Nederlandse taal' or to the CEFR.

Re 1.

The schools must offer all pupils, with the exception of CAPE pupils, Dutch as a subject and administer examinations in it. In practice this means that the CCSLC pupil takes Dutch as a subject in addition to the CXC programme, the CSEC pupil takes Dutch as a subject in addition to the five mandatory CSEC subjects and the CVQ pupil takes Dutch as a subject in addition to the CVQ units prescribed by the CXC. The closest possible alignment with CCSLC is sought for Dutch as a subject in 'praktijkonderwijs'. Pupils doing 'praktijkonderwijs', CVQ and CSEC complete their Dutch classes with a school-based examination. The result of the school-based examination does not count toward the final assessment by the CXC of the CXC programme in question. In other words, a pupil can pass their CSEC or CVQ regardless of the result of the school-based examination in the Dutch language. A CAPE pupil will have already completed the mandatory subject of Dutch during their CSEC programme.

Re 2.

Furthermore, this decree arranges that the school-leaving levels for Dutch as a subject are related to CEFR/ERK levels for modern foreign languages (except for English), as these apply for pupils in similar types of education in the European Netherlands. These school-leaving levels will be further elaborated in ministerial regulations, which will determine the exit levels.

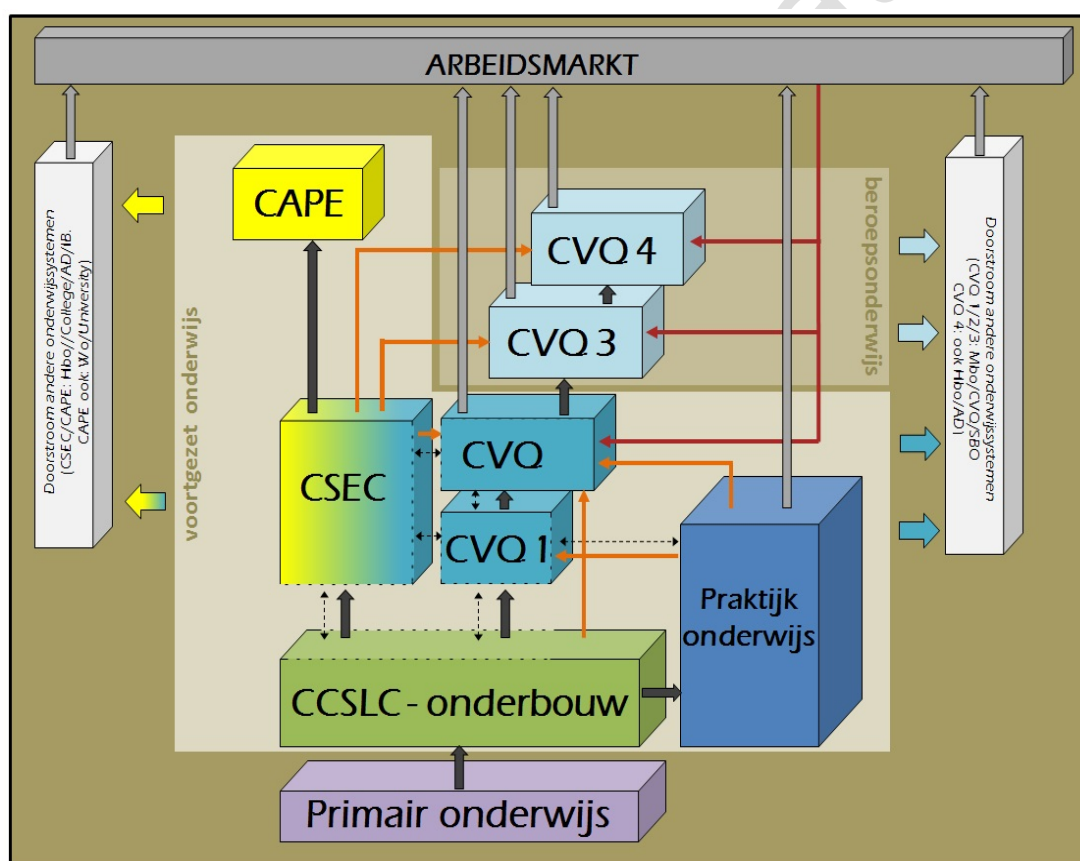
Re 3.

It is desirable for pupils who wish to transfer to Dutch-taught further education in Bonaire or the European Netherlands that they demonstrably possess the same level of Dutch as pupils in the European Netherlands. This is why this decree provides for the schools to offer advanced Dutch as a subject and a corresponding examination so that pupils are able to demonstrate their level of Dutch. A ministerial regulation ('ministeriële regeling') related to this decree will determine which examinations the school can employ for this purpose.

'Praktijkonderwijs'

CXC education programmes do not include a programme type comparable to 'praktijkonderwijs' in the European Netherlands. Nevertheless, it is important that the schools offer a form of 'praktijkonderwijs' as there are no other schools in the islands to which these pupils can turn. That is why this decree declares applicable the object of the relevant sections in the act that relate to 'praktijkonderwijs'. Schools offer 'praktijkonderwijs' that can be provided using components of the CXC curriculum.

Diagram of education at GvP and SCS.



5. School diploma and transfer opportunities

By adhering to the education and examinations structure of the CXC system, the schools have opted for a model that is well attuned to the further education and job market opportunities in the region. In order to further optimize the opportunities for pupils in Dutch-taught further education and the job market in Bonaire and the European Netherlands, this decree provides for the competent authority to offer advanced Dutch as a subject to each pupil who wants it.

A pupil whose results satisfy a number of conditions, including passing the exam in advanced Dutch as determined by ministerial regulations, will be awarded a school diploma by the school. This school diploma will allow the pupil to transfer to suitable further education in the European Netherlands or Bonaire. The regulations pursuant to Section 8.2.1(1)(e) of the 'Wet educatie en beroepsonderwijs', Section 8.2.1(1)(e) of the 'Wet educatie en beroepsonderwijs BES' and Section 7.28(2), first sentence, of the 'Wet op het hoger onderwijs en wetenschappelijk onderzoek' will be amended so that the school diplomas grant direct access to further education.

The school awards the following types of school diplomas:

1. A school diploma for pupils who have obtained the CVQ certificate and who have passed the subject of advanced Dutch, in accordance with the ministerial regulation related to this decree, with a mark of at least 6. This school diploma grants the pupil access to 'mbo' level 3 or 4, i.e. access to education for which an 'mbo' 2 diploma is generally required.
2. A school diploma for pupils who have completed CSEC with at least five subjects with another combination of grades than described in Section 3 and who have passed the subject of advanced Dutch, in accordance with the ministerial regulation related to this decree, with a mark of at least 6. This school diploma also grants the pupil access to 'mbo' level 3 or 4, i.e. access to education for which an 'mbo' 2 diploma or a theoretical track ('theoretische leerweg') diploma is generally required.
3. A school diploma for pupils who have completed CSEC with at least five subjects with the grades I, II, III and who have passed the subject of advanced Dutch, in accordance with the ministerial regulation related to this decree, with a mark of at least 6. This school diploma grants the pupil access to higher professional education, i.e. access to further education for which a 'havo' diploma or comparable diploma is generally required.
4. A school diploma for pupils who have completed CAPE with at least six subjects with the grades I, II, III and who have passed the subject of advanced Dutch, in accordance with the ministerial regulation related to this decree, with a mark of at least 6. This school diploma grants the pupil access to academic higher education, i.e. access to further education for which a 'vwo' or comparable diploma is generally required.

6. Alignment of CVQ education with the labour market

Alignment of vocational education with the labour market is safeguarded in a number of ways. First, the way in which regional professional standards for the CVQ programmes have been drawn up in consultation with the professional field and adopted by CARICOM means that the programmes satisfy the requirements that the Caribbean region sets for the profession in question.

Second, this decree ensures that only programmes with sufficient job market relevance and perspectives are offered. The competent authority can only offer funded CVQs. The competent authority must submit an application to the Minister to be eligible for funding of a CVQ programme. This application must contain the relevant regional professional standard and the syllabi in which all units of the programme are described. In making his decision, one of the things the Minister will examine is the fitness for purpose of the programme concerned. In this connection, the Minister will be advised by the 'Raad Onderwijs Arbeidsmarkt Caribisch Nederland' (ROA CN). The schools are only allowed to offer programmes funded by the Minister.

Third, practical training outside of school (an internship or 'stage') is part of the programmes. As a network of recognized companies offering practical training ('erkende

leerbedrijven') already exists, the schools will be able to immediately implement the mandatory practical training outside of school. The ROA CN has the statutory duty to ensure an adequate number of recognized companies offering practical training where this practical training outside of school can take place.

Finally, under the CXC system, alignment of education programmes and the labour market is safeguarded by allocating a role to the private sector in the examinations process. For this purpose, the CXC has set up a system with National Training Agencies (NTA). One of the tasks of an NTA is to recruit, train and certify experts from the professional field as so-called external verifiers for the purpose of the CVQ examinations process. They supervise the assessments by checking the portfolios containing evidence of all assessments taken before the school sends these portfolios to the CXC for certification purposes. The external verifiers may be present during the assessments.

Responsibility for deploying external verifiers during assessments lies with one of the NTAs. The CXC does not prescribe which NTA this should be. However, the NTA concerned must be one certified by CANTA. This decree provides for that the schools may exclusively request NTA services from an NTA designated by the Minister. The government intends to allow the ROA CN to become an NTA in due course. The schools will request the external verifiers via the ROA CN as of the coming into effect of this decree. As long as the ROA CN is not yet a certified NTA, the ROA CN will use the services of another NTA.

7. Feasibility and enforceability

Although the CXC supervises procedures and conducts audits at schools to determine whether these schools may (continue to) offer the CXC curriculum, GvP and SCS will continue to come under the law and be subject to the 'Wet op het onderwijstoezicht' (Wot) . The 'Dienst uitvoering onderwijs' (DUO) also fully performs its duties on behalf of these two schools.

PM implementation test.

8. Administrative costs and regulatory burden

Administrative costs refer to costs incurred to satisfy the government's obligations to provide information arising from legislation and regulations. Administrative costs are incurred by collecting, processing, registering, storing and making available information. This decree does not represent any change in the administrative costs. After all, this decree changes nothing in respect to the already existing education and examinations structure that the schools have already implemented in practice.

The regulatory burden distinguishes the costs of regulatory burden, practicability and perceived usefulness. There will be no increased regulatory burden as there is alignment with the existing situation. The changes have already been implemented.

9. Financial implications

The funding for these two schools is based on the law. This point will not be deviated from. Consequently, this decree represents no financial consequences for the national government.

10. Advice and consultation

PM

courtesy translation

courtesy translation

Overview of sections of the act

Section 1

The terms that do not appear in the act or which – in the case of the term ‘school’ – deviate from the definition in the act have been included in Section 1.

Sections 2 and 3

The act contains provisions regarding the education and examination structure at schools in the Caribbean Netherlands. The provisions in Chapters I, II and III of Section I arrange public education in the BES islands and are funding conditions for special schools. However, the act also allows for the possibility to deviate with respect to a number of matters arranged in Chapters I, II and III. Section 117 of the act provides a legal basis for setting regulations for the designated institution regarding the application of instructions for structure, examinations, legal status, staff appointment eligibility criteria and funding, as laid down in the act. This decree gives substance to that legal basis.

Section 2 expressly limits the application of this decree to the Saba Comprehensive School and the Gwendoline van Putten School. Any new schools established in Saba or Sint Eustatius will need to satisfy all funding conditions set out in the WVO BES for secondary education.

A point of departure in this decree is that the ‘Wet voortgezet onderwijs BES’ will in principle apply as much as possible to the schools. As a result, the funding conditions, as laid down in the act, also apply to the schools. However, these must be interpreted with due observance of the provisions in this decree. Because this decree contains instructions on how the act is to be applied, the funding conditions in Chapters I and III⁴ apply in conjunction with this decree.

Section 3 does not only provide for the content of this decree to be a funding condition, but also imposes the obligation for the education provided at the schools to be organized in accordance with the requirements set by the CXC. The competent authority must abide by the rules that the CXC imposes on the education and examinations structure.

The Inspectorate of Education monitors compliance with the funding conditions. However, the CXC itself is responsible for judging compliance with CXC rules, and those rules are not part of national legislation. If the CXC judges that the competent authority continues to fail to meet its obligations, that organization can determine, by way of a repercussion, that the examinations will no longer be administered. In terms of the WVO BES, that judgement would be a sign that the funding conditions have been insufficiently complied with.

Section 4

The forms of education that must be offered by the competent authority are in any event CSEC, CVQ 1, CVQ 2 and ‘praktijkonderwijs’. The first three are organized in accordance with CXC requirements, but ‘praktijkonderwijs’ is not a type of education programme offered by the CXC. ‘Praktijkonderwijs’ is therefore provided by the competent authority at its own discretion and in keeping as closely as possible with the WVO BES.

⁴ Chapter II is not applicable because the schools are special schools.

Further to the mandatory types of education, the competent authority can also opt to offer CAPE. Indeed, the Saba Comprehensive School is currently already doing so.

Finally, the competent authority can also opt to offer other types of CVQ, i.e. CVQ 3 and CVQ 4 in particular.

Section 5

As with all schools, the general rule is that the competent authority decides on the admission of pupils. A pupil's abilities determine the type of education programme the pupil is admitted to. To that end, the competent authority develops criteria that are also included in the school guide so that these criteria are clear, transparent and known to all concerned. Criteria are also drawn up for promoting pupils to higher school years.

One feature of CXC education is that the programmes of the various education types can partially overlap. For example, pupils can already start taking CSEC subjects while not yet having completed the full programme of the first three school years. The second paragraph contains the restriction that a pupil can only start taking a CAPE subject if the pupil has already obtained the appropriate sub-certificate for the corresponding subject at CSEC level.

Section 32 of the act stipulates that 'praktijkonderwijs' is only to be accessible to the target group. That target group at SCS and GvP is made up of pupils who are not expected to achieve CSEC or CVQ2 and to whom, moreover, remedial education and special teaching options are required. Section 32 of the act has been declared applicable in this decree. However, the first paragraph of that section refers to a number of learning tracks that are replaced by the various types of CXC education in the third paragraph of Section 5 of this decree.

Section 6

As explained in the general section, one of the most important reasons to opt for the education provided under the CXC system is a fact that English is the mother tongue of most pupils in Saba and Sint Eustatius. This is the reason why English has been chosen as the language of instruction for both islands. This decision was already adopted and explained in the 'Tijdelijk Besluit Saba Comprehensive School BES' (Stb. 2013, 323) and the 'Besluit van 29 juni 2015 tot wijziging van het Tijdelijk Besluit Saba Comprehensive School BES' in connection with the implementation of an English-taught curriculum at the Gwendoline van Putten School in Sint Eustatius (Stb. 274). The explanatory memoranda for both decrees discuss the choice made.

This decree lays down that English is the language of instruction and examination at SCS and GvP. There are a few exceptions to this that are similar to the exceptions also included in the act. The language being taught may also be the language of instruction. Furthermore, the competent authority may on occasion opt to provide education in a language other than English. Any such decision will need to be set out in a code of conduct and reported to the inspectorate.

Section 7

As set out in the general section, the Dutch language features prominently in the education provided in Sint Eustatius and Saba even though it is not the mother tongue of most pupils. As such, it is self-evident that the Dutch language must be a part of all education programmes. And this is indeed provided for in the first paragraph. An exemption is made for CAPE: pupils taking a CAPE programme must already have

completed CSEC. These pupils will already have completed the mandatory subject of Dutch in their CSEC programme.

The second paragraph stipulates that the competent authority administers a school-based Dutch language examination. All pupils take that school-based examination, but as Dutch as a subject is not part of any CXC programme, the assessment of the school-based examination does not count toward the pupils' CXC programme. In other words, it is possible for a pupil to obtain a CXC final certificate without having an adequate command of the Dutch language. However, such a pupil will not be awarded a school diploma as that is contingent on the pupil having taken the subject of advanced Dutch.

The third paragraph stipulates that the subject of Dutch taken by all pupils is based on the Common European Framework of Reference for Languages. The government has decided to take the Common European Framework of Reference for Languages (CEFR or ERK) as a standard for the content of the subject of Dutch rather than the reference levels that have been adopted pursuant to the 'Wet referentieniveaus Nederlandse taal en rekenen'. These reference levels are based on the command of the Dutch language of children whose mother tongue is Dutch. This is not the case for the pupils of SCS and GvP, the majority of whom have English as their mother tongue. This is why the school-leaving levels are related to the CEFR levels of the modern foreign languages, but not of English. After all, pupils on both islands grow up in an environment in which Dutch is less common than English in the European Netherlands. Consequently, their command of the Dutch language cannot be compared with the command of the English language by pupils in the European Netherlands. The school-leaving levels will be determined differently depending on the type of education programme. The government has chosen to arrange this in a ministerial regulation mainly because it relates to a technical detail but also because the practical situation in this regard has not fully crystallized. The school-leaving levels may need to be adjusted depending on the pupils' performance in practice. The flexibility of a ministerial regulation is required to ensure that the regulations and the situation on the ground can be quickly aligned with one another.

Pupils who wish to obtain a school diploma in order to move on to further education in Bonaire or the European Netherlands take the subject of advanced Dutch, which is offered by the competent authority pursuant to the fourth paragraph. Advanced Dutch is concluded with an examination. These are existing examinations, for example the CNAVT (Dutch as a Second Language Certificate) examination or the standard school-leaving examination adopted by the 'College voor Toetsen en Examens (CvTE)'. As the examinations offered can change, the list of examinations that pupils are able/must be able to take is determined by ministerial regulation.

Section 8

As described in the general section, CCSLC, and not the 'kerndoelen' on which the 'onderbouwprogramma' is based pursuant to the act, forms the basis of the education programme in the first three school years. The competent authority sets up the programme in such a way that pupils can move on to CVQ or CSEC after the first three school years.

In addition to the knowledge, competencies and skills offered by the CCSLC education programme, it also features a number of components that arise from the act since these apply to all types of schools. For example, physical education and citizenship lessons are part of the curriculum. Furthermore, the subject of Dutch is an important component of the programme, pursuant to Section 6(1).

The first paragraph of Section 8 stipulates that CCSLC is the basis for the first three school years, but that the competent authority is under no obligation to administer an examination. The CXC itself also leaves that up to the schools. The examination has no social value: it is not a condition for transferring to other types of education and the diploma is not a 'startkwalificatie' that adequately prepares a pupil for the job market.

The second paragraph stipulates that 'praktijkonderwijs' must be organized to correspond as much as possible to the CCSLC core phase. This means that not only the programme content corresponds much as possible, but also that advancement of pupils to CVQ or CSEC is encouraged where possible. However, a basic principle is that the education programme is aligned with the target group and hence the capacities of the pupils doing 'praktijkonderwijs'.

Section 9

The first paragraph of this section allows for a pupil to be exempted from components of the education programme. This option also exists pursuant to the WVO BES for the other school types. For the 'onderbouw' and 'bovenbouw', this is arranged in Section 36(1) of the act and the 'Inrichtingsbesluit WVO BES', respectively.

The second paragraph of Section 9 contains a restriction of the exemption possibility for physical education: such an exemption is only possible for reasons of the pupil's physical condition. This paragraph corresponds with Section 23(1) and Section 29(1) of the 'Inrichtingsbesluit WVO BES'.

Sections 10 to 14 inclusive

The various school types and associated examinations and diplomas are explained in the general section.

Section 15

The general section emphasizes the importance of practical training (internship or 'stage') outside of school. The CVQ programmes do not feature a mandatory internship. Consequently, this decree sets out that the competent authority is to organize the CVQ programme in such a way that 20% of it takes place at a company providing practical training.

Sections 20 to 24 inclusive of the act are declared applicable by analogy in the second paragraph. This means that, also for CVQ pupil internships, a work-study agreement ('leerwerkovereenkomst') must be concluded stipulating that the pupil must not only perform one-sided production work during the internship and that the companies offering practical training satisfy quality standards. In this respect, the ROA CN will be accorded a role similar to that of 'leerwerktrajecten' in the 'vmbo'. The ROA CN can also receive a subsidy for this.

Section 16

The CVQ programme does not feature examinations, but assessments. The person – normally the teacher – who conducts the assessment is referred to as the assessor, and an internal verifier carries out a second check.

Together, the various assessments make up a portfolio. As described in the general session, external verifiers play a role in the assessment of the portfolio. Under CXC rules, those external verifiers must be recruited, trained and certified by a national

training agency. The Minister intends to designate the ROA CN as an NTA that will be responsible for deploying external verifiers in Saba and Sint Eustatius. The ROA CN is currently working to become eligible for certification as an NTA. While there is no CANTA-certified NTA for Saba and Sint Eustatius, the ROA CN will have to purchase the relevant services from another NTA.

The CXC issues the certificate for the CVQ 1 and 2 programmes. The NTA issues the certificates for all other forms of CVQ – the programmes at level 3, 4 or 5 and the CVQ programmes for adults. The fourth paragraph stipulates that the director presents the CVQ certificate to the pupil who has satisfied all requirements.

Section 17

In addition to the various types of education programmes offered by the CXC, the school also provides 'praktijkonderwijs'. The content of this 'praktijkonderwijs' largely corresponds with the 'praktijkonderwijs' as arranged in the act. The relevant provisions are therefore also largely applicable by analogy. Other than the fact that the schools are not schools for 'praktijkonderwijs' as referred to in Section 6(d) of the act, there are two clear differences. First, the target group is delineated based on the CXC education programme: part a of Section 17 defines this target group as pupils who are expected not to obtain a certificate on following a CVQ or CSEC programme. Second, part b stipulates that the content of the 'praktijkonderwijs' corresponds to CVQ 1, and not – as provided for in the act – be based on the 'kerndoelen', and that the anticipated jobs in the labour market are under the level of CVQ 1.

Section 18

Section 73 of the act applies to 'praktijkonderwijs' education. This means that the competent authority can decide that a pupil receives a school diploma – instead of a certificate – on completing the 'praktijkonderwijs'. A pupil who leaves the 'praktijkonderwijs' programme but who is not eligible for a certificate or school diploma receives a declaration.

Section 19

The general section explains that the pupil who satisfies a number of conditions receives a school diploma that grants admission to further education in Bonaire or the European Netherlands. To that end, the regulations pursuant to the 'Wet educatie en beroepsonderwijs', the 'Wet educatie en beroepsonderwijs BES't and the 'Wet op het hoger onderwijs en wetenschappelijk onderzoek' will be amended. As such, a school diploma from the Saba Comprehensive School or the Gwendoline van Putten School will in principle grant direct admission to further education. This does not change the fact, however, that other educational requirements may apply for admission to further education, such as a specific set of courses or subjects.

Section 19 stipulates that the pupil who has obtained a CAPE, CSEC or CVQ diploma and who also completed the subject of Dutch by taking one of the examinations designated by ministerial regulation receives the school diploma.

The school diploma obtained on grounds of part a, and for which a CAPE diploma with six subjects, a combination of grades I, II and III, and a pass in the mandatory examination in Dutch are required, will grant admission to further education for which a 'vwo' diploma or a diploma of similar level is generally required. With regard to pupils holding a CSEC final certificate, parts b and c distinguish between those pupils who earn high grades and those who earn less high grades. The pupil who obtains grades I, II or

III for five subjects receives a school diploma which, pursuant to the regulations referred to above, will grant access to further education for which a 'havo' diploma is normally required. A CSEC final certificate, for which also other grades than grades I, II or III have been earned, will result in a school diploma that grants access to further education for which at least a theoretical track ('theoretische leerweg') diploma is required. Part b provides the basis for a school diploma that grants access to further education for which a 'mbo 2' diploma or a similar diploma is required.

Section 20

Under the teaching and examination regulations, the competent authority determines the exact content of the education programme as well as the examination rules. As such, the competent authority must in any event ensure that CXC rules are complied with. Furthermore, the competent authority may draw up its own rules to the extent these are not at odds with those of the CXC.

The teaching and examination regulations will be made available to all examination candidates prior to the examination year by sending the regulations to the examination candidates or placing them on the school's website.

Section 21

Pursuant to Section 207 of the act, funding of both schools is based on title III of the act. The funding is provided in accordance with the act. However, the act does not provide for the funding of CVQ programmes at those schools. More specifically, there is no regulation governing the provision of funding to the schools for pupils taking a CVQ education programme. This is why Section 21 of this decree provides for how the schools are to be funded for those pupils. The first paragraph of Section 21 includes the procedure for adding a profile to a school for prevocational education (vbo) as a basic principle. If the competent authority wishes to launch a new CVQ programme and applies for the associated funding, the application must be submitted to the Minister. The application must include the so-called regional occupational standards, which must be approved by CARICOM under CXC rules and the syllabus. Before the Minister makes a decision on the funding of the new programme, the Minister will seek the advice of the ROA CN, which will advise him on the fitness for purpose and labour market relevance of the programme. The sixth and seventh paragraphs arrange the opposite of programme funding provision: the termination of programme funding. Funding for the pupils of a CVQ education programme will in any event be terminated if no pupils are enrolled in the programme over the course of three years. Furthermore, the Minister may terminate the funding if he is of the opinion that the quality is insufficient. The Minister can base that decision on a recommendation of the ROA CN, though the Minister can also come to that decision independently.

Section 22

The detailed requirements that the act sets for appointing teachers do not apply to SCS and GvP. Instead, this decree contains an instruction to the competent authority to ensure a sufficient number of teachers of sufficient quality who are able to train the pupils through to the examinations associated with the educational programmes provided by the school. The competent authority must also take the CXC requirements into account when appointing teachers.

While this decree does not provide concrete numbers, it contains the instruction for the competent authority to ensure a sufficient number of teachers. With regard to teacher quality, anyone who can be appointed pursuant to the act and the underlying regulations

can also be appointed to SCS and GvP. Furthermore, the competent authority can appoint someone a teacher based on the competent authority's own assessment of a certificate. Naturally, procedural requirements, such as a certificate of good conduct and not being excluded from teaching, also apply as do the staff appointment eligibility criteria, as laid down in the act. As a consequence of the discretion allowed the competent authority in this area, the competent authority must be able to justify its choices. This is why the third paragraph demands that the competent authority records the training and experience of each teacher. The competent authority must be able to provide the inspectorate with an overview of this information if the inspectorate requests it.

Section 23

The first and second paragraphs stipulate that a director heads the school and that the other staff support the teaching activities or the director. The director and the other staff must also hold a certificate of good conduct and must not be excluded by court decision from taking a position as a member of staff of an education institution. Furthermore, the competent authority is required to keep an overview of the training and experience of the director and the other staff, and it must be possible for the inspectorate to request this overview.

Section 24

With the coming into force of the new decree, the 'Tijdelijk besluit Saba Comprehensive School en Gwendoline van Puttenschool BES' and the amending decree ('wijzigingsbesluit') that still included the transitional law lapse. The 'Tijdelijk besluit' as well as the transitional law have become superfluous with the coming into effect of this decree.

Section 25

As explained in the general section, the '*Second Education Agenda for the Caribbean Netherlands 2017–2020; Working together on the next step*' (*Tweede Onderwijsagenda Caribisch Nederland 2017–2020; Samen werken aan de volgende stap*) includes agreements about education development in the 2017-2020 period. One of those agreements is that the education and examinations structure of the Caribbean Examinations Council (CXC) would be fully implemented at the Gwendoline van Putten School (GvP) and the Saba Comprehensive School (SCS) in 2020, for both general education and vocational education. In accordance with that agreement, the government considers it important that this decree should enter into force on 1 August 2020. After all, the schools have since implemented the education programme in practice. This is why the possibility of retroactive effect has been added to the entry into force provision so that the decree will be enforced from that date of publication is not possible before that time.

In view of the date of entry into force and the retroactive effect, this decree will enter into force before the legislative proposal, submitted by 'koninklijke boodschap' of 4 October 2019, laying down the rules for secondary education ('Wet voortgezet onderwijs 20xx') (Kamerstukken 35297). This decree therefore does not take account of the entry into force of the 'Wet voortgezet onderwijs 20xx'. When that act enters into force, this decree will be amended to be in line with the proposed legal basis in Section 2.86.

The Minister for Primary and Secondary Education and Media,

Arie Slob