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General Rules of the European Schools

These regulations repeal and replace the General rules of the European Schools n° 2014-03-D-14-en-6.

- **Amendment of Articles 11 and 50 and addition of Article 52a approved by the BOARD OF GOVERNORS OF THE EUROPEAN SCHOOLS of 4, 5, 6 and 7 December 2018 with entry into force as of 1 January 2019.**

GENERAL RULES OF THE EUROPEAN SCHOOLS

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PREAMBLE

For the purposes of these Rules, 'the pupil's legal representative' means the person or persons invested with parental authority in the case of a minor or the pupil himself/herself if he/she has reached the age of majority under his/her national law.

Vis-à-vis the school and unless notified otherwise, when a pupil is a minor the persons who present themselves as the pupil's father and mother are both presumed to be invested with parental authority.

Unless expressly notified otherwise, the school will presume that it may contact one or other of a pupil's legal representatives without distinction.

When a pupil's legal representatives so wish, provided that they make an explicit request to that effect by communicating to the school their respective addresses and the legal grounds for their entitlement to parental authority, the school will send to each the information referred to in these Rules about a pupil's schooling.

CHAPTER I

RESPONSIBILITIES OF DIRECTORS

The Director is the school's legal representative in dealings with parents and the public authorities.

He/She is responsible for teaching and education in his/her school.

He/She is responsible for management of the staff.

He/She is responsible for the budget and for administration

GENERAL

Article 1

The Director shall manage the school in accordance with the Convention defining the Statute of the European Schools and the Decisions of the Board of Governors. He/She shall be the school's legal representative. He/She shall be responsible for managing the school.

He/She shall be assisted by one or more Deputy Directors and an Administrator- Bursar, to whom he/she will delegate duties.

He/She shall implement instructions issued by the Boards of Inspectors and the Administrative Board.

He/She shall ensure that syllabuses and timetables are followed.

He/She shall be involved in preparations for meetings of the Board of Governors in accordance with Article 11 of the Rules of Procedure of the Board of Governors.

He/She shall be accountable to the Board of Governors for the school's proper functioning.

He/She shall apply the principles of sound economic management of resources.

EDUCATIONAL RESPONSIBILITIES

Article 2

The Director shall endeavour to imbue his/her school with a European spirit and to promote cooperation between all the parties involved in school life by instigating and encouraging initiatives on their part.

He/She shall foster and develop among teaching staff the spirit necessary for fruitful cooperation in the interests of the school's unity.

The Director shall establish contact with pupils' legal representatives and with the Parents' Association to promote the closest possible cooperation between families and the school in pupils' interests. He/She shall organise information meetings for this purpose.

He/She shall promote pupils' participation in school life under the relevant provisions of the house rules.

Article 3

The Director shall be responsible for coordinating studies between the different cycles and between the various year groups and language sections. To that end:

1. He/she shall allocate pupils to classes and groups.
2. He/She shall allocate classes and groups in the subjects taught to the teachers and shall draw up a timetable for each year group and language section at the beginning of the school year. In doing so he/she shall take account as far as reasonably possible of the wishes expressed by members of staff and of pupils' best interests. This timetable shall be communicated on request to the members of the Board of Inspectors. Except in exceptional cases, it may not be changed during the school year.
3. He/She shall convene meetings of the Councils provided for in Article 16 of these Rules outside teaching hours.
4. He/She shall take all necessary steps to ensure coordination between the nursery, primary and secondary cycles and harmonisation of teaching, in accordance with the instructions issued by the Board of Governors and the Boards of Inspectors.
5. He/She shall visit classes regularly and shall participate in evaluation of classroom teaching and of teachers' performance.
6. He/She shall assign duties to the educational advisers and to the principal educational adviser.

Article 4

He/She shall make arrangements for cover for absent staff in accordance with the provisions laid down by the Board of Governors and the Secretary-General.

Article 5

The Director shall ensure that the necessary measures are taken to maintain order and discipline within the school.

In collaboration with the Education Councils provided for in Chapter II, he/she shall draw up house rules setting out pupils' obligations and rights, both on school premises and during all activities organised by the school.

With the assistance of the principal educational adviser, the educational advisers and the teaching staff, he/she shall organise the supervision of pupils before, during, after and also between classes and during free periods.

He/She shall collaborate on the organisation of extra-curricular activities.

ADMINISTRATIVE AND BUDGETARY RESPONSIBILITIES

Article 6

The Director shall be responsible for the school's proper functioning with the assistance of administrative and ancillary staff. He/She shall ensure a good level of service.

The Director shall be responsible for management of administrative and ancillary staff. He/She shall ensure that the provisions of the Service Regulations for those staff are applied.

Article 7

The Director shall be responsible for management of the teaching staff.

He/She shall ensure implementation of the provisions of the Regulations for Members of the Seconded Staff and of the Conditions of Employment for Part-time Teachers.

He/She shall resolve with the competent national authorities administrative problems arising from secondment or appointment of staff to the school. He/She shall be responsible for local recruitment of part-time teachers after consulting the national Inspector, and he/she shall use a transparent method of selection.

Article 8

With the exception of the particular competence conferred on the Central Enrolment Authority for the Brussels European Schools, the Director shall decide on the enrolment, admission and withdrawal of pupils on the basis of the provisions laid down in Chapter VII.

Article 9

The Director shall prepare and implement the budget under the supervision of the Administrative Board in accordance with the Financial Regulation drawn up by the Board of Governors.

Article 10

The Director shall arrange for the drawing up and regular updating of an inventory of school furniture, of teaching materials and of all furnishings belonging to the school in accordance with the requirements laid down in the Financial Regulation.

He/She shall delegate responsibility for the library, scientific collections and demonstration equipment to specialist staff, who shall draw up their own inventories and be accountable to him/her for material in their charge.

Article 11

The Director shall organise the school archives. These shall include in particular:

- a) a file of all pupils on roll;
- b) a file of newly enrolled pupils and of pupils removed from the roll;
- c) the end-of-semester and interim reports provided for in Article 60;
- d) the absences file for the previous year;
- e) a complete set of the documents provided for in Article 26 for the previous three school years;
- f) a complete a set of the end of secondary 5 harmonised examinations and of the end-of-semester secondary years 6 and 7 examinations organised in the previous three school years;
- g) a confidential personal file for each pupil;
- h) documents concerning the Baccalaureate in accordance with the Arrangements for Implementing the Regulations for the European Baccalaureate;
- i) the minutes of Class Council meetings.

OTHER RESPONSIBILITIES

Article 12

As part of his/her official obligations the Director shall guarantee inviolability of domicile on school premises.

Article 13

The Director shall represent the school outside. He/She shall be the only person authorised to give information about the school to the press. When representing the school to the outside world, including the press, he/she must comply with the policy of the Board of Governors.

Article 14

The Director may authorise persons from outside the school to visit the school, to participate in school events and to sit in on and observe classes with the agreement of the teachers concerned.

Article 15

The Director shall be responsible for security on school premises.

Should a particular event occur at the school (e.g. death, serious accident, fire, explosion, infectious disease, threats, etc.), the Director must notify the relevant service.

CHAPTER II

REGULATIONS FOR COUNCILS

Article 16

These Councils are:

1. Class Councils
2. Subject Councils
3. General Councils
4. Education Councils
5. Discipline Councils (see Chapter VI)

Article 17

Convening and chairing of councils

The arrangements for the convening and chairing of Discipline Councils are set out in Chapter VI.

The Subject Council shall be convened by the Director and chaired by a member of the teaching staff.

The other Councils referred to in Article 16 shall be convened and chaired by the Director or Deputy Director. The Director may delegate the chairmanship of a Council to a Deputy Director or, for the Class Councils only, to a member of the teaching staff who does not teach the class in question.

The different Class Councils for any given year group shall normally have the same chair, whatever the language section.

Except in an emergency, the date of meetings shall be fixed by the Director at least one calendar week in advance and he/she shall provide an agenda and any documentation in his/her possession.

Voting members may add further items to the draft agenda up to the day preceding the meeting.

In an emergency, the Director may initiate discussion of items not tabled on the draft agenda.

Where at least one quarter of the members of one of the Councils so request in writing, with precise indication of a draft agenda, the Director shall convene a meeting of that Council at the earliest opportunity.

Councils shall meet outside school hours.

Article 18

Class Councils

1. Class Councils shall meet,
 - a) at the end of each term or semester in the secondary cycle
 - to assess pupils' academic results and behaviour
 - to propose measures to be taken where necessary.
 - b) without prejudice to implementation of the provisions of the Intensive support A Regulations¹, at the end of the school year (in both the primary and secondary cycles), to take decisions on promotion to the year above in accordance with the provisions of Articles 57, 58 and 61.
Additional Class Councils may also be convened in the light of particular circumstances.
2. Meetings of Class Councils shall be attended by all staff who teach the class, including distance teachers and educational support teachers
Attendance at Councils shall be compulsory, except where dispensation has been granted by the Director on duly substantiated grounds.
Distance teachers may be in communication with the Class Council by means of an interactive system (audio/video).

In the nursery cycle, the members of the Class Council shall be the Director or the Deputy Director for the nursery and primary cycles, the class teacher and the teacher of the mother tongue/dominant language (L1) for the SWALS pupils.

3. Voting rules
 - a) Teachers who have taught the pupil one or more subjects during the school year shall have one vote.
 - b) In the event of the replacement of a teacher during all or part of the school year, the Director shall designate the teacher authorised to attend the Class Council and to vote.
 - c) Normally, educational support teachers shall not have voting rights. However, if a course which normally is part of the regular curriculum of a pupil, is entirely replaced by a course given individually to a pupil in the frame of an Intensive Support A programme, the support teacher other than the regular class teacher of this course in the class of the Intensive Support A pupil, has voting rights regarding this pupil.
 - d) The chair shall take part in the vote and shall have the casting vote in the event of a tie.
 - e) Decisions shall be taken by a simple majority of the members present entitled to vote. Abstentions shall not be permitted.
 - f) Voting shall not be by secret ballot.
 - g) The decisions thus taken shall be collegiate.
4. The secretary, designated by the Director, shall produce minutes of the meeting of the Class Council, in which the decisions taken, stating the grounds on which they are based, will be recorded. A copy of the part of the minutes concerning a particular pupil may be sent to his/her legal representatives on written request to the Director.

¹ Provision of Educational Support in the European Schools – Procedural document – 2012-05-D-15

5. The deliberations of Class Councils shall be confidential. The members of the Class Council shall not be authorised to communicate to a pupil's legal representatives any information other than the decisions concerning the pupil taken collegiately by the Class Council and appearing in the minutes of the meeting.
6. The Class Council's decision may be communicated orally by the class teacher immediately after the meeting. The pupil's legal representatives shall be given notification in writing, at the address known to the school, by registered letter, by fax, by e-mail or by any other means of communication materialising in a written document sent to the addressee.
Due notification shall be deemed to have been given the day after the sending of the notification by the means of communication referred to above, the postmark being taken as proof should it be sent by registered letter.
7. At the request of the legal representatives, submitted not later than one week after notification of the Class Council's decision, they may seek a meeting with the Director, consult the examinations referred to in Article 11.f., obtain a paper copy of them at the time of this consultation and obtain a copy of the minutes of the meeting of the Class Council (concealing the deliberations on the other pupils).

Article 19

Subject Councils

1. Subject Councils shall meet at least twice a year to coordinate teaching of the same or associated subjects.
2. Subject Council meetings shall be attended by all staff teaching the relevant subject or subjects. Attendance at meetings shall be compulsory, except where dispensation has been granted by the Director on duly substantiated grounds.
3. A summary report of the meeting shall be produced. Any member of the Council may request that his/her views be put on record in the form of a written note to be supplied by him/her.

Article 20

General Councils

1. General Councils shall be convened, as the need arises, to deal with matters affecting the whole school (General Council) or a particular cycle (cycle General Council). These Councils shall have an advisory role.
2. All teachers shall attend General Councils; cycle General Councils shall bring together the teachers of the cycle in question. Attendance at Councils shall be compulsory, except where dispensation has been granted by the Director, on written request, on duly substantiated grounds.

3. The secretary, designated by the Director, shall produce a report of the meeting. Any member of the Council may request that his/her views be put on record in the form of a written note to be supplied by him/her. The report shall be approved by the Director and submitted to the Council for approval at its next meeting.
4. For specific issues requiring prior investigation, General Councils may propose the setting up of working groups.

Article 21

Education Councils

1. In each school two Education Councils shall be formed, one for the primary and nursery cycles, the other for the secondary cycle. Each of the Education Councils shall normally meet twice per term. The two Education Councils may hold joint meetings on issues affecting the whole school.
2. The task of the Education Councils shall be to seek optimum conditions for effective teaching and to promote positive and stimulating human relations. In particular, they shall seek to introduce all measures likely to highlight the school's European character. They may set up working groups. They may adopt resolutions for submission to the competent authorities of the European Schools. If the Director takes a decision which does not conform to a proposal made by the Education Council, he/she shall give his/her grounds for doing so. Discussions of individual cases must be excluded.
3. Composition:
 - a) The Education Council for the nursery and primary cycles shall be composed of the Director and Deputy Director, of elected representatives of the teaching staff and of elected representatives of the Parents' Association. The Director may invite other persons whose presence he/she deems necessary.
 - b) The Education Council for the secondary cycle shall be composed of the Director and Deputy Director, of elected representatives of the teaching staff, of elected representatives of the Parents' Association and of elected representatives of the pupils. The Director may invite other persons whose presence he/she deems necessary.
 - c) The school's Administrative Board shall determine the number of representatives in each school; this number must be the same for each of the groups represented.
4. Organisation:
 - a) The Education Councils shall draw up their own rules of procedure.
 - b) The secretary, designated by the Director, shall produce a summary report of Council meetings. The text shall be approved by the Director. The report shall be submitted to the Council for approval at the next meeting.
5. The members of the Education Councils shall be authorised and invited to communicate the content of the reports of meetings to their constituents.

CHAPTER III

DUTIES AND OBLIGATIONS OF MEMBERS OF STAFF OF THE SCHOOLS

Article 22

General

Members of the teaching staff and all other persons whose direct involvement in the school is required shall undertake to do their utmost to enhance its prestige and promote its development. They shall perform their duties in accordance with the provisions in the rules and regulations adopted pursuant to the Convention defining the Statute of the European Schools. They shall follow the instructions issued by the Board of Governors, the Secretary-General, the Boards of Inspectors, the Administrative Board and the Director.

In performing their duties they shall take care, by maintaining self-imposed strict objectivity, not to offend the religious and political convictions of pupils and their families and to respect their culture.

To ensure the school's proper functioning, teachers shall encourage pupils' active cooperation and autonomy and shall promote the development of their personalities.

They shall strive at all times, both inside and outside the school, to inculcate in their pupils the highest intellectual, moral and social standards.

They shall take every opportunity which arises to foster in pupils an attachment to their own country and a respect for that of others.

On the national day of each of the Member States of the European Union² the contribution made by the country in question shall be mentioned in the school. Teachers shall encourage any initiative taken by pupils to organise a special event outside school hours. This shall also be the case on the occasion of European Union Day.

Article 23

Class teachers

The Director shall appoint a class teacher for each class in the secondary cycle. In the nursery and primary cycles the teacher in charge of the class shall perform this role.

² See Annex III : List of national days.

Class teachers shall be responsible for:

- centralising all information on the progress and conduct of pupils in their class,
- assisting the Director and colleagues in disciplinary matters concerning these pupils,
- preparing for meetings of Class Councils on instructions from the Director
- reporting to the Director on all questions which he/she refers to them, and in general ensuring that the Director's rules and instructions are followed.

The class teacher is the link between pupils' legal representatives (individually or representing the class), the pupil delegates of the class and all the teachers who teach the class.

Article 24

Communication with pupils' legal representatives

1. Teachers shall take all necessary steps
 - a) to keep pupils' legal representatives informed
 - of the work set and the results achieved by pupils
 - of conduct, application, class work and homework
 - of regular attendance and punctuality
 - b) to inform them of any significant change in the pupil's academic progress.
 - c) to reply to any particular requests for information from pupils' legal representatives with respect to these Rules, to regulations adopted by the Board of Governors and to the general principle of the right to privacy to which all members of the school community are entitled.
2. At the beginning of the school year each teacher shall indicate a time outside teaching hours when he/she will be available to see pupils' legal representatives by appointment to discuss a pupil's situation. This timetable must be communicated to pupils' legal representatives. Teachers may also take the initiative and ask pupils' legal representatives to come and see them. They shall notify the Director should parents not respond to the invitation.
3. The above provisions shall also be applicable in the case of distance learning. Communication may then be established using ICT (information and communication technologies).
4. In accordance with Article 2, the Director shall organise meetings for pupils' legal representatives, which teachers are required to attend.

Article 25

Absences and discipline

Teachers must report pupils' absences and all breaches of discipline to the Director, in accordance with the provisions of these General Rules and the house rules.

Article 26

Class work

1. Every nursery and primary cycle teacher must be able to account for the written planning of the work done in his/her class. Annual and periodic plans must be given to the Deputy Director.
2. Every school year, secondary teachers shall prepare a clear and transferable record of forward planning for each subject they are teaching.

For harmonisation's sake, s7 forward planning documents will be agreed upon and prepared jointly by all teachers teaching the same subject in a same school. This Task will be coordinated by the subject coordinators.

It is strongly recommended to extend this practice to years s6 and s5 and, when considered convenient by the school management, to other year levels. Secondary teachers shall also keep a regularly updated individual record of material covered. In this record, the connection between the planning and its implementation must be made clear.

The forward planning and the record of material covered shall be placed in the school archives at the end of the school year and kept for three years. The school management will see to the adoption of a uniform structure for these documents on a standard electronic format (.doc; .pdf; .xls ...).

3. These documents shall be available at all times to the School management and the Inspectors.

Article 27

Principal educational advisers and educational advisers

Principal educational advisers and educational advisers shall assist the Director, the Deputy Directors and the secondary cycle teachers. Their educational and administrative duties shall involve in particular:

- supervision of pupils
- maintenance of order and discipline
- monitoring of pupils
- administrative assistance connected with pupils' schooling.

They may also be required to teach subjects in which they have the requisite academic qualifications, as provided for in Article 36(5) of the Regulations for Members of the Seconded Staff. These duties shall be allocated on the basis of a roster drawn up by the Director at the beginning of each school year.

CHAPTER IV

RESPONSIBILITIES OF PUPILS' LEGAL REPRESENTATIVES

Article 28

Undertakings entailed by enrolment

By applying for a pupil's enrolment to the Director or to the Central Enrolment Authority for the Brussels Schools, the pupil and his/her legal representatives shall undertake to abide by the rules and regulations adopted pursuant to the Convention defining the Statute of the European Schools. A copy of those rules and regulations shall be available to them in the school secretariat or on the European Schools' website (www.eurasc.eu).

Article 29

On a pupil's enrolment at a European School, his/her legal representatives shall undertake to pay the fees fixed by the Board of Governors and other sums owed to the school within the time period set for payment.

An advance payment amounting to 25% of the school fees set by the Board of Governors for the relevant teaching level for the coming school year must be paid by 30 June of the current year or, on first enrolment, by the date set by the Director, namely before the pupil's first day at school. Advance payments shall not be refundable.

Where the school fees, including advance payments due for the following year, are still outstanding or have not been paid in full at the end of a school year in July, the pupil in question shall be deemed by the school to have been struck off the roll and will no longer be admitted to the European Schools as from the beginning of the following school year.

If a duly substantiated request is submitted, the Director may grant an extension for payment up to the first day of the school year following the date when the payments were due.

Article 30

Regular attendance at classes

1. Without prejudice to the pupils with special educational needs Regulations³, attendance at classes shall be organised as follows:
 - a) Acceptance of a place at the school shall imply the right and the obligation to attend all courses of instruction listed in the curriculum and to do such work as is set. Pupils shall also be required to take part in any organised activities declared compulsory by the Director.
 - b) Attending all courses of instruction shall mean regular and punctual attendance at the classes indicated in a calendar and timetable produced and given to pupils at the beginning of the year.
 - c) A pupil's attendance at classes is necessary to ensure his/her development and to enable the teacher to make a full and accurate assessment.
 - d) A pupil's attendance at a course shall be considered regular if the number of periods of presence is at least 90% of the number of periods actually organised.

³ Provision of Educational Support in the European Schools – Procedural document – 2012-05-D-15
2014-03-D-14-en-7

2. Dispensations

a) Physical education

- i. A pupil may be excused attendance at physical education classes only at the request of his/her legal representatives and on production of a medical certificate⁴ stating that he/she is physically unable to attend.
- ii. Except in duly certified cases of permanent disability, dispensation may only be granted for one semester/term, depending on the organisation of the school year. It may be renewed only if a further medical certificate is produced. The Director may, if he/she considers it necessary, have the pupil examined by the school doctor.

b) Talented pupils

- i. Highly talented pupils in sports, music or the arts, may exceptionally be excused regular attendance at classes by the Director, only upon request of their legal representatives (or themselves if the pupils are 18) and on production of certificates and/or formal requests from the relevant institutions stating that they need to be absent.
- ii. In case of request for repeated absences, dispensation may be granted only on a termly basis, renewable on production of (an) additional certificate(s) and/or formal authorisations from the relevant institutions

- c) In exceptional cases and on duly certified medical grounds⁵, a pupil may be excused part of his/her homework by the Director. Such authorisation may not be outright; it may be granted for a specified period only, at the express request of the pupil's legal representatives on the understanding that the pupil's chances of promotion at the end of the year may be jeopardised.

3. Absences

a) Recording of absences

The school shall keep a record and daily register of pupils' absences. At the end of each semester/term, the school shall draw up a list of absences for each pupil. Unauthorised absences will be clearly identified and will be dealt with severely

b) Consequences of absences

- i. In the event of unauthorised absence for more than 15 consecutive days, the pupil shall be deemed to have left the school. The pupil's legal representatives shall be so informed by registered letter.
- ii. Should repeated unauthorised absences of one or more periods continue to occur after the Director's warning, the Discipline Council may decide on the pupil's exclusion.
- iii. In the secondary cycle, should the number of periods during which a pupil is absent from a course be such that there is a risk that it will not be possible for an A mark to be awarded, the Director will warn the pupil's legal representatives of the consequences outlined in paragraph e) for years 4-6 and in paragraph g) for year 7.

⁴ Local regulations or practice take precedence over this provision.

⁵ Local regulations or practice take precedence over this provision.

- iv. If, at the end of the first term or semester, the number of absences seems likely to exceed the threshold of 10% of the periods actually organised in one or more subjects, the Director will warn the pupil's legal representatives of the risk of non-promotion or of being unable to take the Baccalaureate examinations.
- c) Absences on personal grounds
- i. Only the Director may give a pupil permission to be absent from school.
 - ii. Except in cases of *force majeure*, the pupil's legal representatives must apply for such permission at least one week in advance. Applications must be made in writing, indicating the period of absence and giving reasons.
 - iii. Permission may be granted for a maximum of two days plus reasonable travelling time.
 - iv. Except in cases of *force majeure*, permission may not be granted for the week preceding or the week following school holiday periods or public holidays.
 - v. In the case of the death of a close relative, a longer absence may be permitted.
- d) Absences on sick grounds
- i. In the event of a pupil's being unable to attend school because of illness, the pupil's legal representatives will inform the Director of the reason in writing, not later than the second day of absence.
 - ii. After an absence of more than two days, primary and secondary pupils will only be allowed to return to school on production of a medical certificate⁶ by the pupil's legal representatives.
 - iii. The Director may, if he/she considers it necessary, have the pupil examined by the school doctor.
 - iv. Without written notification from the pupil's legal representatives or production of a medical certificate within the period laid down in points i. and ii., such absences shall be regarded as unauthorised and punishable by the Director.
 - v. Where a pupil contracts an infectious disease, the pupil's legal representatives must notify the Director in writing and adhere strictly to the rules laid down by the Administrative Board, drawn up in agreement with the school medical service, on the containment of infectious diseases, in particular as regards quarantine for him/her and other pupils living under the same roof. The pupil shall be readmitted to the school only on production of a medical certificate from a doctor recognised by the local health authorities or from the school doctor⁷.
 - vi. All pupils shall be examined periodically by the school medical service, if possible, every year. The costs of check-ups and of preventive measures shall be borne by the school.
- e) Absence for a valid reason in years 4-6
- i. If a pupil in years 4-6 has a long period of absence for a valid reason, with the result that A marks for class work in the first semester cannot be awarded, the A marks for class work in the second semester will be doubled for calculation of the final mark.

⁶ Local rules or practice take precedence over this provision.

⁷ Local rules or practice take precedence over this provision.

- ii. If this absence means that a pupil cannot be awarded A marks for either the first or the second semester, his/her promotion will not be possible.
 - iii. A pupil in years 4-6 who cannot be awarded A marks for the second semester because of a long period of absence for a valid reason may not normally be promoted. In exceptional cases the Class Council may reconsider the case of such a pupil.
- f) Absences from written examinations in years 4-6
- i. Where a pupil is absent from a written examination in years 4-6, the pupil's legal representatives shall inform the Director of the reasons for his/her absence, immediately or the next day. In cases of illness, a medical certificate⁸ is mandatory to justify the absence. In all other cases, the Director will decide whether or not the absence is justified.
 - ii. A pupil who is absent (for a valid reason) from one or more first semester written examinations and has not had the opportunity to take a substitute examination, but who takes the second semester examinations in the same subjects, will have his/her final annual marks calculated on the basis of the results achieved in the second semester.
 - iii. A pupil who is absent (for a valid reason) from one or more second semester written examinations and has not had the opportunity to take a substitute examination shall be required to sit a promotion examination early in the new school year in the subjects he/she has missed, unless he/she achieved a mark of at least 7 in these subjects in the first semester and an A mark of at least 7 in the second semester.
 - iv. If a pupil is absent for a valid reason for the examinations in one or more subjects in the first and in the second semester, he/she shall be required to sit promotion examinations in the subjects which he/she has missed.
 - v. In cases where there is no valid reason for the absence or absences mentioned in points ii., iii., and iv., a pupil shall be awarded no marks (0) for the examinations missed. The pupil's legal representatives shall be notified of this decision.
- g) Absences in year 7: A marks
- Without prejudice to the provisions of Article 8 of the Arrangements for implementing the Regulations for the European Baccalaureate:
- i. Where a pupil in year 7 has a long period of absence because of duly certified illness, with the result that A marks for class work in the first semester cannot be awarded, the A marks for class work in the second semester will be doubled for calculation of the final mark.
 - ii. If this absence means that a pupil cannot be awarded A marks for either the first or the second semester, it will not be possible for him/her to take the Baccalaureate examinations that year.
 - iii. In the event of frequent periodic absences in year 7, the Class Council shall be required to decide whether the pupil's studies conform to the rules and may, in certain cases, call into question the validity of his/her registration for the Baccalaureate, determination of the A mark being jeopardised.

⁸ Local rules or practice take precedence over this provision.

g) Absences from part examinations in year 7: B marks

Without prejudice to the provisions of Article 8 of the Arrangements for implementing the Regulations for the European Bacculaureate:

- i. Where a pupil is absent for a valid reason from one or more long part examinations organised by the school at the end of the first semester, he/she must sit replacement examinations conducted under the same conditions as the initial examinations, on dates decided by the Director.
- ii. Where a pupil is absent for a valid reason from one or more short part examinations, he/she must sit tests conducted under the same conditions as the initial tests, on dates decided by the teachers concerned.
- iii. Where a pupil is absent without grounds from one or more part examinations in year 7, he/she will not be allowed to take the Bacculaureate examinations.

Article 31

Other undertakings

1. Pupils' legal representatives shall sign any special communication received concerning a pupil. They shall provide spontaneously any information likely to be relevant to application of these Rules concerning family circumstances or any changes in them with repercussions on the pupil's administrative or educational situation or on the pupil's general development within the school.
2. Pupils' legal representatives shall be responsible for keeping test and examination papers other than those referred to in Article 11.f. In the event of loss of or of damage to the original script, the mark awarded by the teacher shall be binding.

Article 32

Pupils' legal representatives shall be responsible for ensuring that pupils respect school premises and property and that books and objects made available to them by the school are returned. They shall be required to pay compensation to the school for any damage caused by a pupil, even unintentionally.

Article 33

Insurance taken out by the school

The school shall take out a collective insurance policy to cover the civil liability of a pupil's legal representatives in all cases where action could be taken against him/her as a result of an accident caused by the pupil to other pupils, to a member of staff or to third parties.

This insurance policy shall also cover reimbursement to pupils who are victims of accidents, or to persons entitled under them, of expenses (medical treatment, hospitalisation, etc.) incurred and payment of lump-sum compensation under the terms of the policy, which can be consulted in the school's secretariat.

In return for such cover pupils' legal representatives shall pay 85% of the premium fixed by the insurance policy⁹.

The insurance cover provided for in this article shall be limited to personal accidents on school premises or on the way to and from school and during an outing organised by the school.

Cover for damage to property and other damage occurring off school premises shall be the responsibility of pupils' legal representatives.

Article 34

The school shall not be responsible for objects brought to school by pupils.

Article 35

- a) The house rules of each school shall determine the school's opening hours.
- b) The school shall not be responsible for pupils off the school premises. This rule shall not, however, apply to outings and educational activities organised by the school itself or by the school in conjunction with the Parents' Association.

⁹ The Administrative Boards may round off the amount payable by pupils' legal representatives.

CHAPTER V

PARTICIPATION

Article 36

The proper functioning and the effectiveness of a school presuppose the participation of all involved in school life.

Participation means in the cases provided for by the statutes and regulations:

- right to information
- right to formulate proposals
- sharing of decision-making power

Article 37

The participants within the school

Each member of the school community may act in an individual capacity to deal with a particular case in so far as he/she has a direct interest. This shall apply in particular to questions of discipline, work, pupils' results and promotion.

To deal with more general questions and for the sake of effectiveness, the various components of the school community shall be represented, without prejudice to the provisions of their respective statutes, as follows:

- a) Pupils' legal representatives, excluding pupils who have reached the age of majority, shall form 'Parents' Associations' independently. At the beginning of each school year they shall elect representatives to sit on the Education Councils, the Administrative Board, the Board of Governors and the various councils and committees to whose meetings they are invited. Pupils' legal representatives, with the exception of pupils who have reached the age of majority, of a given class may elect class delegates.
- b) Secondary pupils shall form a 'Pupils' Committee': at the beginning of each school year the pupils of a class shall elect a delegate. All the delegates shall form a committee from among whose members representatives will be chosen for the Education Council and the Administrative Board.
- c) Teachers shall elect two 'Staff Representatives' (nursery-primary and secondary), who shall sit on the school's Administrative Board. They shall also elect representatives to sit on the Education Councils.
- d) Administrative and ancillary staff shall elect a representative to sit on the Administrative Board.

Article 38

The representatives defined in Article 37 shall cooperate to promote the school's proper functioning and to foster a climate of trust.

They shall do so in particular within the framework of the following:

- The Administrative Board (see Chapter X of these Rules).
- The Education Councils (see Article 21 of these Rules).
- Any special meeting which the Director may deem appropriate to convene.

In addition, in liaison with the other organs, the Parents' Association, as defined in the Convention defining the Statute of the European Schools may play a part in the organisation and management of extra-curricular activities and the canteen. The organisation and management of school transport shall be the responsibility of pupils' legal representatives, whether acting individually as pupils' parents or through the intermediary of any group or third party.

Article 39

House rules

Participation shall include the application of house rules by each school, as provided for in Article 5. The draft rules, prepared by the directorate, shall be discussed by the Education Councils.

CHAPTER VI

DISCIPLINE

Article 40

The purpose of disciplinary measures shall be to educate and train. The Director shall ensure that such disciplinary measures are coordinated and standardised.

Article 41

A pupil who fails to observe the school rules and general rules on communal life within the school shall be subject to disciplinary measures.

Serious breaches of discipline shall be immediately reported to the Director and a written report shall be submitted to the Director on the first working day following the incident.

Article 42

a) The list of disciplinary measures does not mean that they can be imposed only in the order given.

All disciplinary measures from detention onwards shall be entered in the pupil's personal file and kept for a maximum of three years.

In a serious case, involving a risk to safety or health in the school, the Director may, as a precaution, return a pupil to the care of his/her legal representatives pending the convening of the Discipline Council.

b) Disciplinary measures in the secondary cycle shall be as follows:

1. Reprimand.
2. Extra work.
3. Detention.
4. Warning and/or sanction by the Director.
5. Warning and/or sanction by the Director on a proposal from the Discipline Council.
6. Temporary exclusion from the school
 - by the Director, for a maximum of three working days
 - by the Director, on a proposal from the Discipline Council, for a maximum of 15 working days.
7. Exclusion from one or more school trips organised during the current school year.
8. Expulsion from the school decided by the Director on a proposal from the Discipline Council.

A pupil's expulsion shall not in principle entitle him/her to enrol at another European School.

c) Disciplinary measures in the primary cycle shall be of the same nature, except that expulsion shall not be possible.

The pupil's legal representatives shall be informed of all disciplinary measures, with the exception of reprimands.

Article 43

Disciplinary measures shall be taken at the following three levels:

- 1.1 The offence may be dealt with directly by the member of staff who witnessed the incident: reprimand.
- 1.2 Appropriate action by the teacher concerned in conjunction with the class teacher, an educational adviser or the principal educational adviser: detention and/or extra work, both with notification of the pupil's legal representatives and information to the Director.
2. Director's intervention: on the basis of a report submitted to him/her (Article 42): the Director shall summon the pupil and may issue a warning or take disciplinary measures extending to a temporary exclusion of a maximum of three working days.
3. Director's intervention after consultation of the Discipline Council, which may propose any sanction, including temporary exclusion for more than three days up to expulsion.

If the Director decides to bring the incident before the Discipline Council, he/she shall designate a rapporteur from amongst the teaching or supervisory staff, with the exception of the members of the Discipline Council, charged with investigating the matter.

Article 44

Discipline Councils

1. In each school two Discipline Councils shall be formed: one for the primary cycle and one for the secondary cycle.
2. The Discipline Council's task shall be to examine serious infringements by pupils of school rules and general rules on communal life within the school.
3. If a pupil with special educational needs receiving Intensive Support A is liable to be called before a Discipline Council, the Director shall consult the Support Advisory Group¹⁰ beforehand.
4. *Composition of the Discipline Council*

The Discipline Council shall be composed of the Director, assisted by the Deputy Director of the relevant cycle (without voting rights) and by members of the staff, with one teacher from each language section in the school, with a minimum of five teachers of different nationalities.

The list of members of the Discipline Council shall be drawn up by the Director on a proposal from the teachers by language section and/or nationalities represented and shall be communicated to the school's Administrative Board.

¹⁰ See 'Provision of Educational Support in the European Schools – Procedural document – 2012-05-D-15

The Discipline Council shall be chaired by the Director. In his/her absence, the Deputy Director of the relevant cycle shall take the chair. Attendance at Discipline Councils shall be compulsory, unless dispensation is granted by the Director on duly justified grounds.

5. *Convening of Discipline Council hearings*

- a) The members of the Discipline Council shall receive from the Director a notice convening the hearing, of which they must acknowledge receipt.
- b) The pupil who is alleged to have committed an offence and his/her legal representatives shall receive from the Director a notice convening the hearing sent by registered letter at least one week before the scheduled date, except in an emergency.
- c) The notice convening the hearing shall
 - indicate the pupil's name and class
 - indicate the date, time and place of the meeting
 - set out the alleged offences
 - inform the pupil and his/her legal representatives that they may
 - consult the file documenting the alleged offences in the Director's office and in accordance with the arrangements indicated by the latter,
 - make written observations,
 - be assisted by a representative of the Parents' Association or by a teacher from the school
 - request that a representative of the Pupils' Committee attend the discussions as an observer. In that case, it is up to the pupil's legal representatives to invite these persons to attend the hearing, ensuring that the Director is informed thereof.
- d) The pupil concerned, his/her legal representatives and, where applicable, a person belonging to the teaching staff or to the Parents' Association charged with assisting him/her in mounting his/her defence may request permission from the Director to scrutinise the complete file documenting the alleged offences. They may consult it on the spot in the Director's office, free of charge, or request a full or partial copy, at their own expense.

6. *Conduct of the proceedings before the Discipline Council.*

The order of the proceedings shall be as follows:

- Checking of presences. The Chair shall check that the designated members of the Discipline Council who have not been granted a dispensation for duly substantiated reasons are present. In the event of absences, the Chair may decide to defer the hearing.
- Designation of the secretary to the hearing. The Chair shall designate a secretary to the hearing from amongst the members of the Discipline Council. The minutes shall be signed by the Chair and the secretary to the hearing.

- Reading of the inquiry report. After the pupil, his/her legal representatives and, where applicable, a person belonging to the teaching staff or to the Parents' Association charged with assisting him/her in mounting his/her defence and the representative of the Pupils' Committee have been introduced, the rapporteur designated by the Director shall present the inquiry report on which the appearance before the Discipline Council of the pupil against whom the case has been brought is based.
- Hearing of the persons summoned. The Discipline Council shall hear all the persons summoned by the Director to appear in the case concerned. The hearing shall be held in camera.
- Deliberation and decision. The Discipline Council shall deliberate in the presence of its members. The deliberations shall be confidential.
- Voting procedures. The Discipline Council shall decide on its proposals by a simple majority of the members present. In cases where temporary exclusion or expulsion is proposed, a two-thirds majority of the members present shall be required. Abstention shall not be permitted.

Voting shall not be secret. The Director and each other member of the Discipline Council shall have one vote. If the Director is the sole representative of his/her nationality, he/she shall have only one vote. The Chair shall have the casting vote in the event of a tie.

If an exclusion or expulsion proposal fails to produce a two-third majority, the Discipline Council shall be invited to vote a second time. If the second round of voting also fails to produce the required majority, a vote shall be taken on the other forms of disciplinary measures which may be applied, from amongst those of lesser severity foreseen in Article 42. The proposals thus adopted shall be collegiate.

Should the Discipline Council not make a proposal, the Director may decide to impose a sanction under his/her sole authority, stating the specific grounds on which the decision is based.

The offence, the disciplinary measure proposed, the result of the vote and the main arguments and grounds for the proposed disciplinary measure shall be recorded in the minutes of the hearing and appended to the decision.

7. At the end of the hearing the secretary shall draft the Discipline Council's proposal, which must mention the result of the vote and the grounds for the disciplinary measure proposed.

8. *Notification of the decision*

The Director shall notify the pupil concerned and his/her legal representatives orally of the decision which he/she has taken on the basis of the Discipline Council's proposal and shall inform them of the appeals procedures and the time limit laid down for the lodging of appeals. In the event of exclusion, the date of entry into force shall be specified.

The decision will be kept in the pupil's file for three years.

The Director's decision shall be confirmed by written notification. The decision shall come into effect on the morning after the sending of the registered letter – the postmark being taken as proof – or the sending of any other form of written communication to the addressee.

The time limit, during which an administrative appeal to the Secretary-General may be lodged by the pupil or his/her legal representatives in conformity with Article 44.9, which is seven calendar days, shall start to run from the date of this notification. The original appeal file shall be sent to the General Secretariat by registered letter, the postmark being taken as proof, and a copy deposited with the Director of the school in question, who shall be responsible for forwarding all documents relevant to the handling of the case to the Secretary-General.

9. Administrative appeals

An appeal against a temporary exclusion of more than ten working days or an expulsion may be lodged with the Secretary-General, in accordance with the procedures laid down in paragraph 8.

On the basis of a file sent by the school, the Secretary-General shall give a ruling within 15 working days of receipt of the appeal.

CHAPTER VII

ENROLMENT AND WITHDRAWAL OF PUPILS EQUIVALENCE OF STUDY

Article 45

Administrative formalities

A pupil's legal representatives shall make a written application for enrolment to the Director. In the Brussels European Schools, the application for enrolment shall fulfil the requirements of the enrolment policy and shall be sent, at the Director's behest, to the Central Enrolment Authority for the Brussels European Schools.

The applicant shall complete enrolment forms and produce documents testifying to the child's exact civil status, together with such medical certificates as are required in the school's host country.

He/She shall also produce a certificate from the pupil's former school indicating his/her results for the previous school year and, if relevant, whether he/she has qualified for promotion to the year above.

Enrolment shall not be considered definitive until it has been officially accepted by the Director, or by the Central Enrolment Authority for the Brussels European Schools, and until all the requisite documents are in the child's personal file and, where applicable, the required amount of the advance payment provided for in the second paragraph of Article 29 has been paid by the date set.

Article 46

1. In the European Schools located in Brussels, the Central Enrolment Authority shall decide on a pupil's enrolment taking account of the enrolment policy and of the instructions issued by the Board of Governors.

2. In the other European Schools, the Director shall decide on a pupil's enrolment taking account of the instructions issued by the Board of Governors.

Article 47

Level required for acceptance

- a) A table of equivalences (Annex II), drawn up in accordance with Article 11 of the Convention defining the Statute of the European Schools, determines the level at which pupils who have successfully completed a period of study in a state/public sector school or educational establishment recognised by one of the Contracting Parties and who hold a certificate to that effect from the educational authorities of that country are accepted. The table also sets out the conditions for recognition in each of those countries, pursuant to Article 5 of the Convention, of years of study successfully completed at the European School.

- b) A pupil may not normally be admitted to secondary year 1 of a European School unless he/she has fulfilled the conditions for admission to the corresponding year in his/her country of origin, as shown in the table of equivalences (Annex II) drawn up in accordance with Articles 5 and 11 of the Convention.
- c) If the certificate shows that the pupil failed to reach the required standard in one or more subjects, he/she shall be required to sit the relevant promotion examinations in the school he/she has been attending if this is not more than 100 km from the European School. If it is, he/she may sit the examinations at the European School instead of at his/her former school.
- d) If a pupil's knowledge of a language required for the continuation of his/her education is poor or non-existent because his/her former school followed a different curriculum, his/her legal representatives shall undertake to send him/her to classes in that language (notwithstanding the arrangements made by the school to integrate pupils without their own language section).
- e) A fundamental principle of the European Schools is the teaching of mother tongue/dominant language as first language (L1). This principle implies the pupil's enrolment in the section of his/her mother tongue/dominant language where such a section exists.

This principle may be waived only where the child has been educated in a language other than his/her mother tongue/dominant language for a minimum of two years at primary or secondary level. The European Schools will presume in that case that the child will be capable of continuing his/her schooling in the language in question.

In schools where the section corresponding to a pupil's mother tongue/dominant language does not exist, he/she will generally be enrolled in one of the vehicular language sections. He/She will attend the classes in his/her mother tongue/dominant language organised for so-called SWALS (**S**tudents **W**ithout **A** Language **S**ection) as L1.

Parents will not be free to choose their child's first language (L1), its determination being the responsibility of the school's Director. L1 must correspond to the child's mother tongue or dominant language, in the case of multilingual children, the dominant language being the one of which they have the best command.

Should there be any dispute about the pupil's L1, it will be the Director's responsibility to determine which language it is, on the basis of the information provided by the pupils' legal representatives on the enrolment form and by requiring the pupil to take comparative language tests, organised and under the control of the school's teachers. The tests will be organised whatever the pupil's age and teaching level, i.e. including the nursery cycle.

Determination of L1 at the time of the child's enrolment is definitive in principle. A change of Language 1 may only be authorised by the Director for compelling pedagogical reasons, duly established by the Class Council and on the initiative of one of its members.

Should a new language section be created, children previously enrolled with SWALS status and who had the language of this new section as their Language 1 will automatically be admitted to the newly created language section without the need for them to be required to take comparative language tests.

In that case, a change of L1 may only be authorised by the Director for compelling pedagogical reasons, duly established by the Class Council and on the initiative of one of its members.

Article 48

Admission examinations

- a) The level at which pupils who are unable to produce a certificate of the kind indicated in Article 45 above, issued or recognised by the educational authorities of one of the Contracting Parties to the Convention defining the Statute of the European Schools, are accepted shall be decided by an entrance examination. When the results of this examination are known the Director shall decide to which year the pupil may be admitted.
- b) Pupils who are unable to produce a certificate of promotion to the year above issued by a public or recognised educational authority shall sit the entrance examination provided for above.
- c) In order to be automatically promoted to the year above in the European School, a pupil must normally have successfully completed a full school year, either in a national education system with an equivalent form of education or in a European School. If this is not the case, the Director may require admission tests to be taken.

Article 49

Age requirement

- a) Pupils shall be admitted to the nursery school at the beginning of the school year in September of the calendar year in which the child reaches four years of age.
- b) Pupils shall be admitted to primary year 1 at the beginning of the school year in September of the calendar year in which the child reaches six years of age.
- c) In principle, no child may be admitted to the school if he/she is two years (three years for secondary years 4-6) older than the normal age resulting from application of the above provisions to his/her particular case.
- d) Pupils with special educational needs: the cases of these pupils shall be dealt with in accordance with the Regulations adopted by the Board of Governors concerning the provision of Educational Support in the European Schools¹¹.

¹¹ Provision of Educational Support in the European Schools – Procedural document – 2012-05-D-15

Article 50

Particular circumstances with respect to admission

Duly justified particular circumstances may, as and when necessary, be taken into consideration by the Director in determining admission, with reference to the requirements set out in Articles 47 a) to d), 48 and 49 c) and d).

Article 50a

Appeals against decisions on an application for enrolment

1. The only case in which an appeal may be lodged by the pupil's legal representatives against decisions taken on an application for enrolment shall be when it has been demonstrated that there has been a procedural irregularity or when a new and relevant fact needs to be taken into consideration.
2. When the decision on an application for enrolment is taken by a Director, an administrative appeal may be lodged with the Secretary-General within two weeks of notification of the said decision. The original appeal file shall be sent to the General Secretariat by registered letter, the postmark being taken as proof, and a copy deposited with the Director of the school in question, who shall be responsible for forwarding all documents relevant to the handling of the case to the Secretary-General. The Secretary-General must reach a decision on this administrative appeal within one month of its lodging.
A contentious appeal against the decision taken by the Secretary-General may be lodged with the Complaints Board, in accordance with Article 67.
3. When the decision on an application for enrolment is taken by the Central Enrolment Authority for the Brussels European Schools, a contentious appeal may be lodged direct with the Complaints Board, in accordance with Article 67.

Article 51

Withdrawal of a pupil

At least two weeks' written notice must be given before a pupil is withdrawn from the school.

Article 52

The Director shall issue each pupil leaving the school with a school attendance certificate.

This certificate must indicate:

1. The period (start date and end date) during which the pupil attended the school.
2. Regularity of attendance. Where the pupil has been absent for more than two months, the length of the absence and the reason therefor must be given.

3. Whether the pupil has been promoted to the year above.
4. The year, in the territory of the Contracting Party where the pupil is to continue his/her studies, corresponding to the year in which he/she could have continued his/her studies at the European School. The correspondence will be established on the basis of the table of equivalences drawn up in accordance with Articles 5 and 11 of the Convention (see Annex II).
5. Should the pupil leave the school in mid-year after following courses for a minimum of three months in the secondary cycle, the marks achieved in each subject will be given. In the case of the primary cycle, the school will hand over the school report.
6. The school attendance certificate will not be issued until all objects belonging to the school, notably borrowed library books, have been returned and any outstanding bills paid.

Article 52a

1. Pupil's information, documents and personal data shall be collected by the School to which the application for his/her enrolment was submitted, the Central Enrolment Authority¹², the Office of the Secretary-General and/or the School to which he/she actually attends. The School to which the enrolment application was sent shall keep the enrolment application only if the pupil is ultimately enrolled in that School. If the pupil is not enrolled there, the latter shall send the enrolment application to the School in which he/she was awarded a place.
2. This information, these documents and these personal data shall be communicated by his/her legal representatives, in accordance with Articles 31.1. and 45 of the General Rules.
3. All information collected by the School on the child's enrolment and during his/her schooling shall also be included in the individual file, such as, in particular, academic results, certificates of achievement and diplomas, information about the state of health of the child or of his/her legal representatives which may affect his/her schooling, the exercise of parental authority by his/her legal representatives (restricted solely to the relevant extracts from judicial decisions, if applicable), records of attendance, all information with respect to exercise of disciplinary power by the School and, in general, all the information required for performance of the obligations of the pupil, of his/her legal representatives and of the School arising under these Rules.
4. Without prejudice to the second paragraph of Article 44.8.¹³, a pupil's individual file shall be kept for a period of ten years, beginning on 31 December of the calendar year during which it is closed.

¹² Pursuant to Article 46 of the General Rules, applications for enrolment in the Schools located in Brussels are handled by the Central Enrolment Authority (CEA) at the Office of the Secretary-General of the European Schools, in accordance with the provisions of the Policy on Enrolment in the Brussels European Schools for the school year in question (which can be consulted on the European Schools' website, <https://www.eursec.eu>).

¹³ The disciplinary decision will be kept in the pupil's file for three years.

5. A file shall be closed within the meaning of Article 52a.3. on 31 December of the calendar year during which the pupil's schooling definitively¹⁴ ended, provided that no further document needs to be added to or removed from the file for the purpose of fulfilment of all the obligations of the pupil or of his/her legal representatives, as of those of the European Schools, pursuant to the General Rules.
6. When legal proceedings have been initiated by the pupil or his/her legal representatives against the School, by a third party against the School in connection with actions attributed to the pupil or his/her legal representatives, where the latter are involved, even incidentally, or by the School against the pupil or his/her legal representatives, the period referred to in Article 52a.3. shall be suspended until the court's final ruling has been handed down.
7. By way of derogation from Article 52a.3., the Central Enrolment Authority shall keep both a hard copy and an electronic version of the information collected during the enrolment procedure for administrative purposes for a period of ten years beginning on 15 October following the enrolment application date.
8. By way of derogation from Article 52a.3., a copy of the Baccalaureate diploma and a list of the results achieved, the school attendance certificates and the last annual report issued shall be kept for archiving purposes, in the public interest and in that of the pupil, for an indefinite period.
9. After the period referred to in Article 52a.3. has ended and without prejudice to Article 52a.6., the pupil's administrative and academic data may be processed for archiving and statistical purposes, after having been anonymised.
10. The information contained in this file may not be disseminated without the consent of the pupil or of his/her legal representatives. Notwithstanding the foregoing provision, data may be transmitted in full or in part in the following cases:
 - if there are rules and regulations or a legal obligation providing therefor;
 - where the transmission of data to a court proves necessary for the hearing of a legal case involving the pupil.
11. All pupils, or their legal representatives, shall be entitled to scrutinise their individual files and to obtain a copy of them.
12. The practical arrangements for management of files and of personal data shall be defined in an implementing text, adopted by means of a memorandum.

¹⁴ Should a child leave the Schools' system, then resume his/her schooling in it, the period will begin after the end of the 'last' schooling.

CHAPTER VIII

ORGANISATION OF STUDIES

Article 53

The nursery cycle consists of two years.

In the primary cycle, which consists of five years, the school year shall be divided into two semesters.

Article 54

In the secondary cycle, which consists of seven years, the school year shall be organised in three terms or two semesters for the observation cycle (years 1, 2 and 3) and in two semesters for the other years.

CHAPTER IX

ASSESSMENT OF PUPILS RULES FOR PROMOTION TO THE YEAR ABOVE

A-Primary cycle

Article 55

School report and communication with pupils' legal representatives

The school report, harmonised across all the language sections, is a tool for communication with the pupil's legal representatives

- At the beginning of the school year, the teachers will inform pupils' legal representatives about the planned implementation of learning processes and about assessment of learning.
- In the autumn term, they will see pupils' legal representatives individually to report orally on the pupil's social activities and attitude towards the school based on cross-curricular competences. If necessary, and in a spirit of joint responsibility, they will determine a strategy to improve the pupil's attitude to learning.
- Written information will be given to pupils' legal representatives at the end of each semester in the school report:
 - a) During February, the information will concern the competences being acquired. In the space provided for this purpose, teachers make observations about the pupils' strengths and areas for future development.
 - b) At the end of the school year, the school report must indicate the pattern of development of learning during the year and the standard of attainment. If during the second semester the teacher detects a definite risk of a pupil's having to repeat the year, the Director shall be required to notify his/her legal representatives in writing in late April or early May at the latest.
 - c) In the case of pupils with special educational needs, there must be a permanent dialogue between the teachers and the pupil's legal representatives.

Article 56

Assessment

Pupils' results will be assessed on the basis of specifically defined learning objectives and competences for each subject. For the assessment of achievement of subject objectives, teachers will use the following four levels assessment scale :

- learning objectives are not yet achieved (+)
- learning objectives are partially achieved (++)
- learning objectives are satisfactorily achieved (+++)
- learning objectives are fully achieved (++++).

For the assessment of cross-curricular learning areas, teachers will use the scale:

- seldom (+)
- sometimes (++)
- frequently (+++)
- most of the time (++++)

For each learning area, in each subject, and on the basis of observations, portfolio tests and other forms of assessment done in class, the teacher will indicate the standard of attainment.

The last page of the school report indicates the Class Council's decision as to whether the pupil should be promoted or should repeat the year.

Article 57

Promotion to the year above

- a) At the end of the school year, the Class Council shall decide whether pupils are fit for promotion to the year above. The standard of attainment in Language 2 will not be taken into consideration in the case of pupils without a language section (SWALS) coming from outside the system and who have attended the European School for less than two years. The Class Council may overlook unsatisfactory results in subjects taught in a vehicular language in the case of a new pupil at the end of his/her first year in the school.
- b) In exceptional cases, where the standard of attainment of the competences fails to guarantee normal progression of learning, the Class Council may decide that a pupil should repeat the year. In that case, a report shall be made setting out the grounds on which the decision is based.

- c) As laid down in the Provision of Educational Support in the European Schools , cases of pupils with an adapted curriculum i.e. pupils with special educational needs receiving Intensive Support A shall be considered with reference to the criteria set out in the agreement; the Support Advisory Group¹⁵ shall propose arrangements for progress and for the continuation of schooling to the Class Council. Pupils with an Individual Learning Plan ILP will receive the same school report as other pupils. However, it will be noted on the school report that the pupil will also be assessed against the objectives of his/her ILP.

Article 58

Admission to the secondary cycle

Decisions on promotion from the primary cycle to secondary year 1 in the European Schools shall be taken by the Class Council composed of the Director or the Deputy for the primary cycle and the teachers of primary year 5.

To establish the necessary link between the primary and secondary cycles and to obtain useful background information on their prospective pupils, some future secondary year 1 teachers shall attend the meeting of this Class Council. Where this procedure proves inapplicable, the Director shall put in place a different coordination system.

The decision on admission to the secondary cycle shall be taken on the basis of each pupil's individual file, which shall contain the school reports and any other relevant information.

- a) Pupils shall be promoted from the primary cycle to secondary year 1 in the European Schools provided that they have attended school regularly during primary year 5 and that the Council referred to in the previous article has decided that they are fit for promotion. In the event of non-admission to the secondary cycle, a reasoned decision, stating the grounds on which it is based, shall be given.
- b) The standard of attainment in Language 2 will not be taken into consideration in the case of pupils coming from outside the system and who have attended the European School for less than two years and whose knowledge of this subject is inadequate.
- b) The Director shall inform the pupil's legal representatives of the Class Council's decisions.

¹⁵ Cf. The documents 'Policy on the Provision of Educational Support in the European Schools' (2012-05-D-14) and 'Provision of Educational Support in the European Schools – Procedural document (2012-05-D-15)

B-Secondary cycle

Article 59

Assessment

1.- For assessment purposes, the following marking scale will be used. Teachers shall use grades in years 1-3 and numerical marks (half marks), 0 to 10, in years 4, 5 and 6. In secondary 7, decimal numerical marks will be used. Equivalences between the various marks on the scale and the pupil's performance are set out in the table below.

	Grade (S1-S3)	Numerical Mark (S4-S6)	Numerical mark 1 decimal S7 preliminary mark	Numerical mark 2 decimals S7 final mark	Performance Indicator
Excellent though not flawless performance entirely corresponding to the competences required by the subject	A	10 9.0-9.5	9.0-10	9.00-10	Excellent
Very good performance almost entirely corresponding to the competences required by the subject	B	8.0-8.5	8.0-8.9	8.00-8.99	Very good
Good performance corresponding overall to the competences required by the subject	C	7.0-7.5	7.0-7.9	7.00-7.99	Good
Satisfactory performance corresponding to the competences required by the subject	D	6.0-6.5	6.0-6.9	6.00-6.99	Satisfactory
Performance corresponding to the minimum of the competences required by the subject	E	5.0-5.5	5.0-5.9	5.00-5.99	Sufficient
Weak performance almost entirely failing to meet the competences required by the subject	F	3.0-4.5	3.0-4.9	3.00-4.99	Failed (Weak)
Very weak performance entirely failing to meet the competences required by the subject	FX	0-2.5	0-2.9	0.00-2.99	Failed (Very weak)

Each syllabus contains specific attainment descriptors for each sub-cycle (S1-S3; S4-S5 and S6-S7) based on this scale that describe the level of performance of a pupil in a given subject.

2.- Numerical marks are used to express term, semester and final marks in years 4-7. In years 4-6, numerical marks are expressed in whole and half numbers. In year 7, decimal numerical marks must be used. The overall average preliminary mark in year 7 will be expressed with whole numbers and one decimal and the overall final mark in year 7 will be expressed with whole numbers and two decimals.

3.- Mid-semester and semester reports always contain a comment for every subject.

4.- **In years 1-3**, the term or semester grades and the final grades shall reflect all the observations and results available to the teacher of the subject concerned.

5.- **In years 4-6**, the semester mark shall comprise two numerical components: A mark and B mark.

The **A mark** is a reflection of all the observations and of the pupil's overall performance, both written and oral, not taken into account in the B mark for the subject in question.

The **B mark** is based on the marks obtained in examination(s) or through other forms of assessment. It covers the pupils' competences acquired during an extensive period of time in certain subjects.

The B mark corresponds:

- in **year 4**, for each of the semester reports, to the average mark of the two B tests taken each semester. These two tests can be taken in one lesson period each or one in one period and the other one in two periods.
- **in year 5**, for the first semester report, to the mark obtained in the first semester examination (harmonised or not) and for the second semester report, to the mark obtained in the harmonised second semester examination;
- in **year 6**, for the first semester report, to the mark obtained in the first semester examination and for the second semester report, to the mark obtained in the second semester examination;

The final mark in a given subject shall reflect all the observations and results available to the teacher. It provides the basis to judge the progress and level of attainment of the pupil. It is not necessarily an arithmetical average of the semester marks (two A marks and two B marks) but it may not be lower than the lowest, or higher than the highest.

6.- The marks in year 7 (European Baccalaureate) follow the specific rules established in the Arrangements for Implementing the Regulations of the European Baccalaureate.

Article 60

1. School reports

1.1. Years 1-6

- a) The schools shall issue school reports based on a two-semester calendar, except in years 1-3 where they can opt for a three-term calendar.
- b) In a two-semester calendar, the schools must issue 2 mid-semester reports (November and March/April) and 2 semester reports (January and July).

- **November:** The mid-semester report contains comments and grades (in years 1-3) whole and half numerical marks (years 4-6) for every subject. It may also contain an overall comment by the class teacher.
- **January:** First semester report. It contains grades (years 1-3) or numerical marks (years 4-6) and comments on every subject. It can also contain an overall comment by the Class Council or the Class teacher. This report may be accompanied of a warning letter indicating the possible risk of failing the year.
- **March/April:** The mid-semester report contains comments and grades (years 1-3) or numerical marks (years 4-6) for every subject. This report may be accompanied of a warning letter indicating the possible risk of failing the year.

The fact that a warning letter is not received is not in itself a guarantee of promotion to the year above, nor a procedural irregularity within the framework of the deliberations concerning promotion to a higher class.

When the pupils' legal representatives receive a warning letter about the risk of failing, they are required to provide spontaneously any information in their possession liable to have an influence on the forthcoming Class Council's deliberations.

- **July:** End-of-year report. It contains the grades (years 1-3) or the numerical marks (years 4-6) of the second semester and the final mark accompanied of a comment for every subject. It also contains the Class Council's decision on promotion.
- c) The schools which have opted for a three-term calendar for years 1-3 must use the following information system:
- **December:** first term report with the Class Council's opinion, where appropriate. This report contains comments and grades for every subject. It may also contain an overall comment by the Class teacher.
 - **March:** second term report with the Class Council's opinion, where appropriate. This report can also contain an overall comment by the Class Council or Class teacher. This report may be accompanied of a warning letter indicating the possible risk of failing the year.

The fact that a warning letter is not received is not in itself a guarantee of promotion to the year above, nor a procedural irregularity within the framework of the deliberations concerning promotion to a higher class.

When pupils' legal representatives receive a warning letter about the risk of failing, they are required to provide spontaneously any information in their possession liable to have an influence on the forthcoming Class Council's deliberations.

- **July:** end-of-year report, with the Class Council's decision on promotion. It contains the grades (years 1-3) of the second term and the final mark accompanied of a comment for every subject. It also contains the Class Council's decision on promotion.

1.2.- Year 7

Without prejudice to the Arrangements for implementing the Regulations for the European Baccalaureate, the reports will be:

- **End of February:** first semester report. It contains numerical marks with precision to one decimal place. It can also contain an overall comment by the class council or the class teacher.
- **Before the start of the European Baccalaureate written examinations:** A report with the communication of the overall preliminary mark (numerical, whole numbers and one decimal).

2. Detailed arrangements

a) For years 1-3

the report (referred to in Article 60) shall deal separately with each subject in the curriculum. The teacher responsible for teaching each subject shall give a grade (see Article 59). These grades shall be supplemented by teachers' written comments and, if necessary, by a general assessment of all the results, made by the Class Council.

b) For years 4-6

- i. The November and March/April reports (referred to under Article 60) shall deal separately with each subject in the curriculum. The teacher responsible for teaching each subject shall give an evaluation in the form of a comment and a numerical assessment, if considered appropriate.
- ii. The semester reports shall include for each subject an A mark and a B mark (see Article 59). These marks shall be supplemented by teachers' written assessments and, if necessary, by a general assessment of the results (for the whole semester or year), made by the Class Council.

- c) For year 7, the February report shall indicate the A and B marks achieved in the first semester, supplemented by comments, if considered appropriate.

Article 60a

By way of derogation from the provisions of Articles 59 and 60, the pupils' assessment system (marking scale and criteria) and the arrangements concerning school reports as in force before 1 September 2018 (see Annex IV), shall remain applicable to pupils in year 6 during the 2018-2019 school year ¹⁶ and to pupils in year 7 during the 2018-2019 and 2019-2020 school years ¹⁷.

Article 61

Promotion to the year above

A-Competence

1. Decisions on promotion to the year above shall be taken at the end of the school year by the relevant Class Council in accordance with Article 18 of these Rules.
2. The Class Council shall not reach a decision on the basis solely of the results achieved by the pupil in each subject but on the basis of the overall picture of the pupil as it emerges from all the information available to it.
3. Parents shall ensure that they communicate during the school year any relevant element which is likely to influence this general image of the pupil.
4. The outcome of the Class Council's assessment cannot be challenged on the basis of opinions given by psychologists, therapists, experts or any other third party external to the European Schools.

B- Criteria taken into account

1. Decisions on promotion to the year above shall be taken by the relevant Class Council, following the examination of the pupils' results presented in the form of summary tables expressed in grades in years 1-3, in whole marks and half-marks in years 4-6 and in whole marks accurate to 2 decimal places in year 7.
2. The final assessment shall not be an arithmetical average. It must be a reflection of all the observations and results available to the teacher of the subject concerned enabling him/her to judge in particular whether the pupil will be capable of keeping up successfully with the work in this subject in the year above.

¹⁶ The new marking scale for S6 enters into force in school year 2019-2020

¹⁷ The new marking scale for S7 enters into force in school year 2020-2021

3. During their deliberations, Class Councils shall take account of the following considerations:
 - i. To be promoted a pupil needs to have the basic competences, the motivation and the maturity required to keep up successfully with the work in the year above.
 - ii. A pupil's promotion should not impede the academic progress of the class in the year above.
 - iii. The marks for all subjects which a pupil may drop at the end of years 5 and 6 shall also be taken into account, irrespective of the pupil's choice of subjects for the following year.
4. The Class Council may disregard unsatisfactory results in Languages II, III or IV or in subjects taught through LII (EN, FR or DE) in the case of a new pupil at the end of his/her first year in the school. However, this derogation shall not apply to Language 3 in year 1 or to Language 4 in year 4 if the pupil has been attending the course in this subject since the beginning of the school year.
5. In fully justified special cases, notably prolonged absence because of illness, and where the pupil's interest so demands, the Class Council may waive the above rules in order to promote a pupil. Such a derogation shall be authorised only where, in view of the precise circumstances characterising it and differentiating it from other cases, a given situation requires promotion to be granted notwithstanding unsatisfactory results, in so far as it is accepted that the pupil will be able to continue his/her schooling successfully in the year above. The decision, and the reasons justifying promotion, must then be recorded in detail in the minutes of the Class Council's meeting.
6. A pupil shall not be allowed to repeat the same year in the secondary cycle twice. In special cases, the Class Council may grant an exception to this rule. Before taking a decision the Class Council will hear the opinion of the pupil's legal representatives.
7. As laid down in the provision of Educational Support in the European Schools ¹⁸, the cases of pupils with special educational needs with an adapted curriculum shall be considered with reference to the criteria set out in the agreement; the Support Advisory Group¹⁹ shall propose arrangements for progress and for the continuation of schooling to the Class Council. The pupil's legal representatives will receive an achievement certificate giving details of the progress made.

C-Guidelines for the promotion of pupils in secondary years 1, 2 and 3

1. Pupils who have achieved a grade of E or above in each of the promotion subjects shall be promoted to the year above, without the need for deliberation.

¹⁸ Policy on the Provision of Educational Support in the European Schools – 2012-05-D-15

¹⁹ Policy on the Provision of Educational Support in the European Schools – 2012-05-D-15

2. The situation of pupils who have not achieved the standard (a grade E or above in each of the promotion subjects) shall be subject to special scrutiny. On the basis of all the information available to it, the Class Council shall decide whether or not to promote the pupil to the year above, applying Article 61.B-5 if need be. The Class Council alone shall be competent to judge whether it is advisable to make use of that provision.
3. Without prejudice to Article 61.B-5, pupils in the following situation shall not be promoted to the year above:

Pupils shall not be promoted to the year above if they fulfill both of the following criteria:

A) Pupils who have not achieved the standard (at least a grade E) either in three or more basic subjects, or in two basic subjects and in two or more other subjects

and

B) cannot compensate for their failures in the following way:

- i) each F has to be compensated for by one D (or higher grade);
- ii) each Fx has to be compensated for:

A) by one grade B (or A)

or

B) by one grade C and one grade D or higher

or

C) by three grades D or higher.

Promotion subjects

Basic subjects

1. Language 1
2. Mathematics
3. Language 2
4. Human sciences
5. Integrated science
6. Language 3

Other subjects

1. Art
2. Music
3. Physical education
4. Latin
5. ICT
6. ONL (Other National Languages)

Religion/Ethics and Complementary subjects are not promotion subjects.

D- Guidelines for the promotion of pupils in secondary years 4, 5 and 6

1. Pupils who have achieved a mark of at least 5 out of 10 in each of the promotion subjects shall be automatically promoted to the year above, without the need for deliberation.
2. The situation of pupils who are not promoted automatically shall be subject to special scrutiny. On the basis of all the information available to it, the Class Council shall decide whether or not to promote the pupil to the year above, applying Article 61.B-5 if need be. The Class Council alone shall be competent to judge whether it is advisable to make use of that provision.
3. Without prejudice to Article 61.B-5, pupils in the following situations shall not be promoted to the year above:

Pupils who have failed to achieve an average of 5 out of 10 calculated on the basis of all the marks achieved in the promotion subjects and who have achieved four or more marks below 5 out of 10 in all the promotion subjects.

The average shall be calculated rounding it to the nearest integer or half mark according to the standard rules for rounding.

Promotion subjects

All subjects except for Religion/Ethics

E-Guidelines for distance learning

At the school's request, pupils may follow courses using distance learning methods, in accordance with the arrangements determined by the Board of Inspectors. The pupils concerned will then follow a syllabus identical with the one taught in 'traditional' classes. Examinations and assessment shall be organised in accordance with the rules and regulations in force.

C-Appeals

Article 62

Appeals against decisions on repeating a year

1. Pupils' legal representatives shall have no right of appeal against Class Council decisions except in cases of procedural irregularity or recognition of new facts by the Secretary-General, on the basis of a file provided by the school and the pupil's legal representatives.

Procedural irregularity means any infringement of a rule of law pertaining to the procedure to be followed for promotion to the year above, such that if it had not been committed, the Class Council's decision would have been different.

Failure to provide assistance in the form of the pupil's integration into the Educational Support programme shall not constitute a procedural irregularity, unless it can be demonstrated that the pupil or his/her legal representatives sought such assistance and that it was improperly refused by the school.

It shall be the schools' responsibility to make practical organisational arrangements for examinations and the said arrangements cannot be regarded as a procedural irregularity.

New fact means any element which might not have been brought to the Class Council's attention because it was unknown to all – teachers, parents, pupil – at the time of its deliberation and which might have influenced the purport of its decision. A fact of which the parents were aware but which was not brought to the Class Council's attention cannot be described as a new element as meant by this provision.

The Class Council shall have sole discretionary power in respect of assessments of pupils' abilities, the award of a mark for an examination, test or a piece of work done during the school year and assessment of the particular circumstances referred to in Article 61.B-5. Appeals may not be lodged against these assessments.

2. The deadline set for the lodging of an appeal with the Secretary-General shall be seven calendar days after the end of the school year. The original appeal file will be sent to the General Secretariat by registered letter, the postmark being taken as proof. The appeal, written and signed by the legal representatives, shall expressly indicate the address to which notification can be sent of any administrative communication or decision in relation with the appeal lodged.

The appeal shall set out the facts and the procedural irregularities or new elements invoked. A complete set of the supporting documents adduced in support shall be attached to the appeal. No new pleas in law or new documents may be submitted in the course of proceedings, except in cases of *force majeure*.

A copy of the appeal must be deposited with the directorate of the school concerned, which shall be charged with forwarding to the Secretary-General all the relevant documents for the handling of the case, including a detailed confidential opinion on the admissibility and validity of the basis of the appeal.

The Secretary-General (or, by delegation, the Deputy Secretary-General) must give a ruling on the appeal by 31 August. Articles 66 and 67 of these Rules shall be applicable. Should the appeal be deemed admissible and well founded, the Class Council shall reconsider the case.

An administrative appeal may also be lodged with the Secretary-General against the new decision in accordance with the same arrangements as those defined in this article but within a maximum of seven calendar days of notification. The Secretary-General (or, by delegation, the Deputy Secretary-General) shall be required to respond within 14 calendar days of the lodging of the appeal.

CHAPTER X

ADMINISTRATIVE BOARD

Each school shall have an Administrative Board, whose composition and responsibilities are governed by Articles 19 and 20 of the Convention defining the Statute of the European Schools.

Article 63

Chairmanship

In accordance with the Convention, the Secretary-General of the European Schools shall chair the Administrative Board. In the absence of the Secretary-General, the Administrative Board shall be chaired by his/her Deputy or, failing that, by the representative of the Commission of the European Communities.

Article 64

Convening of Administrative Board meetings

1. The Administrative Board shall meet twice during the school year as convened by its Chair. Extraordinary meetings may be convened if need be by the Chair or at the request of at least three members.
2. The organisation of meetings of the Administrative Board shall be laid down in rules of procedure drawn up and adopted by the Board

Article 65

Decisions

The decisions of the Administrative Board shall be taken by consensus as far as possible. If the Chair of the Administrative Board finds that it is impossible to reach a consensus, he/she may put the question to the vote. Decisions shall be adopted by a simple majority of the members present who are entitled to vote.

The following shall be entitled to vote: the Chair, the Director of the school, the representative of the Commission of the European Communities, the members representing the teaching staff, the members representing the Parents' Association, the representative of the administrative and ancillary staff and the organisations referred to in Articles 28 and 29 of the Convention defining the Statute of the European Schools to which the Board of Governors has granted a seat and a vote.

The Chair shall have the casting vote in the event of a tie.

Participants with observer status shall not vote.

CHAPTER XI

COMPLAINTS AND APPEALS PROCEDURES

Article 66

Administrative appeals

1. The decisions referred to in Articles 44.9, 50a.1 and 62 may be the subject of an administrative appeal under the conditions laid down in those articles. The same shall apply to decisions taken by the Directors of the European Schools concerning the children with special educational needs in accordance with Chapter 4.5 of the Provision of Educational Support in the European Schools – Procedural document²⁰
2. The European Baccalaureate examination may be the subject of an administrative appeal under the conditions laid down in Article 12 of the Arrangements for Implementing the Regulations for the European Baccalaureate, referred to in Article 5.2 of the Convention defining the Statute of the European Schools.
3. The lodging of an administrative appeal shall not have the effect of suspending enforcement of the disputed decision.
4. The Secretary-General may delegate the handling of administrative appeals to the Deputy Secretary-General.
5. The decision of the Secretary-General, ruling on an administrative appeal, shall be notified to the applicant(s) by registered letter, fax or email, or by the sending of any other form of written communication to the addressee.

Due notification shall be deemed to have been given the day after the sending of the notification by the means of communication referred to above, the postmark being taken as proof should it be sent by registered letter.

Article 67

Contentious appeals

1. Explicit or implicit administrative decisions taken on the appeals referred to in the previous article may be the subject of a contentious appeal by pupils' legal representatives, directly affected by the disputed decision, before the Complaints Board provided for in Article 27 of the Convention defining the Statute of the European Schools.
2. By way of derogation from paragraph 1 of this article, a contentious appeal may be lodged directly with the Complaints Board against the decisions of the Central Enrolment Authority for the Brussels European Schools.

²⁰ Provision of Educational Support in the European Schools – Procedural document – 2012-05-D-15

If at the end of the period laid down no reply to the administrative appeal has been received, this shall be deemed to constitute an implied decision rejecting it, against which a contentious appeal may be lodged.

3. On pain of being declared inadmissible, all contentious appeals must be lodged within two weeks of notification or publication of the disputed decision or by the end of the period laid down in paragraph 3.
4. The appeals provided for in this article shall be investigated and judged in the conditions laid down by the Rules of Procedure of the Complaints Board.
5. The Complaints Board is required to give a ruling within six months of receipt of an appeal, without prejudice to application of Articles 16, 34 and 35 of the Rules of Procedure of the Complaints Board of the European Schools, which provide for the possibility of lodging an appeal in summary proceedings.

CHAPTER XII

FINAL PROVISION

Article 68

Original version

The original in French shall prevail in the event of interpretation or of legal dispute.

ANNEX I

RULES CONCERNING THE SCHOOL YEAR

The school year may not begin before the second working day in September. Locally recruited teachers will start working on the first working day in September, that day being used for the General meeting, extraordinary Class Councils (appeals), testing of pupils etc.

The school year must consist of 180 working days for pupils (181 in leap years).

The last day of the school year must be the same day in all the European Schools and will be 7 July or thereabouts.

The schools should allocate:

- a. one week for the All Saints half-term holiday, to include 1 November.
- b. two weeks for Christmas/New Year, beginning around 22 December.
- c. one week for the Spring mid-term break, preferably the week in which Shrove Tuesday falls.
- d. two weeks for Easter, preferably one before and one after Easter Sunday¹. Schools with a Greek section should ensure that Greek pupils may observe the Orthodox Church's Easter Monday.
- e. Community holiday, to be marked either by a holiday or by organised activities to raise awareness of the Community.
- f. Whit Monday
- g. Summer holidays: approx. 8 weeks

Additional holidays: Days may be allocated by Administrative Boards according to local requirements, including, for example, Labour Day and Ascension Day where these are national holidays.

The holidays listed in points a, b, c and d will be harmonised across the Schools located in the same city (Brussels, Luxembourg).

¹ Only the European School of Mol which needs to respect the organisation of boarding institutions attended by some pupils may organise the Easter holidays differently, if necessary, in order to conform its school calendar to the Belgian Flemish educational system.

ANNEX II – TABLE OF EQUIVALENCES OF TEACHING LEVELS/YEAR GROUPS

Year	European School		National schools																		
			United Kingdom				Belgium		Denmark		Germany		Greece		Luxembourg		Netherlands		Austria		
			England, Wales Northern Ireland		Scotland																
1 ^I	1st	Primary Secondary	year 2	Primary	2	Primary	1ère	Primaire	1.	Folkeskole	1.	Grund- schule	1st	Primary	1ère	Primaire	Groep 3	Basisonderwijs	1.	Volks- schule	Primar Schule
2	2nd		year 3		3		2ème		2.		2.		2nd		2ème		Groep 4		2.		
3	3rd		year 4		4		3ème		3.		3.		3rd		3ème		Groep 5		3.		
4	4th		year 5		5		4ème		4.		4.		4th		4ème		Groep 6		4.		
5	5th		year 6		6		5ème		5.		5.		5th		5ème		Groep 7		1.		
6	1st		year 7		7		6ème		6.		6.		6th		6ème		Groep 8		2.		
7	2nd		year 8	1	1ère	7.	7.	1st	Lower Sec		VII	School voor V.W.O.	1ste	AHS Unterstufe/ Neue Mittelschule	Sekundar Schule						
8	3rd		year 9	2	2ème	8.	8.	2nd	VI		2de										
9	4th		year 10	3	3ème	9.	9.	3rd	V		3de										
10	5th		year 11	4	4ème	10.	10.	1st	Upper Secondary		IV		4de								
11	6th		year 12	5	5ème	1.	11.	2nd	III	5de	2										
12	7th		year 13	6	6ème	2.	12.	3rd	II	6de	3										
					3.	13.		I		4											

Year	European School		National schools																				
			Italy				Ireland		Spain		France			Portugal			Finland		Sweden				
			1a		Scuola Elementare (Primary)																		
1 ^{II}	1st	Primary Secondary	1a	Scuola Elementare (Primary)		1st	Primary	1°	Educacion primaria		Cours préparatoire			1°	Ensino Básico		1° ciclo	1	Comprehensive school		1	Comprehensive school	
2	2nd		2a			2nd		2°			Cours élémentaire 1ère année			2°				2			2		
3	3rd		3a			3rd		3°			Cours élémentaire 2ème année			3°				3			3		
4	4th		4a			4th		4°			Cours Moyen 1ère année			4°				4			4		
5	5th		5a			5th		5°			Cours Moyen 2ème année			5°				5			5		
6	1st		I	Scuola Media (Lower Secondary)		6th	Junior Certificate	6°	Educación secundaria obligatoria		VIème			6°	2° ciclo	6	6						
7	2nd		II			1st		1°			Vème			7°		7	7						
8	3rd		III			2nd		2°			IVème			8°		8	8						
9	4th		IV	Ginnasio	1st	Senior Certificate	3rd	3°	Enseignement secondaire		1er cycle	9°	3° ciclo	9	9								
10	5th		V		2nd		4°	Seconde				10°		1	Upper secondary	3							
11	6th		I	Liceo Classico	3rd	Senior Certificate	5th	2°	Bachillerato		2ème cycle	11°	Ensinso Secundário	1			1						
12	7th		II		4th		6th					1°		Première			12°	2	2				
			5th	6th	2°	Terminale							3	3									

TABLE OF EQUIVALENCES OF TEACHING LEVELS/YEAR GROUPS

European School		National schools																											
		Czech Republic				Cyprus		Estonia		Hungary			Latvia																
1 ^{III}	1 st	Primary	1	Základní vzdělávání 1. stupeň základní školy / BASIC SCHOOL (primary)			1 st	Primary	1 ^{IV}	Põhikool	I aste	1.	Általános iskola (Primary school)	Ált. isk. (Pr. sch.)	Ált. isk. (Primary sch.)	1 ^V	Pirmā posma pamatizglītība (First stage basic education)												
2	2 nd		2	2 nd	2	2.	2																						
3	3 rd		3	3 rd	3	3.	3																						
4	4 th		4	4 th	4	4.	4																						
5	5 th		5	5 th	5	5.	5																						
6	1 st	Secondary	6	Základní vzdělávání 2. stupeň základní školy / BASIC SCHOOL (lower secondary)			6	Lower Secondary (Gymnasium)	6		Gimnaasium	II aste		6.	Középiskola (Secondary school)	Középiskola (Secondary school)		Középiskola (Secondary school)	6	8. Certific.	6	8	Otrā posma pamatizglītība (Second stage basic education)						
7	2 nd		7	1 st	7	7.	7																						
8	3 rd		8	2 nd	8	8.	8																						
9	4 th		9	3 rd	9	9. (I.)	9																						
10	5 th		1	Střední vzdělávání / UPPER –SECONDARY			1 st		Upper Secondary				10	Gimnaasium					III aste		10. (II.)			Középiskola (Sec.sch.)	Középiskola (Secondary school)	Középiskola (Secondary school)	10	10. (II.)	10
11	6 th		2	2 nd	11	11.	11																						
12	7 th		3	3 rd	12	12. (IV.) Certific.	12																						
			4																										

European School		National schools													
		Lithuania				Malta		Poland		Slovak Republic		Slovenia			
1 ^{VI}	1 st	Primary	1 ^{stVII}	Pradinė mokykla (primary)			Yr 2	PRIMARY	1	Szkola podstawowa (PRIMARY)	1	Primary 1st degree	1	9-letna osnovna šola (Primary)	
2	2 nd		2 nd	Yr 3	2	2									
3	3 rd		3 rd	Yr 4	3	3									
4	4 th		4 th	Yr 5	4	4									
5	5 th		5 th	Yr 6	5	5									
6	1 st	Secondary	6 th	Pagrindinė mokykla (Lower secondary)			Form I		LOWER SECONDARY		6		Gimnazjum (LOWER SECONDARY)		6
7	2 nd		7 th	Form II	7	7									
8	3 rd		8 th	Form III	8	8									
9	4 th		9 th	Form IV	9	9									
10	5 th		10 th	Form V	1	1									
11	6 th		11 th	1st Yr	2	2									
12	7 th		12 th	2nd Yr	3	3									
														4	Gimnazija

TABLE OF EQUIVALENCES OF TEACHING LEVELS/YEAR GROUPS

European School		National schools									
		Romania				Bulgaria		Croatia			
1 ^{VIII}	1st	Primary	1st	Compulsory education (învățământ obligatoriu)	Primary education	Primary school (Învățământ primar)		1st	Primary	1st ^X	Osnovna škola (Primary education)
2	2nd		2nd					2nd			
3	3rd		3rd					3rd			
4	4th		4th					4th			
5	5th		5th					5th			
6	1st	6th	Lower secondary Education (Învățământ secundar inferior)		Gymnasium (Gimnaziu)		5th	Lower secondary	6th		
7	2nd	7th					6th		7th		
8	3rd	8th					7th		8th		
9	4th	9th					High school -lower cycle- (liceu – ciclul inferior)		Vocational education – Arts and Trades School (învățământ profesional - Școala de arte și meserii)	9th	Upper -secondary
10	5th	10th	10th		2nd						
11	6th	Secondary	11th	Upper secondary education (Învățământ secundar superior)	High school -upper cycle- (liceu – ciclul superior) ^{ix}	Vocational – education Completion year (învățământ profesional - An de complete)	11th	3rd	Gimnazija -opća, jezična, klasična, prirodoslovno- matematička, prirodoslovna (Secondary education)		
12	7th		12th							Technical education - High school -upper cycle- (liceu – ciclul superior)	12th
			13th								

^I First year starts at age of 6

^{II} First year starts at the age of 6

^{III} First year starts at the age of 6

^{IV} **Estonia:** The legislation stipulates 7 as the age at which children must start compulsory schooling

^V **Latvia:** The legislation stipulates that part of nursery is compulsory education, 7 is the age at which children must start compulsory basic education.

^{VI} First year starts at the age of 6

^{VII} **Lithuania:** The legislation stipulates 7 as the age at which children must start compulsory schooling. The legislation provides for starting compulsory schooling at the age of 6. The usual practice, however, is for children to start primary school at 7 years of age.

^{VIII} First year starts at age of 6

^{IX} High school is including also technical education.

Romania: The legislation stipulates 6 as the age of at which children start compulsory education, with the possibility for the parents to postpone the beginning of 1st grade with one year.

The last 2 years of compulsory education (grades 9 and 10) can be followed either in high school (lower cycle of high school) or in arts and trades school (vocational education). Graduates of arts and trades schools can continue their studies in a completion year at the end of which they have the right to enter the upper cycle of high school. At the end of high school, the graduates of both paths (4 years direct path or 5 years progressive path) may participate in the baccalaureate exam.

^X **Croatia:** The legislation stipulates 7 as age at which children must start compulsory education (primary education). The legislation provides for starting compulsory education at age of 6. The usual practice is for children to start primary education at 7 years of age.

ANNEX III – NATIONAL DAYS

COUNTRY	DATE	NAME OF THE DAY
AUSTRIA	26 October	Nationalfeiertag
BELGIUM	21 July	National day
BULGARIA	3 March	Трети март
CROATIA	25 June	Dan državnosti/Statehood Day
CYPRUS	1 October	Independence day
CZECH REPUBLIC	28 October	Independence day
DENMARK	5 June	Grundlovsdag
ESTONIA	24 February	Independence day
EUROPE	9 May	European Union Day
FINLAND	6 December	Independence day
FRANCE	14 July	National day
GERMANY	3 October	Tag der deutschen Einheit
GREECE	25 March	National day
HUNGARY	15 March	National day
IRELAND	17 March	St Patrick's Day
ITALY	2 June	Proclamazione della Repubblica
LATVIA	18 November	National day
LITHUANIA	16 February	Independence day
LUXEMBOURG	23 June	National day
MALTA	21 September	Independence day
NETHERLANDS	27 April	Verjaardag van Z.M. de Koning
POLAND	3 May/11 November	Święto Konstytucji Trzeciego Maja 1791 / Święto Niepodległości
PORTUGAL	10 June	Dia de Portugal, de Camoes e das Comunidades
ROMANIA	1 December	Ziua națională a României
SLOVAKIA	1 September	Constitution Day
SLOVENIA	25 June	National day
SPAIN	12 October	La fiesta de la Hispanidad
SWEDEN	6 June	Sveriges nationaldag
UNITED KINGDOM	21 April	The Queen's birthday

ANNEXE IV

By way of derogation from the provisions of Articles 59 and 60, the pupils' assessment system (marking scale and criteria) and the arrangements concerning school reports as in force before 1 September 2018, shall remain applicable to pupils in year 6 during the 2018-2019 school year and to pupils in year 7 during the 2018-2019 and 2019-2020 school years.

Excerpt of version 2014-03-D-14-en-5 of the General Rules

(...)

B-Secondary cycle

Article 59

Assessment

1. Marking system: For assessment purposes teachers shall use a marking scale of 0 to 10. Equivalences between the various marks on the scale and the pupil's performance are set out in the table below.

The performance meets the requirements of the subject and the question particularly adequately. The mark 10 does not mean that the performance is flawless but it does denote a performance which is outstanding in all respects.	9-10
The performance fully meets the requirements of the subject and the question.	8-8.9
The performance generally meets the requirements of the subject and the question.	7-7.9
The performance does show weaknesses but still meets the requirements of the subject and the question on the whole.	6-6.9
The performance does not meet the requirements of the subject and the question but shows that the necessary basic knowledge exists and that the weaknesses can be remedied in the foreseeable future.	4-5.9
The performance does not meet the requirements of the subject and the question, the basic knowledge being so sketchy that the weaknesses can be remedied only in the comparatively distant future.	2-3.9
The performance does not meet the requirements of the subject and the question, the basic knowledge being so sketchy that the weaknesses cannot be remedied in the foreseeable future.	0.1-1.9
This assessment will be given in the event of a blank or unacceptable script, of the absence of an answer or of a practical project or of cheating.	0

2. In years 1-3, the term or semester mark and the final mark shall reflect all the observations and results available to the teacher of the subject concerned. It shall be expressed in whole marks.
3. In years 4-7, the semester mark shall comprise two components:
 - the A mark is the reflection of all the observations and of the pupil's overall performance, both written and oral, not taken into account in the B mark for the subject in question.
 - the B mark corresponds:
 - in year 4, for each of the semester reports, to the average score of the two B assessments taken each semester; these assessments will consist of two tests taken in lesson time or one such test and a semester examination.
 - in year 5, for the first semester report, to the mark obtained in the 1st semester examination (harmonised or not) and for the second semester report, to the mark obtained in the harmonised 2nd semester examination;
 - in year 6, for the first semester report, to the mark obtained in the 1st semester examination and for the second semester report, to the mark obtained in the 2nd semester examination;
 - in year 7, to the marks obtained in the part examinations of the Baccalaureate according to the Arrangements for implementing the Regulations for the European Baccalaureate;
 - in year 4-6, for subjects for which no B assessments or semester examinations are organised, to the average score of tests organised in normal lesson times or to the mark obtained by other rules of assessment specific to the subjects.
4. The A and B marks shall be expressed in whole and half-marks except in year 7, where they shall be expressed in whole marks accurate to one decimal place.

Article 60

School reports

1. Calendar

1.1 Years 1-6

- a) The schools should use the following information system:
 - November: November report, containing comments plus numerical assessments, if considered appropriate.
 - January: First semester report, with the Class Council's opinion, where appropriate.

- March/April: Report containing comments and numerical assessments, where appropriate, and indication of possible risk of failing the year.

The fact that such a letter is not received is not in itself a guarantee of promotion to the year above, nor a procedural irregularity within the framework of the deliberations concerning promotion to a higher class.

When pupils' legal representatives receive a warning letter about the risk of failing, they are required to provide spontaneously any information in their possession liable to have an influence on the forthcoming Class Council's deliberations.

- July: end-of-year report, with the Class Council's decision on promotion.

b) Schools which have opted for a term calendar for years 1-3 must use the following information system:

- December: term report with the Class Council's opinion, where appropriate.
- March: term report with the Class Council's opinion, where appropriate, and indication of possible risk of failing the year.

The fact that such a letter is not received is not in itself a guarantee of promotion to the year above, nor a procedural irregularity within the framework of the deliberations concerning promotion to a higher class.

When pupils' legal representatives receive a warning letter about the risk of failing, they are required to provide spontaneously any information in their possession liable to have an influence on the forthcoming Class Council's deliberations.

- July: end-of-year report, with the Class Council's decision on promotion.

1.2 For year 7, without prejudice to the Arrangements for implementing the Regulations for the European Baccalaureate, the information system will be as follows:

- End of February: semester report
- Before the start of the European Baccalaureate written examinations, communication of the preliminary mark.

2. Detailed arrangements

a) For years 1-3, the term or semester report shall deal separately with each subject in the curriculum. The teacher responsible for teaching each subject shall give a mark (see Article 59). These marks shall be supplemented by teachers' written comments and, if necessary, by a general assessment of all the results, made by the Class Council.

b) For years 4-6

- i. The November and March/April reports shall deal separately with each subject in the curriculum. The teacher responsible for teaching each subject shall give an evaluation in the form of a comment and a numerical assessment, if considered appropriate.

- ii. The semester reports shall include for each subject an A mark and a B mark (see Article 59). These marks shall be supplemented by teachers' written assessments and, if necessary, by a general assessment of the results (for the whole semester or year), made by the Class Council.
- c) For year 7, the February report shall indicate the A and B marks achieved in the first semester, supplemented by comments, if considered appropriate.

Article 61

Promotion to the year above

A-Competence

1. Decisions on promotion to the year above shall be taken at the end of the school year by the relevant Class Council in accordance with Article 18 of these Rules.
2. The Class Council shall not reach a decision on the basis solely of the results achieved by the pupil in each subject but on the basis of the overall picture of the pupil as it emerges from all the information available to it.
3. Parents shall ensure that they communicate during the school year any relevant element which is likely to influence this general image of the pupil.
4. The outcome of the Class Council's assessment cannot be challenged on the basis of opinions given by psychologists, therapists, experts or any other third party external to the European Schools.

B- Criteria taken into account

1. Decisions on promotion to the year above shall be taken by the relevant Class Council, following examination of pupils' results, presented in the form of summary tables of final marks, expressed in whole marks in years 1-3 and in whole marks and in half-marks in years 4-6.
2. The final mark shall not be an arithmetical average of the term or semester marks. It must be a reflection of all the observations and results available to the teacher of the subject concerned, enabling him/her to judge in particular whether the pupil will be capable of keeping up successfully with the work in this subject in the year above.
3. During their deliberations Class Councils shall take account of the following considerations:

To be promoted a pupil needs to have the basic knowledge and skills, motivation and maturity required to keep up successfully with the work in the year above.

- i. A pupil's promotion should not impede the academic progress of the class in the year above.

ii. The marks for all subjects which a pupil may drop at the end of years 5 and 6 shall also be taken into account, irrespective of the pupil's choice of subjects for the following year.

4. The Class Council may disregard unsatisfactory results in Languages 2, 3 or 4 or in subjects taught in a vehicular language in the case of a new pupil at the end of his/her first year in the school. However, this derogation shall not apply to Language 3 in year 1 or to Language 4 in year 4 if the pupil has been attending the course in this subject since the beginning of the school year.

5. In fully justified special cases, notably prolonged absence because of illness, and where the pupil's interest so demands, the Class Council may waive the above rules in order to promote a pupil. Such a derogation shall be authorised only where, in view of the precise circumstances characterising it and differentiating it from other cases, a given situation requires promotion to be granted notwithstanding unsatisfactory results, in so far as it is accepted that the pupil will be able to continue his/her schooling successfully in the year above. The decision, and the reasons justifying promotion, must then be recorded in detail in the minutes of the Class Council's meeting.

6. A pupil shall not be allowed to repeat the same year in the secondary cycle twice. In special cases the Class Council may grant an exception to this rule. Before taking a decision the Class Council will hear the opinion of the pupil's legal representatives.

7. As laid down in the provision of Educational Support in the European Schools, the cases of pupils with special educational needs with an adapted curriculum shall be considered with reference to the criteria set out in the agreement; the Support Advisory Group²² shall propose arrangements for progress and for the continuation of schooling to the Class Council. The pupil's legal representatives will receive an achievement certificate giving details of the progress made.

C-Guidelines for the promotion of pupils in secondary years 1, 2 and 3

1. Pupils who have achieved a mark of at least 6 out of 10 in each of the promotion subjects shall be automatically promoted to the year above, without the need for deliberation.

2. The situation of pupils who are not promoted automatically shall be subject to special scrutiny. On the basis of all the information available to it, the Class Council shall decide whether or not to promote the pupil to the year above, applying Article 61.B-5 if need be. The Class Council alone shall be competent to judge whether it is advisable to make use of that provision.

²² Provision of Educational Support in the European Schools – Procedural document – 2012-05-D-15

3. Without prejudice to Article 61.B-5, pupils in the following situation shall not be promoted to the year above:

Pupils who have failed to achieve an average of 6 out of 10 calculated on the basis of all the marks achieved in the promotion subjects and who have achieved either three or more marks under 6 in all the basic subjects or two marks under 6 in all the basic subjects and two or more marks under 6 in the other subjects.

Promotion subjects

Basic subjects

1. Language 1
2. Mathematics
3. Language 2 (called first foreign language as from year 6)
4. Human sciences
5. Integrated science
6. Language 3 (called second foreign language as from year 6)

Other subjects

1. Art
2. Music
3. Physical education
4. Latin
5. ICT
6. ONL (Other National Languages)

Religion/Ethics courses and Complementary Activities are not promotion subjects.

D- Guidelines for the promotion of pupils in secondary years 4, 5 and 6

1. Pupils who have achieved a mark of at least 6 out of 10 in each of the promotion subjects shall be automatically promoted to the year above, without the need for deliberation.
2. The situation of pupils who are not promoted automatically shall be subject to special scrutiny. On the basis of all the information available to it, the Class Council shall decide whether or not to promote the pupil to the year above, applying Article 61.B-5 if need be. The Class Council alone shall be competent to judge whether it is advisable to make use of that provision.
3. Without prejudice to Article 61.B-5, pupils in the following situation shall not be promoted to the year above:

Pupils who have failed to achieve an average of 6 out of 10 calculated on the basis of all the marks achieved in the promotion subjects and who have achieved four or more marks below 6 out of 10 in all the promotion subjects.

Promotion subjects

All subjects except Religion/Ethics.

E-Guidelines for distance learning

At the school's request, pupils may follow courses using distance learning methods, in accordance with the arrangements determined by the Board of Inspectors. The pupils concerned will then follow a syllabus identical with the one taught in 'traditional' classes. Examinations and assessment shall be organised in accordance with the rules and regulations in force.