The federal legislative power is executed by means of wetten (laws). The Government issues koninklijke besluiten (royal decisions) based on the above laws.

The Flemish Parliament exercises its legislative powers by means of decreten (decrees), which have the same legal force as the laws of the National Parliament. These decrees are applicable to the Dutch language area and the institutions in the bilingual area Brussels Capital, which exclusively focus on the Flemish Community. For regional matters, the decrees only apply to the Dutch language area and not to the Brussels-Capital Region.

The Flemish Government promulgates besluiten (BVR, Besluit van de Vlaamse Regering (Decision of the Flemish Government)) on the basis of the decrees. To implement these decisions, a minister can issue ministeriële besluiten (ministerial orders). Omzendbrieven (circular letters) of the administration provide instructions or explanations about the implementation of regulations.

Educational legislation at all levels and circulars can be easily found and consulted online via Edulex [1].

Educational topics examined from the point of view of school administration are dealt with very clearly in WeTwijs [2].

The so-called ‘principle of legality’ applies in education: every measure which seriously affects the organisation of education has to be regulated by the decretal legislator. However, preparing and amending decrees is much more time-consuming than making decisions. That is how the tradition of compiling all the amendments to decrees required to prepare for the new school year into one collective decree came about. These decrees are all identified by Roman numbers. Once such a decree has been ratified, most amendments are transferred to the existing 'level and theme decrees'. It relates both to the legal translation of new measures and to rectifications and corrections.

**Political, social and economic background and trends**

**Constitution**

Schools Pact Act 29 May 1959

**Law on the use of languages in education of 30 July 1963**

Law of 2 August 1963
Organisation and governance

GOK-Decree on equal educational opportunities


The funding and subsidisation provisions for elementary education are set out in the elementary education decree, Articles 62 and 68, and for secondary education in the secondary education code.

The decree of 6 June 2008 introduced a blanket smoking ban for all compulsory-education institutions, nursery education and CPGs, both in open and enclosed settings and during extra-curricular activities.

Act of 29 June 1983 on compulsory education.

Educational legislation at all levels and circulars can be easily found and consulted online via Edulex [1].

Educational topics examined from the point of view of school administration are dealt with very clearly in WeTwijs [2].

Parliamentary act on the Flemish qualification structure

The decree of 30 April 2009 laid down a Flemish qualification structure.

Recognition of acquired Competences & Certificate of vocational competence

- Decree of 30 April 2009 concerning the qualification structure
- Decree on flexibilisation of 30 April 2004 for higher education
- Decree of 15 June 2007 concerning adult education

See also ervaringsbewijs bij WeTwijs [3]

GO! Education of the Flemish Community

Within the context of communautarisation, Flanders transferred its responsibility as organising body to an elected Autonomous Council for Community Education (ARGO) which was established by the Special Decree of 19 December 1988. From then on, State education was termed community education. The political agreement of 17 June 1998 on the allocation of responsibility, depoliticisation and decentralisation and the special decree of 14 July 1998' replaced the ARGO by a new public institution, to wit 'Community Education' (with capital letter as organising body) and new management entities were created specifically for Community Education, namely schools groups.
Intermunicipal initiatives

The decree of 28 November 2008 on intermunicipal education associations (IGOV) applies to both Flanders and Brussels and applies to all levels of education.

Complementary education policy at the local level

The decree of 30 November 2007 concerning "complementary education policy at local level".

The regelgeving betreffende het flankerend onderwijsbeleid op lokaal niveau [4] and thé selected projecten are located at thé webpages of 'lokaal onderwijsbeleid' of the department of education, including via WeTwijs [5].

School communities

They were introduced in secondary education in September 1999 (under the Decree concerning secondary education of 14 July 1998) and in elementary education in September 2003 (under the decree concerning the elementary-education landscape of 10 July 2003).

The decree of 17/06/2011 confirms the existing structure of the schools communities in elementary and secondary education with a view to fundamental reinforcement by 01/09/2014.

Flemish educational council (Vlaamse Onderwijsraad, VLOR)

The decree of 2 April 2004 organizes the participation in elementary and secondary education and the VLOR.

Consultation regarding conditions of service


Subsidized Private Education and the subsidised private CPGs do not fall within the scope of the Act of 19 December 1974. The Decree of 5 April 1995 has, however, set up a similar structure.

For consultation concerning conditions of service, each university college boasts an HOC, university-college negotiation committee with each department boasting a DOC, departmental negotiation committee (Decree of 13 July 1994).

For the whole of higher education (university colleges, universities and associations) a VOC, Flemish Negotiation Committee was set up in 2004. (Decree of 19 March 2004 and Decision of the Flemish Government of 21 January 2005).

Funding in Education

The Lambermont agreement (2001) reviewed the special financing law of 16 February 1989 and provided, among other things, more financial resources (in part from VAT revenues and in part from personal income tax).
Funding of operational budget in elementary and secondary education

Decree of 4 July 2008 concerning the operational budgets in secondary education and amending the Decree on elementary education of 25 February 1997 concerning operational budgets.

Funding of school infrastructure and school-building

On 7 July 2006 the Flemish Parliament approved a decree “catching up on school construction”.

Funding of higher education

Decree of 14 March 2008 concerning the financing of the operations of the Flemish university colleges and universities.

Financing support for learners and/or learners' families

In addition to the decree of 30 April 2004 on study financing and student facilities in higher education, the decree of 8 June 2007 now regulates study financing in the whole of the education system in the Flemish Community.

Early childhood education and care

The relevant legislation can be found on Juriwel [6], the Flemish welfare, health and family regulations. The Decision of the Flemish government of 23 February 2001 sets the conditions for recognition and subsidisation.

Primary education

Basic legislation of importance to Flanders' Elementary education

- Decree of 10 July 2003 concerning the landscape of elementary education

Final objectives and developmental objectives

- Decree of 15 July 1997 to ratify the developmental and final objectives within mainstream elementary education.
- Decree of 15 July 1997 concerning the derogation procedure for developmental and final objectives.
- Decree of 30 April 2009 to ratify the final and developmental objectives in elementary and secondary education (ratifying BVR 13/2/2009)

TOAH, temporary home education (for primary and secondary school pupils/students)

- Education Decree XV of 15 July 2005
- Decesision of the Flemish Government of 13 July 2007
- Letter BaO/97/5 of 17 June 1997
- Letter SO/2005/05 of 22 July 2005
- Letter SO/2005/06 (Buso) of 22 July 2005
Secondary education

In the codex SO [8] 21 laws and decreet for mainstream and special SE are grouped in neatly arranged level decrees. The decree on alternance training of 10 July 2008 remains in existence as a separate theme decree.

Advanced secondary education

Decree of 30 April 2009 on advanced secondary education and higher vocational education.

Higher education

- Decree of 12 June 1991 concerning universities in the Flemish Community.
- Decree of 13 July 1994 concerning university colleges in the Flemish Community.
- Decree of 4 April 2003 laying down the restructuring of higher education in Flanders (Higher-Education Reform Act).
- Decree of 19 March 2004 concerning the legal status of students, participation in higher education, the integration of certain departments of higher education for social advancement into university colleges and the support for the restructuring of higher education in Flanders (Decree on participation).
- Special Decree of 19 March 2004 concerning participation in higher education, the integration of certain departments of higher education for social advancement into university colleges, the coordination of the higher-education regulations and the modernisation of regulations on Flemish autonomous university colleges. This special Decree implements the principles of the Decree on participation in the community institutions for higher education.
- Decree of 30 April 2004 concerning the flexibilisation of higher education and laying down urgent higher-education matters (Decree on flexibilisation), amended by the Decree of 20 May 2005. The Decree on flexibilisation has been applicable to all programmes since academic year 2005-2006. For programmes which are being phased out a deviation is possible.
- Decree of 27 January 2006 to ratify the regulations of the Dutch-Flemish Accreditation Organisation regarding the laying down of management principles applicable to accreditation decisions and the testing of new programmes against higher-education programmes in the Flemish Community.
- Decree of 8 June 2007 concerning study financing in the Flemish Community.
- Decree of 14 March 2008 concerning the financing of the activities of the university colleges and universities in Flanders.

A comprehensive overview can be found on http://onderwijs.vlaanderen.be/hogeronderwijs/regelgeving/ [9]

Short-cycle higher education

Decree of 30 April 2009 on advanced secondary education and higher vocational education.

Adult education and training

- Decree of 15 June 2007 on adult education.
- Particularly useful are the circulars on the recognition, financing or subsidisation of the centres WO/2011/01, the organisational structure of centres [10] (VWO/2011/02), the development of programme profiles [11] and educational competence (VWO/2011/03) and the adult education consortia (VWO/2009/02).
The adult education website of the Ministry of Education and Training gives all essential information about adult education, including the regulations.

### Part-time artistic education

- Decree of 31 July 1990 (Education Decree II).
- Decision of the Flemish government of 31 July 1990 on the organisation of part-time arts education, course of study "Visual arts".
- Idem, for "Music, drama and dance".
- Decision of the Flemish government of 4 December 2009 on the establishment and organisation of arts academies in part-time arts education.

### Vocational training VDAB

- Decision of the Flemish government of 21 December 1988 on the organisation of employment-finding services and vocational training.
- Decision of the Flemish government of 18 July 2003 on training and guidance vouchers for employees.
- VDAB decree of 7 May 2004.

### Entrepreneurial training SYNTRA Flanders

- Decree of the Flemish government of 7 May 2004 (basic legislation)
- Decision of the Flemish government of 23 February 1999 (entrepreneurial training)
- Decision of the Flemish Government of 4 April 2003 (advanced training)

### Training in agriculture

- Decree of 3 March 2004 regarding subventions for more sustainable agricultural-production methods and the recognition of centres for more sustainable agriculture.
- Decision of the Flemish Government of 4 June 2004 regarding the allocation of subsidies for post-school training initiatives in the agricultural sector.

### Socio-cultural adult work

- Decree of 4 April 2003 on socio-cultural adult work.
- Decision of the Flemish government of 5 September 2008 (implementing decision).

An overview of the regulations can be found on the website of the FOV [13] and on that of the Agency for Socio-Cultural Work for Young People and Adults [14].

### Teachers and education staff

#### Initial education for teachers

- Decree of 04 April 2003 on the re-organisation of higher education in Flanders.
• Decree of 15 December 2006 concerning teacher training in Flanders.
• Decree of 15 June 2007 concerning adult education.

Conditions of service for teachers

There is a tradition in the education system of entering into central CLAs (collective labour agreements). The CLAs sometimes apply for two years, and sometimes for the entire duration of a legislature.

The decrees of 27 March 1991 concerning community education (now GO! Education of the Flemish Community) and subsidised education and the subsidised pupil guidance centres form the cornerstone of the legal-status arrangement of staff working in elementary and secondary education, special education, boarding schools, Part-time Arts Education, Adult Education and the pupil guidance centres. The Decree of 25 February 1997 also features a number of legal-status provisos for Elementary education. Likewise, the 'decrees concerning education' followed by a Roman number which have been promulgated on a yearly basis legislate for the legal status.

(personnel status for community education & personnel status for subsidised education).

Conditions of service for academic staff working in higher education

The Decree of 13 July 1994 shapes the legal framework of the conditions of service for teaching staff at university colleges. The Decree of 12 June 1991 for academic staff at universities.

Management and other education staff

Legal position of the inspectorate & pedagogical counsellors

The Decree of 8 May 2009 concerning the quality of education has drastically changed the legal position of the inspectorate.

The legal status of the staff working at the PDBs, pedagogical counselling services, is governed by the education-staff Decrees of 27 March 1991.

BVR 05/02/2010 rechtspositie personeel inspectie en pedagogische begeleidingsdiensten

Legal position of the staff of the pupil guidance centres

Quality assurance

The legal status of the staff of the pupil guidance centres, CPGs, is regulated by the education-staff Decrees of 27 March 1991.

Core legislation regarding the inspectorate, the educational development division and the pedagogical counselling services

• Decree of 1 December 1993 concerning the inspection and guidance of philosophy-of-life courses.
• Decision of the Flemish Government of 15 December 1993 implementing the Decree of 1 December 1993 concerning the inspection and guidance of philosophy-of-life courses.
• Decree of 8 May 2009 concerning the quality of education.
• Decision of the Flemish government of 24 April 2009 establishing the internal autonomous
agency 'Agency for Quality Assurance in Education and Training'.

- Decision of the Flemish government of 01/10/2010 implementing the decree of 8 May 2009 on the quality of education with regard to the way in which some of the inspectorate’s powers are executed (B.S. 26/11/2010)
- Decision of the Flemish government of 01/10/2010 implementing the decree of 8 May 2009 on the quality of education with regard to the reference framework for the inspectorate (BS13/01/2011). The CIPO reference framework is described in Annex 1 to this decree. However, it can be consulted more easily on the educational inspectorate [19] website.

The inspection of philosophy-of-life courses and its educational-support system are regulated by a separate Decree of 1 December 1993 and the executive decision BVR of 15 December 1993.

**OBPWO - Education Policy and Practical Scientific Research**

- Decision of the Flemish Government of 15 September 2006 concerning centres for policy-relevant research.
- Decision of the Flemish Government of 7 September 1994 to regulate the procedures regarding education policy and practical scientific research projects.

**Educational support and guidance**

- Integrated education: see WeTwijs integrated education [20]
- ION: see WeTwijs inclusive education [21]
- Special secondary education: the law of 6 July 1970 on special and integrated education.
- GOK-Decree on equal educational opportunities I of 28 June 2002. See also WeTwijs Âi equal educational opportunities [22]
- OKAN: WeTwijs reception education for non-Dutch-speaking newcomers [23]
- Dutch-language schools in Brussels and the peripheral and language boundary municipalities: WeTwijs integration of non-Dutch-speakers in peripheral [24]

**Pupil guidance centres (CPGs)**

The CPGs or Pupil Guidance Centres, are the result of a merger between the former PMS Centres and the centres for health supervision in schools (MSTs), based on the Decree of 1 December 1998. The Decision of the Flemish Government of 3 July 2009 reformulated and updated the CPGs' operational objectives.

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