

## NATIONAL REPORT OF BELGIUM (FRENCH COMMUNITY OF BELGIUM)

### Structure of the education system and parental participation

The organisation of education has been marked nationally by two founding texts. Since 1831, the Constitution has included freedom of education as a basic principle of the new State. The current article 24 specifies the free choice of parents, the right to education in respect to fundamental freedoms and rights, free access until the end of compulsory education (from 6 to 18 years) as well as equality of students, parents, teachers and schools before the law, which also takes into account objective differences that justify appropriate action.

In 1959, the School Pact, which ended a century of political tension surrounding the “school issue”, established the principle of equality between all schools, whether organised by the authorities (“official”) or outside of them (“free”). It establishes inter alia the obligation of the authorities to create schools when a certain number of parents request it, in order to ensure free choice of school, the significant educational freedom of the *Pouvoirs Organisateurs (PO)* – the authorities responsible for running their school -, the prohibition of tuition fees, the award of subsidies to free schools (identical treatment and 75% of the official operating costs), and the prohibition of unfair competition with the creation of an appeal Commission which includes a representative of each Federation of Parents Association (5 for the whole country).

On the 1<sup>st</sup> of January 1989 education came under the exclusive jurisdiction of three Communities (Flemish, French and German), with the exception of compulsory education, diploma requirements and “federal” pensions. While management of education has been “communitised”, the basic structures of the education system have changed very little. It is therefore at a practical level, in terms of pedagogy in particular, that each Community follows its own path. The approach in terms of participation has remained fairly similar.

Here freedom of education means freedom to create schools. These have progressively regrouped into “networks”, both to defend their specialities, as well as to facilitate management. This division into networks is found today in each Community. Actors involved in the school (PO, associations, parents) were also formed following this division. Recent years have seen the reinforcement of these federative structures, which respective governments have established as their privileged interlocutors, in a bid for consensus. The challenge, particularly for parents (non-professionals of the school), is to find availability and ensure adequate relay of information.

The “school issue” generated a strong mobilisation of each actor for their own school, with parental involvement at the origin of certain participatory practices and

cultures. Financial contributions, the creation of schools, and participation in their management were frequent. Today we see a regression linked to the way of life and to work (parents are less available). In recent years, a tendency to “institutionalise” parental participation has been observed in the three Communities. Our research focuses exclusively on the French Community of Belgium (CFB).

## Results

Regarding the indicators concerning to international and regional instruments in the field at hand, Belgium has ratified:

- The International Covenant on Economic, Social and Cultural Rights
- The International Covenant on Civil and Political Rights
- The Convention on the Rights of the Child
- The Convention on the Elimination of all Forms of Discrimination against Women
- The European Convention for the Protection of Human Rights and Fundamental Freedoms
- Protocol n°1 of the European Convention for the Protection of Human Rights and Fundamental Freedom

However, it has not ratified:

- The Convention against Discrimination in Education
- The United Nations Convention on the Protection of the Rights of All Migrant Workers
- The Framework Convention for the Protection of National Minorities.

As part of its “sovereign”<sup>1</sup> jurisdiction, the CFB has issued numerous decrees and circulars, many of which have had an influence on parental involvement:

- The “missions” decree of 1997, veritable codification for the CFB, stipulated in particular, the installation in each school of a participatory council with an obligatory parental component (curriculum and compulsory activity reports), and the official recognition of the two parent federations as partners in law; as well as inscription processes and exclusions (rights and appeal), appeal against secondary staff meetings and free education.

- The “positive discrimination” decree of 1998 to support schools with disadvantaged members and prevent school drop-out, truancy and violence; also for the exclusion and admission of minors residing illegally.

- The “management” decree of 2002 sanctioned parental participation at a macro and ministerial level of the CFB.

<sup>1</sup>. The CBF website *Enseignement.be* provides detailed information on the legislative programmes currently in force.

- The “associations de parents (AP)” decree of 2009 requires the establishment of a parent association in every school which parents can create, or in lieu of this, which the PO must implement in collaboration with the participatory council and the federative organisation recognised by the Missions decree. It specifies the duties assigned to the two PA federations, in particular “to encourage the active participation of all parents and offer them specific training so they can fulfil their role as representatives”<sup>2</sup>. For the first time it also provides for structural funds.

Moreover, parents have a legally recognised position on various advisory boards such as the *Conseil des parents d’élèves* (1970) and the Council for Education and Training (*Conseil de l’Education et Formation– CEF (1990)*), without neglecting “conventional” participation, which is participation that is not legally imposed yet is effective and efficient. These practices are particularly enduring in free education and have generated a “culture of participation”.

Right to information	70
Right to choose	100
Right of appeal	100
Right of participation	45
<b>Overall indicator</b>	<b>79</b>

## Right to information

While compulsory education begins when children reach 6 years old, over 95% of children are schooled from nursery school, starting at the age of 2 and a half. The exceptions are mostly disadvantaged groups where need far exceeds that of school information. There are doubts about lowering the age of compulsory education without any further accompanying measures.

Apart from the school entrance age there are no admission criteria for compulsory schooling. Nevertheless the question of equal access has arisen, which has gained considerable following at the secondary school level (still unresolved, there is a broad consensus on the elimination of ghetto schools, in one way or another, but there is strong disagreement on how to achieve this).

<sup>2</sup>. Author’s translation.



Upon registration with a school, and also subsequently, parents receive a wealth of information on the school and studies, legal obligations having sanctioned existing practices beforehand. Curriculums are required in all schools. Assessment is largely communicated by word of mouth with all the errors and bias that this entails. In fact, this all naturally leads to comparative advertising, which the ban on publication of results wanted to avoid so as not to exacerbate competition between schools. Sooner or later the matter of assessment will have to be addressed with a more critical and responsible approach.

Another challenge is taking into account the country's linguistic differences, promoting openness, and safeguarding cultural differences. In fact many schools in urban centres have a non-native majority. Mechanisms are in place to accommodate them but efforts are still needed in terms of transmission of information.

### Right to choose

There is a great variety of curriculums, as every school must have its own. The different networks are themselves extremely diverse and include some schools with a special educational profile. The general implementation of education since the Sixties has sharply increased social diversity in almost every school, which the considerable increase of migrants from poorer backgrounds has called into question.

Choice is financially possible since the implementation of the School Pact, which brought subsidies for all schools into general use and allowed any student attending a school other than those established by the authorities to be freely educated as well (no obligatory fees). However, the limitation of operating fees to 75% of official fees like other more targeted funding such as internet, buildings etc. may temper this freedom. This is because of the impact on the resources of the PO and the facilities offered, particularly as subsidies have been below legal requirements. An adjustment is underway. This concern for equal treatment is all the more necessary as the historic resources of many independent schools have dried up and with the great concern for democracy, all school fees are prohibited by reducing the costs that can be asked of parents.

### Right of appeal

In addition to the possibility of appeal before the administrative courts (State Council) in any administrative proceedings, decrees have established this right in specific cases: refusal of entry and expulsion, refusal to issue the certificate of basic studies ("Certificat d'Etudes de Base" - CEB) at the end of primary school, and school council decisions in secondary school. While the principle is positive for parents, it is clear that this right has also led to deviations from its goal (a systemisation or hardening of approach, leading some schools to take defensive measures rather than allow things to continue and risk appeal). The deadlines for specific procedures for



education have been kept short so that the student and their family are not left in an uncertain and detrimental situation.

## Right of participation

Participatory councils are compulsory in all schools and are clearly distinct from management bodies<sup>3</sup>. In meeting places and points of exchange for the educational community (PO, management, teachers, students and parents) there is a consensual approach where everyone has equal footing. If there are few matters requiring decision (curriculum), the power of initiative and momentum can be considerable. Masters of their agenda in theory, in practice however, much will depend on school culture, the relationships between families and teachers, the Council's relationship with the PO and especially with management; the consultation aspect is thereby of great de facto importance.

At a community level, parents are recognised as de jure members of educational bodies, such as the steering Commission (*Commissiion de piltoage - COP1*) since its creation in 2002, and before that the Council for Education and Training While their opinions are advisory, their influence is considerable. They are "places of power". All big cases are processed there and the Minister will try to consult them. Parents have a real opportunity to influence decisions as far as they can technically and physically do so. As with other participants, parental opinion is necessarily a minority. The practice of consensus is consistent with the possibility of a blocking minority to qualify an opinion without completely opposing the proposition.

At this level, the authorities continuously collect parental opinion through the representatives but there is no direct consultation with all parents, outside of elections. We also note the structural consultation of parents through various "joint" bodies (for example the General Council of some networks) who themselves have the ear of the authorities. The power of parental influence increases when their demands are shared by other actors (PO, management, associations...) and this may be of greater leverage than the sole opinion of a parental organisation, which those who do not share the same opinions may easily define as "corporatist".

One reason for the financial support awarded to parental federations is to assure the "continuing education" of parents and training of their representatives. There is no specific training institute for parents but training exists, sometimes public, sometimes private, that many parents have the opportunity to follow.

## Conclusions

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<sup>3</sup>. In *management bodies*, operating methods are different and parental participation varies for individual cases. No decretal obligation. Their decision-making power can be considerable including engagement of teaching staff.

In the Belgian culture participation involves sharing, and refers more restrictively to the 4<sup>th</sup> "collective" right, excluding a majority on principle. "Individual" rights are very important and demanded, but they can hardly be understood as participation. In the case of Belgium, we think that participation is in practice, often more advanced than the right granted or recognised. Certain accepted indicators are therefore only moderately or partially representative of the reality.

Where texts award rights, it is fundamental to keep them alive. To achieve this, good accessible information is fundamental. This means making progress in terms of objective and transparent assessment. The school world must avoid yielding to the temptation to turn in on itself, sometimes invoking the aggressive behaviour of some parents. The real solutions are, in our opinion, openness, training and transparency. Parents are often simultaneously courted and kept at arm's length by other actors: the authorities, the PO, management and unions, concerned above all with handling the compromises required for the school to function. There is a consensus on recognising the role of parents and their rights, but this is mingled with a reluctance to concede them too much space.

In order to have active positive parents, they must be given a means to be partners and exercise their rights. Instead of complaining about parental failure to take responsibility, it would be better to play the game with those present. Beyond individualism, there is the lack of free time in modern life which impedes participation and the correct exercise of rights. It is not enough to enact these rights if not accompanied by measures, often extremely practical, which allow for their exercise.

Moreover, Belgium historically benefits from a culture of parental participation. But this can only continue to survive and thrive if new generations are aware of it and able to practice it at all levels. Experience shows that the representative role of parents is more and more difficult to take on; in effect they are required to have technical knowledge and free time, as well as being fully-informed before other participants who are all professionals in their field.

