

2012

Compulsory Education Legislation

Unofficial English Translation

Translated for the Inspectorate of Education, Culture, Sports and Youth
Affairs



Education Legislation

Federal Ordinance on Compulsory Education

FEDERAL ORDINANCE of July 19, 1991 containing stipulations for the regulation of Compulsory Education (National Compulsory Education Ordinance) ¹

IN THE NAME OF THE QUEEN!

De WINDE, GOVERNOR of the Netherlands Antilles,

Having taken into consideration:

That the International Covenant on Economic, Social and Cultural Rights of December 19, 1966 (Treaty Series 1969, 100; 1975, 61; 1978, 178) requires the Netherlands Antilles to introduce Compulsory Education for all children within a specific age group, in order to guarantee a minimal development for those children;

Having heard the Advisory Council, and in consultation with Parliament, has established the following National Ordinance:

Article 1

In this Federal Ordinance and in the regulations established by virtue thereof, the following is understood by:

- a. Minister: the Minister of Education, Culture, Sports and Youth Affairs;
- b. School:
 1. a school for Foundation Based Education as defined in the Ordinance on Foundation Based Education (OJ 2008, No. 84), or
 2. a school for secondary Education as referred to in the Federal Ordinance on Secondary Education (Pb. 1979, No. 29), or
 3. an institution for Secondary Vocational Education as defined in the Federal Ordinance on Secondary Vocational Education (OJ 2008 No. 37), insofar as it concerns an approved course.
- c. Director: The person in charge of the leadership of the school.
- d. Supervisory Authority: In accordance with article 6 the body charged by Island Ordinance with supervising the compliance of this federal ordinance and the stipulations established by virtue thereof .

. (Article 1 re-established by FO of June 22, 2007 (OJ 2007, No. 43) section b re-established by FO of November 14, 2008 (OJ 2008, No. 84).

Article 1a

If a student of compulsory school age is an adult, then the obligations and powers specified in this ordinance for the persons mentioned in article 2, first paragraph, rests on the student himself. (Section 1a inserted by FO of June 22, 2007 (OJ 2007, No. 43)

Article 2

1. The person who has custody of a youngster in the Netherlands Antilles, and the person who is in charge of the actual care of such a child, are obliged to ensure:
 - a. the registration of that young person as a student in a school, and
 - b. that the youngster attends the classes intended for him at the school referred to in subsection a.
2. The obligations referred to in the first paragraph shall not apply in as far as the persons referred to in that paragraph can prove that they cannot be held responsible for that obligation.
3. The child who has reached the age of 12 years is required, under the provisions of this ordinance, to follow the lessons at the school at which he is enrolled as a student, without prejudice to the stipulations of the first paragraph.

(Article 2 amended by FO of June 22, 2007 (OJ 2007, No. 43)

Article 3

1. The obligations mentioned in Article 2, first paragraph, are applicable from the first school year that starts on or after the date on which the child turns four years old.
2. The obligations referred to in Article 2, first paragraph, are applicable up to and including the end of the school year :
 - a. in which the child turns eighteen years of age or
 - b. in which the child obtained a Preparatory Vocational Education (PVE) diploma variant B or D, a Preparatory Secondary Vocational Education diploma (PSVE) theoretical framework targeted pathway or practical framework targeted pathway, General Secondary Education (GSE- m.a.v.o), Advanced General Secondary Education (AGSE- h.a.v.o) Preparatory University Education (PUE-v.w.o)) or a diploma obtained from an equivalent, accredited training, designated by the Minister.

(Article 3 amended by F.O. of June 22, 2007 (OJ 2007, No. 43)

Article 4

1. The supervisory authority may, at the request of the persons referred to in Article 2, first paragraph, grant exemption for a time to be determined at its discretion,
 - a. of the obligations referred to in that paragraph, if the youngster, because of prolonged mental or physical incapacity, will be unable to attend classes;
 - b. of the obligations referred to in that paragraph under b., if the child, because of prolonged mental or physical incapacity, will be unable to attend certain classes.
2. The Executive Council shall, upon the request of the persons referred to in Article 2, first paragraph, grant those persons exemption, if those persons have consideration objections to the direction of all the relevant schools existing on the island territory at which the youngster could attend classes and they show that the youngster enjoys

adequate education in a different manner

3. By or pursuant island ordinances, rules are given concerning, among other things,
 - a. the time and manner in which a request, as meant in the first or second paragraph, must be submitted;
 - b. the term and the manner in which the Supervisory Authority or the Executive Council should inform the applicant of the decision on the request referred to in the first and, respectively, the second paragraph,
 - c. the procedure to be followed before a decision as referred to in subparagraph b, is taken, including the manner in which is determined how many and which experts should advise regarding the degree of disability and what scientific disciplines must be represented by the experts;
 - d. the agency to which, the term and the way in which the persons referred to in Article 2, first paragraph, may appeal the decision referred to in subsection b;
 - e. the term and manner in which the body referred to in subparagraph d, should inform the persons referred to in Article 2, first paragraph, of the decision regarding an appeal as meant in that section; and
 - f. the procedure to be followed before taking a decision, as referred to in section e.
4. The costs, in connection with a proceeding as meant in the third paragraph, section c or f, shall be borne by the island territory.

(Article 4 amended by FO 22 June 2007 (OJ 2007, No. 43)

Article 4a

(Repealed with effect from 1 August 1998, pursuant to Article 15, second paragraph)

Article 5

1. The persons in Article 2, first paragraph, are exempt from the obligation referred to in paragraph b:
 - a. as long illness prevents the youngster from attending classes, if the head is notified apprised of the situation on the first day of the impediment, if possible, stating the nature of the disease;
 - b. as long as the child, because of unforeseeable exceptional circumstances, cannot be reasonably expected to attend classes, if the head is notified on the first day the child is prevented from attending classes, with a notification of the nature of the circumstances;
 - c. as long as the child, because of special circumstances, cannot reasonably be expected to follow the lessons, if the head gives permission on the first day that the child is prevented from following lessons;
 - d. as long as the youngster is denied access to the school because of a disciplinary measure;
 - e. as long as the youngster does actual service specified in Article 1 of the Conscription Regulation 1961 (OJ 1961, No. 223).
2. If an exemption, as meant in the first paragraph, sub a, b or c, lasts longer than the time to be determined by island ordinance, the head will immediately inform the Supervisory Authority of said exemption including the reason and the expected duration.
3. In the case of an exemption based on the first paragraph, subsection d, the head will

inform the persons meant in Article 2, first paragraph and the Supervisory Body immediately of that exemption, including the reason for it and its duration.

(Article 5 amended by LEM 22 June 2007 (OJ 2007, No. 43))

Article 5a

1. With regard to a student who has not yet reached the age of six years, the persons referred to in Article 2, first paragraph, are exempt for at most five hours per week, from the obligation to ensure that he visits the school, at which he is registered, regularly. The head will be informed if this exemption is called upon.

2. In addition to the exemption mentioned in the first paragraph, at the request of the persons mentioned in Article 2, first paragraph, the head may grant the persons mentioned, on behalf of the student, 5 hour exemption per week from the obligation to ensure that he visits the school, at which he is registered, on a regular basis.

(Article 5 included by FO of 22 June 2007 (OJ 2007, No. 43))

Article 6

The manner in which the supervision of the enforcement of this ordinance and its stipulations is done. It will be determined in any case, which authority is charged with the monitoring and how the registration and de-registration of a youngster of a school takes place, and how absenteeism with and without the exemption as meant in article 4, first or second paragraph, or an exemption as meant in article 5, first paragraph, is registered.

Article 6a

1. Notwithstanding the provisions of Article 6, the Minister of Justice instructs immigration officials how to check, upon departure of a youngster to whom Article 2 is applicable, from the Netherlands Antilles, if he possesses a document stating that:
 - a. He was granted a waiver, an exemption or leave, as meant in this Federal Ordinance, or he was written out from the civic register, in order to establish himself in another country.
2. The officer denies the youngster, who does not have the documents mentioned in the first paragraph, access to aircrafts and ships.
3. The official shall notify the supervisory authority as soon as possible of a decision as meant in the second paragraph.

(Article 6a inserted by F.O. of June 22, 2007 (OJ 2007, No. 43))

Article 6b

Officials appointed for the execution of police duties, are authorized to take a youngster found during school hours in a public place, to the director of the school at which he is enrolled as a student.

(Article 6b inserted by F.O. of July 22, 2007 (OJ 2007, No. 43))

Article 7

An Island Ordinance regulates information with regard to providing food or clothing, and providing transportation to and from school, to youngsters who, without that assistance, would not reasonably be able to follow the lessons meant in article 2, first paragraph,

subsection b, in a proper manner or at all.

(Article 7 amended by F.O. June 2, 2007 (OJ 2007, No. 43)

Article 8

1. Each Executive Council reports annually before October 1 to the Island Council regarding the compulsory education policy followed during the preceding year in the respective island territory.
2. Each Executive Council reports annually before October 1 to the Minister on the extent and treatment of truancy reported to him regarding the preceding school or academic year.
3. The head shall report annually before October 1 to the Minister on the extent of truancy during the school or course year at his school.
4. The nature of the information meant in the second and third paragraph, and the way it is provided, will be determined by Ministerial Decree with general effect.
5. The Minister immediately sends a copy of the reports referred to in the second and third paragraph, to Parliament.

(Article 8 was re-established by F.O. of June 22, 2007 (OJ 2007, No. 43)

Article 9

Everyone is obliged to cooperate with the officers of the supervisory authority designated by or pursuant island ordinance, by following their instructions, providing the information required by them completely and truthfully and to assist them, this in as far as that cooperation is reasonably necessary for the performance of their monitoring task.

Article 10

Besides the officers designated by Article 84 of the Code of Criminal Procedures, the persons charged by the supervisory authority appointed by or by virtue of island ordinance, are also charged with the detection of acts made punishable by Article 12.

(Article 10 amended by F.O. of September 11, 1997 (OJ 1997, no.237)

Article 11

1. At the request of the Stakeholders, officials referred to in Articles 9 and 10 must show their identifications.
2. Officials referred to in Articles 9 and 10 have access to schools and other places other than homes, to the extent reasonably necessary for the performance of their duties, and may, if necessary, use the strong arm of the law to provide access. Such officials may be accompanied by persons designated by them.

Article 11a

1. The Executive Council may impose an administrative fine on persons meant in Article 1a and in Article 2, first paragraph and those persons mentioned in Article 2, third paragraph, who fail to comply with an obligation as meant in Article 2, first paragraph, subsection b or Article 3, second paragraph.
2. The amount of the fine depends on the seriousness of the offense, the

circumstances of the person concerned and the degree of culpability.

3. The fine may be imposed conditionally or unconditionally.
4. A conditional fine will always be imposed under the general condition that, before the end of the probation period, which can be at most two years, will not behave in the manner meant in the first or second paragraph.
5. When imposing a conditional fine, special conditions may further be established, among other things with regard to the time in which one can still report to the school, the behaviour of the person concerned during the probation period, and the payment of a security deposit by the person concerned.
6. The power to impose a fine expires two months after the offense was committed.
7. The amount of the administrative fine referred to in paragraph one is:
 - a. if the offense referred to in the first paragraph is committed for the first time, a minimum of NAF. 25, - and a maximum of NAF.500, -;
 - b. in cases of repeated commission of the offense referred to in the first paragraph: a minimum of NAF.100 and a maximum of NAF.2500, -.
8. The administrative fines will benefit the implementation of this Ordinance.

(Article 11a inserted by LEM 22 June 2007 (OJ 2007, No. 43))

Article 11b

1. If it is the intention of the Executive Council to impose an administrative fine, it shall notify the person concerned, specifying the offense for which the fine is intended and the grounds on which the intention is based.
2. Before the fine is imposed, the Executive Council shall give the person concerned the opportunity to express his views either orally or in writing. He may be assisted by a counselor.

(Article 11b inserted by LEM 22 June 2007 (OJ 2007, No. 43))

Article 12

1. The following persons will be punished with incarceration not exceeding ten days or a fine not exceeding one thousand guilders:
 - a. the persons meant in Articles 1a and 2, first paragraph, and those persons meant in article 2, first paragraph subsection b or Article 3, second paragraph, who do not comply with an obligation as meant in Article 2 first paragraph.
 - b. persons who by act or omission cause an obligation as meant in Article 2, first or third paragraph, not to be fulfilled or cause a requirement as meant in Article 9 not to be complied with;
 - c. persons who, by or by means of this federal ordinance, are involved in the implementation of this ordinance or with the monitoring of the enforcement of the obligations of Article 2, first or third paragraph, who act contrary to their existing obligations referred to in the rules that refer to them.
2. If persons whose convictions have become irrevocable, commit another violation as referred to in that section within one year of the date of their conviction for violating of any part of the first paragraph, they will be punished with imprisonment not exceeding two months or a fine not exceeding five thousand dollars.
3. In this ordinance offenses are violations.

(Article 12 amended by FO of June 22, 2007 (OJ 2007, No. 43))

Article 13

(P.S. expires in 1997, No. 237)

Article 14

In Article 28 of the Federal Ordinance on Primary Education, the subparagraph six is voided, and the seventh is renumbered and becomes subparagraph six.

Article 15

1. This Federal Ordinance shall enter into force by Federal Ordinance at time that can be different for each island, or, in as far as such an Ordinance was not established by one or more islands, on those islands as of August 1, 1996.
2. Article 4a repealed effective August 1, 1998.

(Article 15, paragraph 1 amended by F.O of July 1, 1993 (OJ 1993, No.59))

Article 16

This Ordinance may be cited as " The Ordinance on Compulsory Education".

[Undo edits](#)