

Explanatory memorandum

General

This explanatory memorandum is issued with the agreement of the Minister for Primary and Secondary Education.

1. Introduction

Since 2010, vocational education and adult education in the Caribbean Netherlands (the BES islands or the Public Entities of Bonaire, Sint Eustatius and Saba) have been regulated by the Education and Vocational Training Act BES (known in Dutch as the WEB BES). In practice, vocational education provided on the basis of the Education and Vocational Training Act BES is only offered by the Public Entity for Bonaire.¹

In the Caribbean Netherlands, the Social Opportunity Programs for Young People Act BES (SKJ Act) exists for the benefit of early school leavers. This legislation aims to guide young people aged 18-24 who have no basic qualification² and no employment back into education or into the labor market. The Social Opportunity Programs for Young People Act applies on all three BES islands.

The Education and Vocational Training Act BES and the Social Opportunity Programs for Young People Act have become outdated in many respects. This creates ambiguities and bottlenecks in implementation and leads to situations in which practice can no longer be reconciled with legislation and regulations. In addition, certain facilities that exist in the European Netherlands have not been implemented (or not properly) in the Caribbean Netherlands. Changes to this legislation are therefore necessary, both to address the problem of the outdated legislation and to ensure an equivalent level of provision.

The fact that legislation has lagged behind developments on the islands and developments in the European Netherlands is partly due to the government's policy of 'legislative restraint' with regard to the Caribbean Netherlands. In 2010 it was agreed to be cautious about introducing new legislation due to the limited capacity for absorption of the islands. In 2019, however, the government decided to abandon legislative restraint as a principle and instead to work based on the 'comply or explain' principle.³ As a result of this new government policy, in the case of new legislation and regulations, or changes to existing legislation and regulations, there must always be a consideration of whether and how this legislation can also be declared applicable in the Caribbean Netherlands or whether differentiation is necessary or desirable. This principle is also in line with Article 132a, 4 of the Constitution. It follows that if there is a substantial difference between the European Netherlands and the Caribbean Netherlands, differentiation, and therefore a difference in the regulations applicable in both parts of the Netherlands, is possible. Accordingly, Article 137 of the Public Entities of Bonaire, Sint Eustatius and Saba Act stipulates that differences in regulations may also exist between the islands, provided that there are special circumstances that give reason to do so.

The aim is not to declare all European Dutch regulations automatically applicable in the Caribbean Netherlands. Sometimes there are reasons not to do so, or to look for other solutions. The aim is to achieve an equivalent effect, based on an equivalent level of facilities within the possibilities of the Dutch Caribbean context. Therefore, even within the current government policy of *comply or explain*, it remains important to test the feasibility of new regulations explicitly against the specific context of the islands.

¹ Since the introduction of CXC education on Saba and St. Eustatius, vocational education based on the Education and Vocational Training Act BES is no longer provided on these two islands. For further details, see section 2 of this explanatory memorandum.

² A basic qualification on Bonaire is a HAVO, VWO or MBO-2 diploma, and on Saba and Sint Eustatius a CSEC or CVQ2 certificate.

³ *Parliamentary papers II*, 2019-2020, 35300, 11.

Given the need to amend the outdated Education and Vocational Training Act BES and Social Opportunity Programs for Young People Act and the principle of *comply or explain*, this bill proposes to disapply the separate legislation for the islands and switch to a single legal framework that applies to both the Caribbean and the European parts of the Netherlands. Where necessary, within that legal framework there is differentiation between the Caribbean and European parts of the Netherlands. In concrete terms, this bill means that the Education and Vocational Training Act BES (WEB BES) will be repealed and the Education and Vocational Training Act (WEB) will be amended in such a way that it can also be declared applicable in the Caribbean Netherlands. This means that all the provisions of the Education and Vocational Training Act will also apply to the Caribbean Netherlands wherever possible. If the context of the island requires specific deviations, these deviations will be incorporated into the act itself at the end of each chapter.

The Education and Vocational Training Act BES also provides a framework for adult education, referred to as educational programs. However, unlike in the European Netherlands, no resources have been made available for this as yet and, partly as a result, no structural policy regarding adult education has been developed on the islands. This is despite the fact that a higher proportion of the population is very poorly educated or has low literacy compared to the European Netherlands. Data from Statistics Netherlands show that 50% of the working population of Bonaire have completed education that is below the level of a basic qualification.

On Sint Eustatius, this is the case for 67% of the working population and on Saba it applies to 40% of the working population. In the European Netherlands the proportion is 28%.⁴ By introducing comparable frameworks and the associated resources for adult education, this bill also aims to provide impetus to all three Public Entities.

This bill also repeals the Social Opportunity Programs for Young People Act. This BES-specific legislation concerns the approach to early school leavers and deviates from the European Dutch frameworks in a number of respects. One important difference is that the BES Act only provides for government intervention after a young person has left school prematurely and has therefore already dropped out. The ESL legislation in the European Netherlands also seeks to prevent young people leaving school early while they are still at school. It is important that action is taken proactively and as early as possible. Frequent absenteeism from school or frequent lateness can be early warning signs when it comes to early school leaving and other problems, for instance. In practice, it is difficult to get early school leavers to return to school after they have left. Preventive steps are therefore more effective than steps aimed at students who have already dropped out. A joint preventive approach that focuses on multiple areas of the young person's life is the preferred approach. It is important that parents, school and other professionals such as a school attendance officer work together to reduce the negative influence of risk factors. A framework for cooperation within the social domain, which is so important in tackling early school leavers (and those who are at risk of dropping out prematurely), is also lacking. This does not mean that in current implementation practice there is no cooperation at all with relevant partners, but this cooperation is not structurally embedded. Partly due to the existence of the Social Opportunity Programs for Young People Act, the frameworks that exist in the European Netherlands with regard to preventing and combating ESL have not yet been developed for the Caribbean Netherlands. Through this bill, the main points of the ESL frameworks from the Education and Vocational Training Act and the Secondary Education Act 2020 (WVO 2020) will also apply in the Caribbean Netherlands, meaning that the entire target group of young people in or from secondary education and vocational education between the ages of 12 and 25 years will fall under this ESL framework. Specific deviations from those frameworks are also set down in law.

⁴ CBS-StatLine population data.

Finally, this bill contains several legislative improvements to the Education and Vocational Training Act. This is consistent with the objective of working step by step on improving the quality of existing legislation and in particular the Education and Vocational Training Act.⁵ By streamlining, reformulating or moving various provisions in the act, this bill aims to contribute to achieving the aforementioned objective and thus render the Education and Vocational Training Act more accessible and easier to read. At the express request of future users of the legislation on the islands, it was decided to add a specific title with differing or additional rules for the Public Entities at the end of each section. This is instead of a section dedicated to this purpose at the end of the act.

In summary, this bill aims to achieve the following objectives:

- To remove outdated legislation that is leading to bottlenecks and implementation problems;
- To harmonize the rules and standard of facilities for vocational education and adult education in the Caribbean Netherlands with those in the European Netherlands, wherever possible, so that equivalent education and equivalent facilities are created;
- To provide new frameworks and rules that are more appropriate to current practice in preventing and combating early school leaving in the Caribbean Netherlands;
- To establish a single legal framework that makes implementation and compliance in relevant policy areas clearer;
- To implement various legal improvements, in addition to the above, particularly in the Education and Vocational Training Act.

2. Background of Education and Vocational Training Act BES and Social Opportunity Programs for Young People Act

2.1 Background of Education and Vocational Training Act BES

In 2010, the Netherlands Antilles were dissolved and the islands of Bonaire, Sint Eustatius and Saba became part of the Netherlands as Public Entities, comparable to special municipalities. With respect to legislation and regulations, it was decided that the Netherlands Antillean regulations would generally remain in force and that these regulations would gradually be replaced by Dutch regulations. However, a different approach was chosen for education. Based on a research report published by the Inspectorate of Education which expressed great concern about the quality of education on the islands, it was decided that different legislation would be necessary right from the start (in practice beginning on 1 January 2011) in order to bring education up to the standards of quality that prevail in the Netherlands.

However, it was neither desirable nor practical to declare Dutch education legislation fully applicable immediately. For this reason, separate education legislation was drawn up for the BES islands, modeled mainly on European-Dutch sectoral education legislation, with some limited elements from the Netherlands Antillean national ordinances also being retained.

Many Dutch standards and principles were not yet – or not fully – applicable in the islands at that time. This is why various articles did not enter into force, or only did so later. The idea was that, over time, as the quality of education on the islands increased, these articles could be declared applicable, so that the legal frameworks would ultimately converge.

2.2 Background of Social Opportunity Programs for Young People Act

⁵ *Parliamentary papers II* 2019-2020, 35297, no. 4. and *Parliamentary papers II*, 2017-2018, 34878, no. 4.

An exception to the principles for education legislation outlined above was made for one national ordinance: the Netherlands Antillean national ordinance 'Social Training Requirement (SVP)' was retained. The Netherlands Antilles introduced this training requirement in 2006 due to the structural problems among young people on the six islands, related to poverty. This problem manifested itself in high rates of early school leaving, frequent instances of violence and juvenile delinquency, high-risk behaviors with regard to the use of addictive substances and frequent problematic sexual behaviors.⁶ Under this ordinance, young people aged 16-24 who had fallen outside the regular training and socialization process were required to participate in training programs aimed at improving their future prospects (training and/or work). This ordinance was converted into the Social Opportunity Programs for Young People Act BES (SKJ Act) in 2010 when the changes to the administrative structure took place. Its mandatory nature was scrapped, because adults cannot be forced into education or employment under Dutch legislation. The age of the target group was also changed to 18-24 years, as the Compulsory Education BES Act also introduced a qualification requirement up to the age of 18 and young people are obliged to attend education until the age of 18 as long as they have not yet achieved a basic qualification. Because, under the Social Opportunity Programs for Young People Act, young people could only participate in an opportunity program on a voluntary basis, these programs were made more appealing by enabling the retention of the existing allowance during the training requirement. Participants in a social opportunity program are eligible for a statutory monthly allowance. When the Social Opportunity Programs for Young People Act was introduced, it was indicated that regular education on the BES islands was expected to improve to such an extent that social opportunities, and therefore also the Social Opportunity Programs for Young People Act, would eventually become redundant. The legislation on the prevention and combating of early school leaving, as set out in the European part of the Netherlands in the Education and Vocational Training Act, the Secondary Education Act 2020 and the WEC⁷, was not included in the BES legislation because the Social Opportunity Programs for Young People Act already addressed the issue of early school leavers.

2.3 Developments after 2010

Due to the policy of 'legislative restraint,' various legislative changes to the Education and Vocational Training Act have not been reflected in the Education and Vocational Training Act BES. The result is that the two acts diverged rather than converged. Also, the legal frameworks of the Education and Vocational Training Act BES have often not been elaborated through further regulations, which means that procedures are not always clearly laid down. Finally, funding, and experimental schemes under the Education and Vocational Training Act have not always been made accessible to educational institutions and other organizations in the Caribbean Netherlands. Although it is not impossible to introduce such regulations under the Education and Vocational Training Act BES, and this has happened in some cases, in practice it appears that due to the existence of two different systems in one country, this has sometimes been overlooked by policymakers.

In 2021, secondary education and vocational education on the predominantly English-speaking Windward Islands of Saba and Sint Eustatius switched entirely to the educational system and examinations of the Caribbean Examinations Council (CXC).⁸ That education and examination has now been integrated into Dutch regulations and leads to a Dutch diploma. Since that moment, only the Bonaire School Community

⁶ *Parliamentary papers II* 2009-2010, 32419, no. 3.

⁷ Expertise Centers Act; this law regulates special education in the European Netherlands. There is no equivalent for the BES islands.

⁸ For this type of education, the *Saba Comprehensive School and Gwendoline van Puttenschool BES Decree* applies.

(hereinafter also referred to as SGB) has provided vocational education based on the Education and Vocational Training Act BES. The quality of vocational education on Bonaire has improved significantly. In 2018, the Inspectorate of Education found that secondary vocational education at the SGB met the requirements for basic quality for the first time. In 2022, the Inspectorate found that the school had not only managed to maintain basic quality requirements, but that there had been an overall growth in the number of pupils, continued planned development of education, and a further improvement in quality.⁹ It remains difficult to determine to what extent the quality of education is equal to that in the European Netherlands. Context and regulations diverge too much for that. Moreover, no benchmarks have yet been established by the Inspectorate to assess learning outcomes in the Caribbean Netherlands. It is clear that secondary vocational education on Bonaire has made great strides and that the quality standards of the European Netherlands would therefore appear to be within reach.

With respect to the Social Opportunity Programs for Young People Act, too, a number of matters regarding practical implementation have not been set out in regulations since the Act came into effect. For example, there are no regulations on how to calculate funding, and funding is not linked to the number of candidates. In practice, we see that the number of SKJ candidates has dropped significantly, as was expected.

Partly because there is not always proper alignment between the many legislative changes to the Education and Vocational Training Act BES which have been introduced in recent years but which have not yet entered into force, these legislative amendments cannot simply come into force with one entry into force decision.

3. Main features of the proposal

For the reasons outlined previously, instead of investing in improvements to the Education and Vocational Training Act BES and the Social Opportunity Programs for Young People Act, the government has opted for a single legal framework for the entire Netherlands when it comes to vocational education, adult education, and efforts to reduce early school leaving. This does not mean that the law will be absolutely identical in every respect in both parts of the Netherlands, however. Differentiation is sometimes necessary because the context of the European Netherlands is different from the Caribbean Netherlands. Below, the most important changes resulting from this bill for vocational education on Bonaire and for adult education and efforts to reduce early school leaving on all three of the islands are described. In addition, an explanation is also provided of the most important deviations or additional rules that have been included in the bill to ensure that the new legislation can be implemented in the Caribbean Netherlands.

3.1 Recognition of programs of vocational education

The Education and Vocational Training Act BES stipulates that institutions of secondary vocational education may only offer educational programs that are included in the 'Regulations on determining qualifications and educational domains BES'.¹⁰ In addition, for each educational program from the regulation that it would like to offer, a (publicly funded or non-publicly funded) institution of secondary vocational education must first apply for recognition of the diplomas.¹¹ The minister will receive advice from the Council for Education and the Labor Market in the Caribbean Netherlands (ROA CN) regarding which programs of vocational education are relevant to the labor market.¹² Only after

⁹ Inspectorate of Education, Quality Survey Bonaire School Community; Units Liseo Boneriano, Special Teaching Places and MBO, February 7, 2022.

¹⁰ Article 7.2.4, 1, WEB BES.

¹¹ Article 1.4.1 WEB BES.

¹² Article 1.5.2 WEB BES.

receiving this advice can the Minister of Education, Culture and Science make a separate decision regarding whether a program is eligible for funding. In practice, this arrangement is not maintained proactively; an institution of secondary vocational education in a Public Entity chooses qualifications from the register of the European Netherlands and the regulations are occasionally updated in response to diploma recognitions issued to the institution. The regulation therefore has no added value. In practice, institutions of vocational education in a Public Entity already operate like institutions of secondary vocational education under the Education and Vocational Training Act in the European Netherlands when determining which programs they wish to offer. The difference is that publicly funded institutions also apply for diploma recognition from the minister for each new educational program they wish to offer. It is proposed that the procedures for diploma recognition in the Caribbean Netherlands should, in principle, be brought into line with the procedures that apply in the European Netherlands. With the following additional specification for publicly funded education. Under the Education and Vocational Training Act, publicly funded institutions of secondary vocational education have a duty of care with respect to the relevance to the labor market and the effectiveness of the education that they provide. However, they do not need to apply for diploma recognition separately for each program.¹³ This responsibility will apply to the publicly funded institutions on Bonaire in future, too. However, because there is only one publicly funded institution for vocational education on Bonaire, the Bonaire Schools Community (SGB), there is no coordination regarding the education offered among publicly funded institutions due to the geographical distance from other institutions. In addition, due to the relatively small number of students involved, it is extremely important to coordinate the education offered carefully with the regional labor market, which is also relatively limited in scale. Because of these vulnerabilities with regard to the education offered, it is established in law that the publicly funded institution on Bonaire must first discuss its intention to offer a new educational program with the ROA CN. This must include a discussion of the labor market situation and the availability of partner companies for practical vocational training. Any differences of opinion regarding the effectiveness of the educational program in question may be submitted to the minister. In such cases, the minister will, in accordance with the existing procedures under the Education and Vocational Training Act, ask the 'MBO Macro-Efficiency Advisory Committee' for independent advice.¹⁴

3.2 Funding for programs of vocational education

Under the Education and Vocational Training Act BES, institutions can submit an application for funding eligibility for a program of vocational education that has already been recognized. Based on the Education and Vocational Training Act BES, a two-stage procedure applies. In theory, there could therefore be several publicly funded institutions of secondary vocational education on Bonaire. However, the fragmentation of publicly funded vocational education institutions on Bonaire is undesirable. The limited number of students (748 students as of 1 October 2022, some of whom are also outsourced to Forma) means it is a significant challenge to ensure that education at the island's only publicly funded institution remains affordable and that quality can be assured on a structural basis.

Under the Education and Vocational Training Act, institutions become eligible for public funding by law.¹⁵ The transition to the Education and Vocational Training Act means that the secondary vocational education department of the Bonaire Schools Community (SGB) is classified as a publicly funded institution. Furthermore, the SGB is designated as a vertical school community, consisting of a school for secondary education and an institution for vocational education. In fact, the SGB can already be compared to a vertical school community because it provides secondary education and vocational education and has a single Executive Board and a single Supervisory Board for the entire

¹³ Article 6.1.3 WEB BES.

¹⁴ Article 6.1.4a, 2, WEB.

¹⁵ Article 2.1.3, 1, WEB.

school. However, under the WVO 2020, the SGB is now regarded as a regular school. This means its actual status is unclear because it also offers vocational education and in practice constitutes a vertical school community. This lack of clarity is unnecessary because the legal framework for this type of situation includes the concept of a vertical school community. Because the SGB also provided senior general secondary education and pre-university education prior to 1 January 2020, it is considered a vertical school community as a whole. It has already been explicitly laid down which legislation applies to a vertical school community: schools that provide secondary education are subject to the Secondary Education Act 2020 (WVO 2020), while institutions that provide vocational education fall under the Education and Vocational Training Act. For participation and educational housing, the entire vertical school community, including secondary education, is subject to the Education and Vocational Training Act. For the SGB, this means that, unlike under the Education and Vocational Training Act BES and WVO 2020, it will become responsible for its own housing. However, this will only be the case after the transitional law on the basis of Article 11.1b Education and Vocational Training Act BES and Articles 11.69 to 11.80 of the Secondary Education Act 2020 lapses. The aim is to make agreements on this with the Public Entity of Bonaire, which, on the basis of the aforementioned transitional law, remains responsible for the educational housing of the SGB together with the Minister of Education, Culture and Science.

Due to the territorial limitation that has hitherto applied to the Education and Vocational Training Act versus the Education and Vocational Training Act BES, publicly funded institutions in the European Netherlands are not permitted to provide education in the Caribbean Netherlands. After all, the Education and Vocational Training Act only applies to the European Netherlands and the Education and Vocational Training Act BES only applies to the Caribbean Netherlands. The scope of these laws is therefore also limited to the respective territories. By switching to a single statutory framework that applies in both the European and Caribbean parts of the Netherlands, this strict territorial limitation will come to an end. However, for publicly funded education, an additional barrier will be created with respect to the establishment of new locations. Within the European Netherlands, publicly funded institutions can decide for themselves where they open new locations. If necessary, the minister can intervene afterwards if macro-efficiency is at stake. This bill stipulates that if a publicly funded institution other than the SGB wishes to offer publicly funded vocational education programs in a Public Entity, prior approval from the minister must be obtained. This system is comparable to that for educational institutions under the Higher Education and Scientific Research Act, where such permission is also required in order to establish a new location of a university or university of applied science.

This does not mean that institutions in the European Netherlands cannot be involved in providing vocational education in the Caribbean Netherlands without the consent of the minister, for example in the form of a partnership college as referred to in section 8, 6, of the Education and Vocational Training Act. However, given the relatively vulnerable position of vocational education on Bonaire, such involvement would preferably take place in collaboration with, or under the flag of, the existing institution.

The requirement to obtain prior approval in order to provide vocational education independently in a Public Entity will prevent students who have already started vocational education provided by another institution from encountering problems if the minister subsequently withdraws the eligibility of that program for funding. It will also prevent the inefficient expenditure of funding resources. And it will prevent students from becoming victims because they have difficulty transferring to a comparable – let alone the same – program on the same island. Some protection of the SGB is also necessary because, given the island's small student population, it must consider very carefully which programs it can and cannot offer. If another publicly funded institution was to decide to set up a location on Bonaire and to offer education programs that the SGB does not offer, this would have direct consequences for the number of students and the programs at the SGB. It is for this reason that prior consultation and coordination is so important. This also applies to Sint Eustatius and Saba, with the understanding that the potential student

population there is even smaller than on Bonaire and that no vocational education in the sense of the Education and Vocational Training Act BES is currently provided.

Funding

The level of funding will not be affected by this bill. Currently, Bonaire's funding for vocational education is still based on the Secondary Education Act 2020. This is confusing and is not a good fit for a vertical school community, where the principle should be that the Secondary Education Act 2020 applies to secondary education and the Education and Vocational Training Act applies to vocational education. For this reason, the legal basis of funding for the parts of the SGB that provide secondary vocational education will be changed from the Secondary Education Act 2020 to the Education and Vocational Training Act. The calculation method itself will not change. This is purely a technical change.

The funding system for the parts of the SGB that provide secondary vocational education remains substantively comparable to the simplified system of funding for secondary education on Bonaire. This system and the resulting calculation method were recalibrated in 2021.¹⁶ This takes into account the specific context on the islands, such as the small scale of education and local wage and price levels. There is no reason for substantive changes to this. This means that, even under the Education and Vocational Training Act after this bill has come into effect, the MBO institution on Bonaire will continue to be funded differently to institutions of secondary vocational education in the European Netherlands.

3.3 Council for Education and the Labor Market, Caribbean Netherlands (ROA CN)

In the Education and Vocational Training Act BES, the ROA CN has the statutory task of advising on the labor market relevance and effectiveness of educational programs, and for ensuring the recognition of partner companies for practical vocational training. In the Education and Vocational Training Act, these tasks are assigned to the Foundation for cooperation on Vocational Education, Training and the Labour Market (SBB). To date, the SBB and ROA CN each work according to their own regulations and each maintain their own register of recognized partner companies for practical vocational training. However, the regulations – and therefore the procedures and conditions for recognizing a partner company – are very similar.

Given the local and regional expertise and the presence of the ROA CN in all three Public Entities, the ROA CN also retains its legally assigned duties under the Education and Vocational Training Act. This means that two organizations are designated in the Education and Vocational Training Act to recognize partner companies for practical vocational training. They are to do this on the basis of the SBB regulations in the new situation. There will also be a single joint register for the SBB in which all partner companies recognized under the Education and Vocational Training Act will be included. Recognition by SBB will have the same value as recognition by the ROA CN. The basic principle is that the ROA CN will always have responsibility for the recognition of partner companies in the Caribbean Netherlands, even if these are partner companies where students from the European Netherlands wish to complete practical vocational training. The SBB is responsible for recognizing partner companies in the European Netherlands and partner companies outside the Netherlands for internships abroad. Deviations from these principles are possible following mutual consultation when sharing work between ROA CN and SBB. Recognition by ROA CN and recognition by the SBB are fully equivalent for all programs under the Education and Vocational Training Act.

The ROA CN, unlike the SBB, has no role in developing and maintaining the qualification structure. Administrative representation of education and business in the ROA CN, as laid

¹⁶ WVO funding decision 2021.

down in the Education and Vocational Training Act BES, is therefore no longer considered strictly necessary. In view of the statutory tasks and financial dependence of the ROA CN, the chair of the board and his deputy will be appointed by the minister in future. The ROA CN is not permitted to perform activities other than those legally prescribed. To date this has never happened in practice, so this is unlikely to cause any problems. This means that the ROA CN will become an independent administrative body, but on the understanding that the Framework Act on Non-departmental Public Bodies does not apply to the Caribbean Netherlands. It is for this reason that the ministerial approval of statutes and administrative regulations of the ROA CN is mandated. The Minister of Education, Culture and Science also has the deciding vote in the event of an intention to appoint or dismiss the chair or his deputy in connection with his ministerial responsibility towards parliament.

3.4 Vocational education

The revised qualification structure that was introduced in the European Netherlands in 2016 has not been incorporated into the Education and Vocational Training Act BES, and is therefore not yet applicable in the Caribbean Netherlands. However, partly on the advice of the Ministry of Education, Culture and Science, wherever possible the SGB follows the revised and therefore the most up-to-date qualifications that have been built up according to the revised qualification structure. This means that each program (qualification) consists of:

- (a) a foundation section including the generic components of Dutch language, numeracy, career orientation and citizenship and, for secondary vocational education level 4, also English language, as well as common elements that apply to all qualifications in the relevant qualification file, such as core tasks, work processes, specialist knowledge, skills and attitude;
- (b) a profile section that includes the more specific elements for the qualification concerned; and
- (c) one or more elective components.

The fact that the revised qualification structure is not formally applicable, but is followed in practice, has led to ambiguities in its implementation. This is because the Education and Vocational Training Act, with the revised qualification structure, includes a link with the Dutch Language and Arithmetic Reference Levels Act, which does not apply in the Caribbean Netherlands. The Examination and Qualification Decree WEB (EKB WEB), with its accompanying regulations regarding the revised qualification structure and examination, do not apply in the Caribbean Netherlands either. As a result, there are no legal regulations regarding to what extent the generic components of language and numeracy count towards the diploma, which reference levels are (or must be) applied, to what extent elective components are mandatory, or whether outdated qualifications (based on the old 'Crebo numbers') may still be offered if a new training code is available for the relevant program (formerly 'Crebo number') in the Registration of Institutions and Training Courses (RIO), and whether, in the context of lifelong learning, ministerial regulations have stipulated that certificates may be issued for component parts of the qualifications.

The Education and Vocational Training Act BES also deviates from the Education and Vocational Training Act on other points with regard to education because changes made to the Education and Vocational Training Act since 2010 have not been included in the Education and Vocational Training Act BES. For example, the Education and Vocational Training Act BES has no third learning pathway, no legally established nominal study duration for programs and no central examination, and no other standards apply with respect to hours.

The premise of this bill is that vocational education on Bonaire should be brought into line with vocational education in the European Netherlands wherever possible. The quality of vocational education on Bonaire has improved significantly in recent years. In many

respects, the regulations that also apply in the European Netherlands can be met. In principle, the same rules will therefore apply and the revised qualification structure will now also be formally introduced on Bonaire. However, there is an important exception with regard to the Dutch language requirements and it is proposed that the Dutch Language and Arithmetic Reference Levels Act should not be made applicable to vocational education in the Caribbean Netherlands, as will be explained below. Quite apart from anything else, such a law, which is based on a continuous learning pathway from an early age, cannot be applied to vocational education alone. Under the revised qualification structure, there is a link with the Language and Numeracy Reference Levels Act. However, as mentioned, this law does not apply in the Caribbean Netherlands. The Dutch Language and Numeracy Reference Levels Act was established on 29 April 2010 and was, at the time, intended for pupils and students living and studying in the European Netherlands. The administrative changes of 10 October 2010 have not yet been taken into account. The language levels for primary education, secondary education and vocational education established in this law are not a good fit with the situation on Bonaire, which is fundamentally different and requires differentiation in terms of legislation and regulations. Bonaire has two official languages: Papiamentu and Dutch. In practice, the island is multilingual, with Spanish and English also being widely spoken. Dutch is not the first language of the majority of pupils and students on Bonaire. Neither is Dutch the dominant language on the island. Pupils and students on Bonaire therefore come into less contact with the Dutch language than pupils and students in the European Netherlands. No Dutch – or hardly any – is spoken in many companies, including at the recognized partner companies where students undergo practical vocational training. The Dutch language is therefore a foreign language for most residents. Although Dutch is in principle the language of instruction in secondary vocational education by law, in practice teachers regularly have to translate Dutch explanations and instructions into one or more other languages. Real life is thus multilingual and unpredictable.

Recently, the SGB has tested the Dutch language skills of its secondary vocational education students in accordance with the requirements applicable under the Reference Levels Act and Education and Vocational Training Act. The results did not count towards the diploma of those students; no specific reference levels are prescribed on the basis of the Education and Vocational Training Act BES that is currently applicable. The results of the test show that if the requirements of the European Netherlands were to apply to these students on Bonaire, only 20% of students would have obtained a diploma. This is in spite of the fact that the school says it already focuses on the Dutch language. It is possible that the results could be improved further. The school is also currently exploring the possibilities of a different approach to language that is better suited to a multilingual context. Treating Dutch as a foreign language is often mentioned, but there is limited information about what this would mean in broad terms for didactic requirements, teaching materials and exams, and whether this could actually lead to an improvement in results.

It is clear that the direct adoption of the general requirements applicable in the European Netherlands with respect to Dutch language skills is neither desirable nor feasible in the context of Bonaire.

It is important to educate enough professionals to a sufficiently high standard and to keep secondary vocational education accessible. Ultimately, when it comes to the assessment of Dutch language skills (as set out in the Examination and Qualification Decree WEB (EKB WEB)), one option may be to differentiate between the requirements that apply in the Caribbean Netherlands and those that apply in the European Netherlands. There is currently insufficient information based on research regarding how literacy in Dutch could be handled in education on Bonaire and which levels of proficiency and results might ultimately be achievable. It is proposed that current practice on Bonaire be continued for the time being. This means that the reference levels for the

Dutch language that apply in the European Netherlands will be used on Bonaire as a guideline. Examinations in the Dutch language will take place, but the results will not count towards pass/fail decisions. The institution of secondary vocational education and the student have a best-effort obligation to achieve the highest possible level of language proficiency. This is important with respect to the possible relocation of students to the European Netherlands for further education or employment. A statutory requirement with respect to proficiency in the Dutch language in order to obtain a diploma will only apply to programs in which there is a legal and professional requirement regarding Dutch language proficiency. The efforts made and the results achieved will be monitored closely in the years to come, both by the school itself and by the Inspectorate of Education.

The demand for more differentiation with respect to Dutch language reference levels in secondary vocational education also exists in the European Netherlands. As a result of the evaluation of the reference levels for Dutch language and numeracy¹⁷, an expert group has been established to provide advice in 2024 regarding the possible recalibration of the reference levels. This expert group will also consider the specific context on Bonaire and make proposals for differentiation that take this context into account. In view of the situation described above, the most obvious course of action would be to amend the Examination and Qualification Decree WEB in order to clarify the (non-standard) regulations applicable on Bonaire. The advantage of this would be to clarify which examination requirements a diploma of secondary vocational education in the Caribbean Netherlands needs to meet.

It is also worth reflecting on the consequences of omitting exam results for the Dutch language for the societal value of a diploma obtained on Bonaire and the consequences for progression to further education. In principle, nothing would change in this regard. Under current legislation, diplomas of secondary vocational education obtained on Bonaire have the same value as those obtained in the European Netherlands, and these diplomas also determine a student's eligibility for further education. This eligibility is also conferred by diplomas of secondary vocational education obtained in one of the other countries that make up our Kingdom where Dutch language requirements are not associated with this diploma. The policy in Aruba is interesting in this regard. There, in secondary vocational education, a distinction is made between a labor market route and a further education route. Students who opt for the further education route are taught the Dutch language to a higher level than students in the labor market route. Similarly, fourth-year students in secondary vocational education on Bonaire who want to progress to higher education in the European Netherlands could perhaps complete an additional elective course in Dutch in order to achieve the level of language proficiency required in the European Netherlands. These are options that will be explored in greater detail in the near future.

When evaluating this law in approximately five years, the advice of the expert group and the information obtained from monitoring will be taken into account in future decisions.

a. Adult education

The Education and Vocational Training Act stipulates that local government is responsible for providing educational programs aimed at promoting adult self-reliance, such as literacy skills programs.¹⁸ Under this bill, such a requirement will also apply to the executive councils of the three Public Entities. They will also receive a special funding for this on the basis of Article 91 of the Public Entities Finance Act for Bonaire, Sint Eustatius, and Saba. Notwithstanding the Education and Vocational Training Act, it is proposed that the provisions regarding a regional program, regional cooperation, and a

¹⁷ *Parliamentary papers II* 2021-2022, 31293, no. 620.

¹⁸ Article 2.3.1 WEB BES.

coordinating role for a designated 'contact municipality' within the region should not apply to the Caribbean Netherlands. Each Public Entity draws up its own program for adult education and receives a special payment in order to implement that program.

The educational programs for the adult residents that the Executive Councils are required to provide are not part of general secondary education for adults (VAVO). The option of providing publicly funded general secondary education for adults (VAVO) will also become available on Bonaire, under the Education and Vocational Training Act. The island's publicly funded institutions of secondary vocational education may be eligible for this, on request.¹⁹

3.6 Participation

The frameworks for participation outlined in the Education and Vocational Training Act BES differ significantly from those in the Education and Vocational Training Act. In fact, the BES legislation only stipulates that the competent authority must ensure that parents, pupils, students, and staff are represented and have an opportunity to discuss the general course of events with the institution at least twice a year.

Given the importance that is attached to participation in the Netherlands, it is proposed that the legal participation frameworks of the Education and Vocational Training Act be made fully applicable to publicly funded vocational education. In practice, participation on Bonaire is currently limited. For the SGB, this will mean that, as a vertical school community, it must establish a parents council and a students council as referred to in the Section 8a of the Education and Vocational Training Act, and a works council as referred to in the Works Councils Act (WOR). These councils have various legally established powers of advice and approval under both of these laws. Regulations must also be established for these participation councils. In practice, these councils already exist at the SGB, but their powers have not been formally defined. In any case, the powers of the various participation councils under the Education and Vocational Training Act and Works Councils Act will be much more extensive than at present. In the event of disputes that cannot be resolved, disputes regarding participation rights may be submitted to the National Disputes Committee on Participation, in accordance with the existing procedures set out in the Education and Vocational Training Act. The Committee is prepared to arrange online hearings, on request, before reaching a decision, so that there will be no need to travel to Nieuwegein. A judicial appeal is also possible at the Joint Court of Justice of Aruba, Curaçao, Sint Maarten and Bonaire, Sint Eustatius and Saba.

For the record, it should be noted that the Works Councils Act is not generally applicable in the Caribbean Netherlands, but, by way of exception, it does apply to the staff of a vertical school community due to the effect of the Education and Vocational Training Act. This is on the understanding that a different competent court has been designated in the Education and Vocational Training Act, as indicated above.

3.7 Information systems

Information systems such as the Registration of Institutions and Programs (RIO) and the Register of Participants in Education (ROD) have not yet been rolled out to vocational education in the Caribbean Netherlands. This is partly due to technical reasons, but a legal basis for a rollout also seems to be lacking. The bill provides the necessary legal basis to register information on programs of vocational education in general secondary education for adults and students, beginning on Bonaire, in the same way and using the same systems as in the European Netherlands.

¹⁹ Article 2.1.2, 1, b.

Due to the lack of registration, virtually no information is currently available at the Ministry of Education, Culture and Science regarding indicators such as academic success, diploma results, absenteeism and early school leaving rates. Naturally, the schools themselves have the relevant information, and this is also reviewed by the Inspectorate of Education, but there is no systematic method for generating this information. The aim is to fully include information relating to secondary vocational education on Bonaire in the RIO and in the ROD when the bill comes into effect.

An automated link between data on absenteeism and early school leaving with information systems in the Public Entity (compulsory education, compulsory qualifications and progression to subsequent forms of education) is not yet possible. For technical reasons and because of differences with the CXC education system, which uses different subject codes, it will take some time before extensive education data from Saba and Sint Eustatius can be included in the RIO and the ROD.

3.8 Tackling early school leaving

In 2010, it was decided to maintain the social training requirement on the three BES islands for the time being; this requirement has existed in the Netherlands Antilles since 2006. The Social Opportunity Programs for Young People Act was brought into effect, with a few minor changes to the training requirement. In broad terms, the Social Opportunity Programs for Young People Act requires the Public Entity to maintain a project office that is responsible for registering early school leavers, to make contact with these young people and refer them to education or the labor market, or, if such a referral is not an option, to carry out an intake procedure in order to provide a suitable social opportunity program. The social opportunity programs themselves are carried out by an agency that is funded by the Public Entity (the SKJ Organization). The project office supervises this agency, while the Inspectorate of Education is responsible for monitoring the quality of the social opportunity programs offered.

In 2020, the implementation of the Social Opportunity Programs for Young People Act was evaluated by the external research agency Oberon²⁰. The resulting report shows that the situation in practice deviates significantly from that foreseen in the legislation in a number of respects. The main findings are:

- On none of the three islands does cooperation between the Public Entities and the SKJ Organizations take place in the manner foreseen in the legislation. None of the Public Entities has a functioning project office to handle the statutory tasks relating to registration, referrals or intake procedures.
- On all three islands, the SKJ Organizations recruit candidates themselves rather than having them referred by the Public Entity after it is found that referral to school or work is not yet an option.
- There is no systematic registration of early school leavers, nor of young people leaving the social opportunities programs. On Saba and Sint Eustatius, the target group is so small that there is an informal picture of the situation, but on Bonaire a good overview of the potential target group for the social opportunity programs is also lacking.
- The legal position of the SKJ Organizations is subject to a number of complicating factors. They perform a statutory task in education and are supervised in part by the Inspectorate of Education, but receive direct no funding from the Ministry of Education, Culture and Science. The SKJ Organizations work – in theory, but not in practice – under the supervision and responsibility of the Public Entities, but are independent foundations. Every Public Entity receives an annual special grant as referred to in Article 91 of the Public Bodies Finance Act on Bonaire, Sint Eustatius and Saba, in order to cover the cost of the activities of the project office and other

²⁰ *Parliamentary papers II*, 2020-2021, 35570 VIII, no. 278.

tasks, but they generally pass this funding on from the Minister of Education, Culture and Science to the SKJ Organizations with few accompanying policy requirements.

- The three islands vary greatly in terms of participant numbers, the rate of early school leaving and the size of the potential target group. In addition, there are significant variations between the SKJ Organizations, both in their implementation practices and in their scale, and therefore their organizational capacity and professionalism.
- The funding bases date from before 2010 and are no longer linked to the size of the target group, the number of participants, the work done or the attainment of objectives.
- The procedures by which the SKJ Organizations apply for funding from the Public Entity every year and by which the Public Entity applies for specific funding from the Ministry of Education, Culture and Science, are associated with a high administrative burden and annual uncertainty around funding for the SKJ Organizations.
- The target group for the social opportunity programs has become smaller. This is good news, since it is presumably the result of a decrease in early school leaving. But it also means that, especially on the relatively smaller islands of Saba and Sint Eustatius, a significant part of the funding is spent on overhead.

The evaluation report recommends a number of changes to the legal and financing frameworks, different implementation options and closer cooperation with education and other actors in the social domain. Understanding the target group is an important requirement. Adopting the recommendations of the evaluation would require a major revision of the Social Opportunity Programs for Young People Act and would also entail many changes to current implementation practice. A disadvantage of such a revision is that it would continue to maintain two different systems. Moreover, the recommendations from the evaluation include various elements that are already present in the frameworks for early school leavers in the European Netherlands. This would therefore seem to be a good time to abandon the Social Opportunity Programs for Young People Act altogether and switch to the policy on early school leavers that is already in place in legislation in the European Netherlands. It is thus proposed that the legal frameworks for preventing and combating early school leaving, as laid down in the Education and Vocational Training Act and the Secondary Education Act 2020 for students in vocational education and students in general secondary education for adults, respectively, be declared generally applicable on all three islands. These frameworks are designed to enable cooperation between the relevant actors in the social domain and to ensure that there is a comprehensive approach to preventing and combating early school leaving.

One simplification is proposed, however, compared with the model of the European Netherlands. In the European Netherlands, 40 regions have been created within which there is collaboration on a regional approach to early school leaving. These are known as Regional Reporting and Coordination Centres for Early School Leavers. In every region, one contact municipality and one contact school are designated. These take responsibility for regional cooperation and the development and implementation of a regional program on behalf of all the municipalities involved and all the schools involved across the wider region. The contact municipality also has a coordinating role in registering, referring and monitoring early school leavers within the region.

When it comes to the islands, it is proposed that the approach to early school leavers in the Caribbean Netherlands should be organized separately for each Public Entity and not in a wider regional context. The distance between the islands would make arranging joint ESL facilities virtually impossible, and the situation with respect to early school leaving is so different on each of the islands that a more differentiated approach is required. This means that each Public Entity has a separate legal duty to register, refer and monitor

early school leavers. In reality, the Public Entities already have this responsibility under the Social Opportunity Programs for Young People Act.

For the islands, an island-specific program must be developed to tackle early school leaving and not a regional program, as is the case in the European Netherlands. In this program, the relevant actors on the island need to analyze the (risks of) early school leaving and the program should also include measures to be taken to prevent and combat early school leaving. In the European Netherlands, the contact municipality is ultimately responsible for this regional program. It is proposed that in the Caribbean Netherlands, responsibility for this should not be assigned to the Public Entities for the time being. It has become apparent that the Public Entities continue to have a fair amount of work to do to ensure that registration, referral and monitoring can occur effectively. Allocating additional responsibilities without first having the basics in order does not seem desirable. It has therefore been decided to place the responsibility for the creation of a joint island plan with the schools that provide secondary and vocational education, for the time being. These schools will need to collaborate with other relevant parties within the social domain. They will need to establish a consultation structure in order to develop and implement the program in which the Public Entity will also participate. The Public Entity will therefore not bear the ultimate responsibility for the development of the program, but will be partly responsible and will therefore also have a say in its development.

The repeal of the Social Opportunity Programs for Young People Act means there is no longer a legal basis for the SKJ Organization. This organization will therefore not automatically form part of the consultation structure for the program. The school can decide with respect to each island and in consultation with the relevant Public Entity which organizations will be involved in designing the program and/or in its implementation. These may include the former SKJ Organizations, since they have the expertise required and the commitment in the field of supporting early school leavers. But the islands may make different decisions on this. In this way, there is ample scope for the islands to make individual choices and adopt measures that respond to the specific situation of the island and its needs. The three islands are still only at the beginning of the process of developing an integrated policy on early school leaving. In the European Netherlands, too, the regional program was initially managed by educational institutions because that was where the first major steps had to be taken, such as implementing an attendance policy, rapid intervention in response to the risk of a student dropping out, better supervision and support for young people during the transition from secondary education to secondary vocational education, and better supervision for young people in secondary vocational education who seem to have chosen the wrong study program.

It is proposed to abandon the special funding for the tasks of the Public Entity (Executive Council), so that both the school attendance officer and the tasks of the Executive Council in terms of registering, monitoring and referrals to education or work can be funded from the BES Fund. This fund is comparable to the Municipal Fund in the European Netherlands.

The contact school will be able to apply for a grant to implement the island program, just as contact schools in the European Netherlands can.

Because this integrated approach is new and significant steps will be needed in order to achieve it, support will be provided by the Ministry of Education, Culture and Science. This could include facilitating exchanges with municipalities and schools in the European Netherlands, but the Ministry will also provide process support, participate in the consultation structure as an independent member and advise on the development of the program. The three islands are also encouraged to come together once a year to discuss their programs and the progress made. This will enable them to learn from one another, inspire one another and look at problems from a wider perspective. The latter is also important, because the Public Entities 'stand alone' and, unlike in the rest of the Netherlands, will not collaborate in a regional context.

3.9 Support facilities

The Education and Vocational Training Act provides for various facilities in the European Netherlands that are absent from the Education and Vocational Training Act BES. As a result, students, schools, employers or Public Entities cannot rely on these facilities. The principle applied in this bill is that facilities based on the Education and Vocational Training Act will in principle also be accessible in the Caribbean Netherlands. For example, the intention is to make the funding scheme for practice-based learning, under which employers in the European Netherlands are eligible for a funding grant if they employ a dual-track (BBL) student, accessible to employers in the Caribbean Netherlands too. Furthermore, the Public Entities will be allocated education funding on the basis of the Education and Vocational Training Act, just as municipalities in the European Netherlands are. In cases where a certain facility cannot (yet) be extended to the Caribbean Netherlands for implementation reasons but the facility in question is needed, the form in which it can be made available will be examined explicitly.

In the past, institutions in the Caribbean Netherlands have shown an interest in experimental schemes but were unable to participate because the order in council relating to the experiment only referred to the Education and Vocational Training Act as its legal basis, and not to the Education and Vocational Training Act BES. Now that the Education and Vocational Training Act has also been declared applicable in the Caribbean Netherlands, all the resulting provisions also apply in the Caribbean Netherlands in principle and unless otherwise stated.

4. Relationship to other legislation

Our Constitution applies across the whole of the Netherlands. When it comes to education, Article 23 of the Constitution is the most important. This bill does not restrict freedom of education. However, it does impose an additional quality requirement on institutions that provide publicly funded vocational training in a Public Entity. After all, a publicly funded institution of vocational education that was not providing publicly funded vocational training in a Public Entity on January 1 2023 will need permission from the Minister of Education, Culture and Science to be eligible for public funding for that education after this bill comes into effect. This additional requirement is necessary to protect the quality of existing vocational education. It is also needed to prevent students who enroll for such a program in a Public Entity, for which eligibility for public funding and certification may subsequently be withdrawn, from being let down, as explained above in section 3.2. Finally, it is necessary in order to ensure the efficient expenditure of government resources. The measure meets the requirements of proportionality and subsidiarity. After all, if it can be demonstrated that there is a need for a specific educational program, and if the duties of care regarding labor market prospects and efficiency can also be ensured, the Minister of Education, Culture and Science may make the program eligible for public funding.

Article 132a, 4 of the Constitution is also of specific importance to the Public Entities. The article states that "rules [may] be imposed for the BES islands and other specific measures taken to reflect the special circumstances that make these Public Entities fundamentally different from the European Netherlands." This is also the case with regard to variations or additions that apply to the Caribbean Netherlands. After all, this bill not only ties in with the existing legal framework as set out in the Education and Vocational Training Act and Secondary Education Act 2020, but it sometimes also sets out specific (alternative or additional) rules for the Public Entities. This is necessary in

order to assure the quality of vocational education, but also because it reduces the administrative burden on the relevant Public Entity by making the contact school responsible for developing an island-specific program and package of measures to prevent and combat early school leaving, rather than making the Executive Council responsible for this. For the same reason, there is no longer a special funding allowance for the policy on early school leaving. This reduces the administrative burden on the Executive Council. A special funding allowance will be provided to fund educational programs. This is still necessary because these educational programs are in fact new for the Public Entities, and this will allow for some control over the expenditure of resources.

The special position of Bonaire, Sint Eustatius and Saba as Public Entities under the meaning of Article 132a of the Constitution is elaborated in the Public Entities Act BES. There are dozens of laws that apply to the Caribbean Netherlands quite independently of legislation in the European Netherlands. The most important of these the Administrative Jurisdiction Act BES, which, among other things, sets out the applicable administrative law.

Allowance for the social opportunity program

Property rights are protected by Protocol No. 1 of the European Convention on Human Rights (ECHR). This protocol also applies to the Public Entities of Bonaire, Sint Eustatius and Saba. This means, in short, that an allowance as referred to in the Social Opportunity Programs for Young People Act may be property under the definition of art. 1 Protocol No. 1, ECHR. For this to be the case, a participant must have a *legitimate expectation* that he or she would receive this allowance. This cannot be the case if a participant is simply hoping for an allowance, and it must be based on a legal provision or a legal act (such as a court decision). Participants who are already receiving an allowance when this bill comes into effect will be entitled to retain this allowance. This ensures that existing reasonable expectations will be honored, and fulfils the requirements of prudent decision-making. The duration of the allowance is limited to two years under Article 9, 3 of the Social Opportunity Programs for Young People Act. No extension will be possible after this bill comes into effect.

Application of the Education and Vocational Training Act in the Caribbean Netherlands

For those who are less closely familiar with the structure of the Education and Vocational Training Act, this will be discussed below. The Education and Vocational Training Act is subdivided into chapters, titles, paragraphs and articles. Articles can consist of numbered sections; a section can be further subdivided into lettered subsections, and those subsections into numbered clauses. With respect to the applicability of the Education and Vocational Training Act to the Public Entities of Bonaire, Sint Eustatius and Saba, some provisions may deviate from or supplement those that are applicable in the European Netherlands. In such cases, this is stipulated by a specific title relating to the Caribbean Netherlands. Such titles contain alternative or additional regulations that apply to the Caribbean Netherlands, and they can be found at the end of each chapter. The act therefore applies to the whole of the Netherlands, but at times it stipulates a territorial exception to the applicability of a certain provision. As a result, there are three different possibilities.

A provision in the act may apply to the whole of the Netherlands. Secondly, it can be stipulated that a provision does not apply to the Caribbean Netherlands and is therefore only relevant to the European Netherlands. Thirdly, a provision may apply specifically to one of the Public Entities, and therefore only apply to the Caribbean islands or to one of the islands. This means that for the correct application of the law in the territory of the Caribbean Netherlands, it is always necessary to consider whether there is another

provision at the end of the chapter in conjunction with which a certain provision included in the chapter must be read, or according to which a certain provision may be ignored entirely. Sometimes a replacement provision has been issued.

5. Implementation

PM Discussion with DUO and CvTE, plus formal UT

6. Monitoring and enforcement

PM Discussion with IvhO, plus formal UT

7. Consequences/administrative burden

The change to the law will have different consequences for the various actors involved. Sometimes there is a shift or transfer of responsibilities, but new responsibilities are also added and in some cases existing responsibilities are removed:

Public Entities:

Under the Compulsory Education Act BES and the Social Opportunity Programs for Young People Act, the Public Entities already have certain statutory tasks, including the registration and monitoring of early school leavers. These statutory duties will not change under the bill. However, implementation to date has not been carried out in accordance with existing legislation and regulations; for example, there is no registration and monitoring of early school leavers by the Public Entities. Under the planned approach to early school leaving, it is important that the Public Entities do this. On the other hand, the Public Entities will no longer be responsible for organizing social opportunity programs. Under the bill, the contact school is responsible for drawing up and submitting an action plan – in consultation with other parties – and that school will also receive the relevant funding directly from Ministry of Education, Culture and Science.

The Public Entity for Bonaire will also see a reduction in its workload because it will no longer be responsible for the buildings of the SGB. As a vertical school community, the school itself will take responsibility for these.

All three Public Entities will receive resources for adult education. This will entail an additional administrative workload as the Public Entities will be responsible for identifying the target group and the procurement of educational programs.

The SGB:

There is a reduction in the workload associated with the educational process because the school will no longer have to apply for recognition for every educational program that it intends to offer beforehand. In addition, there may be a reduction in workload because final exam candidates will take part in central examinations and the school therefore will have to hold fewer institutional exams. On the other hand, the school is required to monitor Dutch language teaching and the results achieved more closely.

In accordance with the legislation on vertical school communities, ownership of the school buildings will be transferred from the Public Entity to the SGB. Under current legislation and regulations, the SGB is already responsible for maintaining buildings, but it will now also be responsible for measures to enable larger-scale renovations and new-build projects in the future. The resources that were previously allocated to the Public Entity for this purpose will be added to the funding grant paid to the SGB in the future. The changes regarding participation also have consequences. Under existing legislation, the school board is only required to inform representatives of students, parents and employees regarding important developments. Under the Education and Vocational Training Act, a much more extensive set of rights of advice and approval will apply. This is new for the student council, and guidance and coaching will be required.

Finally, the SGB will be responsible – in consultation with other stakeholders – for drawing up an action plan for early school leaving and, as a contact school, it will also have to request and manage the funding for the implementation of this plan.

Gwendoline van Putten School and Saba Comprehensive School:

Just like the SGB on Bonaire, these two schools on Sint Eustatius and Saba will be responsible – in consultation with other stakeholders – for drawing up an action plan to tackle early school leaving and, as contact schools, will also have to request and manage the funding for the implementation of this plan.

Council for Education and the Labor Market in the Caribbean Netherlands (ROA CN):

The ROA CN will no longer have to provide separate advice on each educational program that schools intend to apply for. However, it will continue to review the labor market and the related educational needs, and to discuss future training plans with schools with a view to the availability of partner companies.

The tasks regarding the recognition of partner companies remain unchanged, but registration will require cooperation with the Foundation for cooperation on Vocational Education, Training and the Labour Market (SBB) in order to create one joint register of recognized partner companies.

SKJ implementation organizations:

In accordance with the Social Opportunity Programs for Young People Act, the SKJ implementing organizations draw up a plan and budget every year, which they submit to the Public Entity. They then receive funding from the Public Entity and implement the social opportunity programs. With the repeal of the Social Opportunity Programs for Young People Act, social opportunity programs will no longer exist in their current form and the SKJ implementation organizations will no longer exist either. Based on the proposed change in the law, relevant stakeholders will draw up an island-wide plan to tackle early school leaving under the overall coordination of the contact school. The contact school will apply for resources for the implementation of that plan, and then also manage those resources. The current SKJ implementation organizations may be involved in planning and implementation, but is not prescribed because there will no longer be any statutory basis for the SKJ implementation organizations. The consequences of this may vary between Public Entities.

8. Financial implications

As previously mentioned in this document, the system of funding for the secondary vocational education at the SGB was recalibrated in 2021 in accordance with the WVO Financing Decree 2021. This funding system is included in the Education and Vocational Training Act relating to secondary vocational education in the Caribbean Netherlands. The bill therefore has no financial consequences with regard to the funding of secondary vocational education in the Caribbean Netherlands.

The changes to the existing legislation on social opportunity programs for young people will have financial consequences.

In 2011, funding was allocated to the Public Entities of Bonaire, Sint Eustatius and Saba for the implementation of the Social Opportunity Programs for Young People Act:

Bonaire:	€400,000
St. Eustatius:	€250,000
Saba:	€150,000

These amounts were then converted into dollars and indexed annually based on changes in wage and price levels and exchange rates. The total amount paid to the Caribbean Netherlands for the social opportunity programs for young people is now more than €1.3 million, with the same allocation model still being applied.

Since the resources and allocation model have never been reformulated to reflect the possibility of changes since 2011, and because the approach to preventing early school

leaving envisaged in the bill does not exist on the islands under the Social Opportunity Programs for Young People Act, it is necessary to recalculate the funding and to review the allocation model.

Statistics Netherlands (CBS) is currently investigating whether enough data is available, or could be made available, to arrive at a substantiated new funding model for tackling early school leaving in the Caribbean Netherlands. This new funding model will then be applied when the change in the law comes into effect.

Although no reduction is expected in the funding available to tackle early school leaving as a result of the change in the law, the allowance that social opportunity candidates are currently eligible to receive if they take part in a program will be discontinued. In any future programs for early school leavers, participants will not be financially privileged relative to pupils and students who do attend school.

Another financial consequence of the bill concerns education funding. This has not yet been granted to the Caribbean Netherlands and will be granted under this bill. Statistics Netherlands (CBS) is also investigating whether enough data is available, or could be made available, to arrive at a substantiated new funding model.