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FRENCH COMMUNITY, BELGIUM

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Overview

Since 1988, Belgium has been a federal State where the three Communities (Flemish Community, French Community and German Speaking Community) are responsible for education. As a consequence, each has developed its own education policy and education law.

The powers of the Communities lie essentially in the following areas:

- cultural matters, i.e.: safeguarding and promoting the language; promoting the training of researchers; fine arts; cultural heritage, museums; libraries and record collections; radio and television; support for the press; youth policies; ongoing education and cultural events; physical education and sport; recreation and tourism; preschool training, adult education, and extracurricular, artistic, intellectual, civic and social training; social promotion;
- occupational training and redeployment;

- education, except for setting the upper and lower age limits for compulsory schooling, minimum requirements for degrees, and the education pension scheme, which continue to fall under federal jurisdiction;
- certain major aspects of the health care and social welfare policies;
- the use of languages, with exceptions concerning special status municipalities, services whose activities extend beyond the linguistic region in which they are established, and federal and international institutions whose activities are common to more than one Community.

The Parliament of the French Community and its Government¹ are now responsible for education policy.²

For some time, education has been undergoing a process of fundamental reform of both its aims and objectives and its teaching methods and curricular content. In general terms, the reform responds to the desire to introduce greater flexibility in education, to take into account the particular ways of learning of young children, to adapt education to the new needs of the surrounding world and to respect the individual learning speed and rhythm of the individual child as far as possible.

The constitutional and legal framework

To allow the transfer of education to the Communities, the federal Constitution was deeply modified in 1988.

Article 24 of the Constitution is the constitutional basis of educational freedom in Belgium.³

1. The freedom of choice of the parents, that is the right to choose the school, is ensured by the Community (Art. 24 §1);
2. Everyone has a right to instruction which respects fundamental freedoms and rights. Access to instruction is free until the end of compulsory schooling (Art. 24 § 3);
3. Access to education is free up to completion of mandatory schooling (Art. 24 § 3);
4. All pupils subject to compulsory schooling are entitled to moral and religious education at the expense of the Community (Art. 24 § 3);
5. All pupils or students, parents, staff members, and educational establishments are equal before laws or decrees. (Art. 24 § 4).

Unfortunately, the Constitution was only changed for internal purposes, without regard to the international obligations of Belgium. By example, the Constitution continues to allow imposing charges to parents of children in basic school, in contradiction with article 14 of International Covenant on Economic, Social and Cultural Rights.⁴

According to the Act of 29 June 1983, compulsory education in Belgium lasts for 12 years, from age 6 to 18. Children are required to attend school fulltime up to the age of 15, completing primary education and the first two years of secondary education. Pupils who have not completed the first two years of secondary education are required to attend fulltime education until the age of 16. Those who do not wish to continue fulltime after the end of compulsory fulltime education may follow compulsory part-time education up to the age of 18, by example in a Centre d'Enseignement et de Formation en Alternance (Cefa, Alternately Education and Training Centre). Part-time compulsory education is defined as studies in a recognized establishment, in the form of either part-time study or a vocational training course for a recognized profession.

Receiving the competence in Education in 1988, the French Community undertook to deal with the main problem of its organization, the lack of social mix and the consecutive discrimination in the educational system.⁵ In this point of view, the Mission Decree of July 1997 is regarded as a 'texte fondateur' (founding law) of all Community legislation.⁶ A lot of other legislation followed, dealing with educational offer, registering of pupils, school inspectorate,...⁷

The structure of schooling

The French Community education system comprises several categories of education institution:

- (official) public education institutions organized, managed and wholly financed by the French Community. The organizing body for institutions operated by the French Community is the Government of the French Community. The French Community ensures the management and administration of institutions (at all levels) and the careers of the staff within its educational network. The Community Government has a dual responsibility: it is the regulator of all the Educational system and the *pouvoir organisateur* for schools maintained by the Community and, in this capacity, determines the structure, curriculum and methods in education. It manages schools and takes any measures which might improve their efficiency, it applies the regulations for public grant aided and independent grant aided schools in accordance with constitutional and legal provisions.⁸
- (official) public education institutions grant-aided by the French Community but managed by the provincial or communal authorities. The

organizing bodies for subsidised official education are the provinces or communes. The coordination structures for these schools: are the ‘Conseil de l’enseignement des communes et des provinces’ (CECP) and the ‘Conseil des pouvoirs organisateurs de l’enseignement officiel neutre subventionné’ (CPEONS).

- “free” denominational or nondenominational education institutions subsidised by the French Community. The organising bodies of “free” subsidised education are the responsible persons or entities. “free” education institutions are grouped together under the ‘Secrétariat général de l’enseignement catholique’ (SEGEC)⁹ and the ‘Fédération des écoles libres subventionnées indépendantes’ (FELSI).
- private schools that do not receive public subsidy. Since a decree of April 2008, those schools are however under the control of the French Community in terms of quality and level of education.¹⁰

Each level of education has its own bodies for consultation and cooperation: e.g. the ‘Conseil général de l’enseignement fondamental’,¹¹ the ‘Conseil général de concertation pour l’enseignement secondaire’...¹² All those institutions are now merged into a management structure, the ‘Commission de pilotage’.¹³

Since the passing of the “Missions Decree”, each institution must have its own consultative council (‘Conseil de participation’) which is responsible for:

- debating the institution’s plan on the basis of proposals submitted by the delegates of the organising body;
- amending and finalising this institutional plan;
- submitting the plan for the approval of the relevant minister or organising body

To ensure better dialogue among fulltime secondary education institutions, ten geographical zones have been defined,¹⁴ each comprising two councils, one dealing with nondenominational and the other with denominational education.¹⁵ These councils are in charge of planning issues and ensure the use of common “teacher periods” (for in-service training) in all institutions in the same zone and the standardization of education provision. Proposals are submitted to a consultation committee (‘comité de concertation’) for approval and ratification. Thus, educational options which have not been approved by the consultation committee cannot be implemented. These consultation committees and the zone councils are made up of representatives of the relevant organizing bodies, including the Minister as the organizing body for Community education.

There are two ways leading to secondary education: The first allows those who have achieved the basic school certificate (certificat d’études de base CEB) to be

admitted automatically to secondary education. Pupils who have completed their sixth year of primary school without obtaining the basic school certificate may also be admitted subject to certain conditions. They are admitted into a specialized first year, dedicated to ensure that each pupil will get the competencies attested by the certificate.¹⁶

In the French Community, secondary education is 6 years long, divided into three degrees of two years. In principle, the first degree is common for all pupils. During the second and third degrees, pupils must choose between two sections, “transition” and “qualification”. The first one is supposed to prepare for higher studies and the second prepares mainly for employment, even it is always possible to continue to study. The transition section is itself divided into two forms, “general” and “technical”. In the same way, the qualification section is divided into two forms, “technical” and “professional”. The general form is the more theoretical and the professional form the more practical. A pupil following the professional form who will continue high school may follow a seventh year to increase his or her theoretical knowledge, in order to get the Certificate making it possible to go to higher schools (Certificat d’enseignement secondaire supérieur).¹⁷

A decree of 1995 created a link among the first eight years of school. It is called “continuum pédagogique” (pedagogical continuum). The continuum is divided into three steps, the first one running between the pre-primary school to the second year of basic school, the second goes to the end of the basic school and the third include the first degree of secondary school. The continuum is designed to equip all pupils with the basic skills needed for social inclusion and educational success.

Freedom to establish non-state schools

This freedom has long been guaranteed in Belgium, and given effective force by carefully negotiated administrative arrangements. The individual right to open a school may not, the Constitution insists, be made dependent upon a prior authorization by government.¹⁸

Public schools serve a small majority of pupils in the French speaking Community.

French Community	Public grant aided schools		Free grant aided schools	Total	
	Provincial	Municipal			
12,944	290	96,211	68,988	178,433	Preprimary
26,644	618	149,546	129,934	306,792	Primary
80,349	31,297	23,404	206,798	341,848	Secondary
1,930	1,630	1,142	4,374	9,076	CEFA*
8,057	2,533	5,605	15,122	31,317	Special education
17,346	18,139	6,907	37,194	42,483	Higher education
20,597			44,377	52,652	University
211,792	82,563	423,248	574,104	1,291,707	Total

*Centres d'Enseignement et de Formation en Alternance.

(L'enseignement en chiffres 20082009, Communauté française de Belgique, Entreprise publique des Technologies Nouvelles de l'information et de la Communication (ETNIC), www.statistiques.cfwb.be)

Schools are supposed to be free to select the teaching methods of their choice. But since “missions” decree of 1997, a homogenization policy is adopted to insure equality of pupils. The schools must adopt programs that respect rules adopted by the Community, called “Socles de compétences” (Competency Goals) during the “continuum pédagogique” and “competences terminales” (Final Competences) during de last four years of secondary school. Those rules define the basic skills which must be acquired for each step. The respect of those goals by the programs is controlled by a special commission and by the teachers by the Inspection.¹⁹ The homogenization has considerably reduced the freedom of schools in the choice of teaching methods.

For free grant-aided schools, the organizing authority is made up of private persons, mostly in the form of the nonprofitmaking associations. The grant-in-aid does not allow those schools to be financed at the same level as official schools.²⁰

Homeschooling

Home teaching is authorized if it meets specific requirements in order to comply with those for compulsory education (Decree of April 2008).

School choice not limited by family income

The French Community subsidizes both official and “free” education within the framework laid down in the relevant legislative and regulatory provisions according to education level, pupil numbers, etc.

Access to compulsory education is free and certain school supplies must be provided by the organising bodies.²¹ Throughout the educational system (whether operated by public authorities or “free”), subsidies cover all or part of:

- staff remuneration,
- operating expenses allocated on a lump sum basis, according to regulatory criteria,
- decree.

However, the Constitutional and “Mission” decree does not prohibit the charging activities on the condition that this contribution does not exceed the cost of the goods or the necessary services provided.²² Cost of extracurricular activities may be covered by parents, associations, etc. such as swimming pool entry charges, the price of the school newspaper, trips, etc. It should be mentioned that the charging of fees to students of foreign nationality is, since the end of the twentieth century, not allowed by the European Court of Justice.²³

To receive government subsidies, the education institutions must:²⁴

- comply with the relevant legislative and regulatory provisions on the organization of education studies and the application of linguistic laws;
- adopt a structure approved by the Minister;
- follow a curriculum which complies with the relevant legislative provisions approved by the Minister;
- comply with the provisions of the “Missions” Decree of 24 July 1997;
- accept the supervision procedures and inspections organized by the Community.
- be organized by an individual or legal body which assumes complete

responsibility for them;

- admit in each class, section, cycle or other sub division a minimum number of pupils set by order of the Government of the French Community except where a special dispensation is granted by the Minister on the basis of particular and exceptional circumstances;
- form one teaching unit located in the same complex of buildings which meets certain health and safety standards;
- adopt the general timetable of school holidays;
- employ staff who will not jeopardize the safety of their pupils; and
- use teaching materials and equipment which meet the necessary teaching standards.

Funds have also been appropriated for schools frequented by a definite level of pupils living in poor areas. Under a Positive Discrimination decree of June 1998, the number of schools benefitting from the program was limited. It was extended by a “Encadrement différencié” (differentiated frame) decree of April 2009. The schools accepted in those programs receive supplemental support in terms of teachers as well as of materials.

The question often was raised to what extent educational freedom really does exist visàvis the grant-aided “independent” school sector, taking in mind the implementation all these formal conditions:²⁵ the issue of school distinctiveness.

School distinctiveness protected by law and policy

The OECD Country report on Belgian education²⁶ contained the following conclusion on ‘Curricula: Development and control’: “Even though Belgium has no truly centralized planning of curricula and examinations, the curricula and educational standards are centrally monitored. On the one hand, this system allows local autonomy and responsibility to operate and, at the same time, remain in balance. On the other hand, a wide ranging diversity may develop which can be or become problematic in a certain number of cases. A constant redress of the system in search of balance will be needed. But an answer to the question whether the very core of the system should be modified is difficult to find. Experience in neighbouring countries having either highly centralized or highly decentralized systems shows that both systems present advantages and disadvantages.”

In principle, thanks to the freedom of choice of teaching methods, enshrined in the Missions decree, each school is able to submit its own primary school curricula for the approval of the Government, which decides on base on a prior advice of the Commission des programmes. These curricula must be drawn up in line with the

skills bases which apply to all the networks and which define the necessary assessment standards. In fact, all schools apply the program established by the organizing body they are joined to.

But the courts can exercise control over the education plan without interfering with the autonomy of the governing body:

- in the event that decisions made fail to meet legal requirements;
- on the basis of the grounds upon which these decisions have been taken;
- if they undermine the right to equal treatment;
- over the composition of the conseil de classe (meeting between teachers, parents and student delegates) or the board of examiners;
- over the manner in which the conseil de classe and board of examiners have exercised their judgement.

Distinctive character

The “Missions” Decree defines the targets and aims of the institutional project of the school and stipulates that the education project ought to specify in school plans their values-based, denominational, or pedagogical options.

“The educational project defines . . . the overall values, social context, and perspectives références on the basis of which the organising body pouvoir organisateur or a representative and coordination body of the organising body defines its educational objectives” (article 63). “The pedagogical project defines the pedagogical viewpoints and the methodological choices which permit an organising body or a representative and coordination body of the organising body to implement its educational project” (article 64). “The school project defines the collection of pedagogical choices and specific concrete actions that the educational team of the school and the partners referred to in article 69 paragraph 2 on participatory councils to carry out the educational and pedagogical projects of the sponsor” (article 67, section 1). “Within the context of its projects, referred to in article 67, each school may distribute the amount of time set aside for one, several, or all the disciplines in functional units of study extending over several weeks. It may also regroup the time designated for several disciplines for interdisciplinary or cultural activities” (article 30).

Studies showed a direct link between school performances and the type and/ or characteristics of schools.²⁷ As in both other Communities in Belgium, the competition between schools is based on the distinctive denominational character of education institutions, but at the same time on reputation and ranking success rate

and educational specificity, 1/4, aspects of the “marketisation” of the educational sector.²⁸

Decisions about admitting pupils

Parents are free to select the institution of their choice for both primary and secondary schooling but this choice is restricted by regulations which fix the conditions for admission. However, the French Community faces a lack of places in schools in some parts of its territory, mainly in Brussels. The French Community has adopted several decrees to insure the transparency of the inscription process and avoid the selection of its pupils by some schools with strong reputations.²⁹ Since the “Missions” decree, even a “free” (independent) school has the obligation to admit any pupil when its parents ask for and subscribe to the educational and pedagogical projects of the school.³⁰ Art. 76 of the Decree ‘Missions’ stipulated that – before admission – parents and pupils ought accurately to be informed on the different educational, pedagogical, denominational projects of the school and its internal rules and procedures.³¹ The Constitutional Court has admitted this restriction to the freedom to organize education in regard to the freedom of the parents to choose a school and in regard to the fact that “free” schools are in charge of a public service.³²

In accordance with the official provisions designed to ensure equality of opportunity between boys and girls, the majority of primary schools are now coeducational. There are, however, still a few single sex schools within the grant- aided denominational sector.

Decisions about staff

The teachers of the schools directly organized by the French Community are under a status established in 1969. To benefit from similar status, the teachers of grant-aided schools had to wait the nineties: 1993 for the “free” schools, 1994 for the official grant-aided schools. Those three statuses are very similar, even if the “free” schools are in a contractual relationship with their teachers, while the official schools are in a real public relationship.³³

The adoption of the statuses has considerably limited the freedom of the “free” schools (they are now obliged to keep teachers with a defined length of service), while at the same time teachers have gained access to equal treatment and protection of their freedom, especially privacy.

The schools may only appoint persons having the appropriate certificate, unless there is a shortage of that profile, which is more and more the case, particularly for foreign languages and science.

Teachers who fulfill the conditions to be grant-aided receive their wages directly from the French Community government.

Teachers must conform their teaching to the distinctive character (“caractère spécifique du projet éducatif”) of the school which employs them, whether denominational³⁴ or neutral. The directors of schools, even of free schools are now also under a statute that defines their tasks and the conditions of nomination.³⁵

Accountability for school quality

Inspection

In the past, there were two kinds of inspection. One was a public service composed of officials. It controlled the level of the teachers and had administrative control tasks. Another inspection was organized by the organized bodies of the grant-aided schools and engaged in evaluation and support for teachers.

A Decree of March 2007 integrated all the inspection services into one service which operates in all schools, official or free. The inspection service is now focused on pedagogical tasks. It is more or less independent from the administration of the French Community. The members of the inspection service have an evaluation and pedagogical control task. The accompanying task is insured by adviser committees (“cellules de conseil pédagogique”), financed by the French Community but managed by each organized body. There is then a differentiation between the evaluation task, by the inspection service, and the accompanying task, by the adviser committees.³⁶

There is also a separate Inspectorate for each recognised religion (Catholic, Islamic, Protestant, Jewish and Orthodox), and an Inspectorate for nondenominational ethics.

Psychomedico social centres (centres psychomédico sociaux PMS) provide guidance and career advice to pupils in preprimary, primary and secondary education. They operate independently of the schools themselves. Each centre is staffed by an interdisciplinary team made up of educational psychologists, social workers, nurses and independent doctors. Centres are also responsible for school medical inspections. Guidance is provided through a series of educational initiatives designed to help young people plan their lives and careers. The various methods used combine both group activities and individual analyses.

Assessment

Assessment was traditionally an area in which the pedagogical freedom of each organizing body was guaranteed. This freedom is vanishing in order to attempt to achieve the equality of all the pupils.³⁷

Under the terms of the Law of 29 June 1983, a certificate of basic studies (certificat d'études de base CEB) is awarded to pupils who have successfully completed six years of primary education. Since 2006, a centralized certifying test ("épreuve certificative externe") is organized by the inspection service.³⁸

The French Community is now centralizing the certification in secondary education. Since 2009, the centralized certifying test is organized at the end of the second year. A similar test is proposed to schools for the end of secondary school ("test d'enseignement secondaire supérieur", TESS³⁹). For the moment, that test is not compulsory but should become so in the near future.

Repeating a year⁴⁰

In order to access primary education, a child must have reached the age of six during the calendar year of entry into compulsory education, except where special exemption is given. The progress of each child is measured by continuous assessment. Within the framework of the relevant statutory and regulatory provisions, each organising body is free to decide the type of assessment it wishes to implement and the assessment tools and methods of communicating results it wishes to use. Teachers assess their own pupils on the basis of their aims and objectives and their teaching. A school report sent to parents informs them of the results achieved by their child, the progress they are making at school, their learning behaviour and their personal development. Whether or not children "pass" a school year is decided by their class teacher, often in consultation with the headmaster or headmistress and possibly other members of the teaching team who are in a position to assess the work produced over the year and the results of end of year tests (where they exist).

During primary education, a pupil can only repeat one year in each of the two stages: from the pupil's admission to primary school until the end of the second year, and between the third and the sixth primary year. He will then follow a complementary year that should allow him to reach the competency goals (Missions decree, article 15).

In secondary education, but during the first stage where it is in principle forbidden, the class council ("conseil de classe"), made up of administration and teachers, engages in continuous (periodic) assessment, in certain cases combined with two sets of exams, at the end of the school year. The class council decides whether pupils can be admitted to the next class, with or without reservations, or get into another section of education (leave "transition" to get into "qualification") or in another form (leave "general" to get into "technical").

Teaching of values

Both the basic and secondary education systems strive to meet the following general aims and objectives simultaneously and without priority (Mission decree, article 6):

- to promote the self-confidence and personal development of each child;
- to ensure that all pupils acquire the knowledge and skills they need to continue lifelong learning and to play an active role in economic, social and cultural life;
- to prepare all pupils to be responsible citizens capable of contributing to the development of a democratic, supportive and pluralist society which is open to other cultures;
- to ensure all pupils equal opportunities of social freedom.

In order to achieve these general objectives, the knowledge and expertise required are viewed within a context of skills acquisition. A document entitled “Socles de compétences” (Competency Goals) defines the basic skills which must be acquired in each network, school or class. These skills may be acquired during lessons or in the course of other educational activities and, more generally, in the organization of daily school life.

Each organizing body defines its curriculum and devises its teaching plan in accordance with the key stages and final skills adopted by the Parliament of the French Community. In practice, and in order to ensure that all these new guidelines are successfully integrated into daily school life, a series of educational action plans have been drawn up. They are used as the basis for teaching plans that are in turn developed into concrete action plans at institution level.

Official schools must offer the choice between a religious class and a non-religious moral class. It is the sole responsibility of the respective ecclesiastical authorities to prescribe the religious content of religious classes and to determine who is capable of conveying a faithful representation of the religious teachings.

Official schools must respect the beliefs of everyone and observe neutrality.⁴¹

Endnotes

- ¹ On the cooperation between the Community and the Region: MAGY J., *Le droit à l’instruction et à l’enseignement. Le droit au programme des acquis de base*, in DE GROOF J., *Subsidiarity and Education. Aspects of Comparative Educational Law. First Report of the European ‘Educational Law Association’*, Acco, Leuven, 1994, p. 315.
- ² DE GROOF J., *Les compétences*, in *Quels droit dans l’enseignement? Enseignants, Parents, Elèves*, Bruges, 1994, p. 179209 ; DELPEREE F., *Constitution et enseignement*, Administration Publique, 1989, nr. 4.
- ³ DE GROOF J., *La révision constitutionnelle de 1988 et l’enseignement*, Story Scientia, Brussel, 1989, p. 233.
- ⁴ Delgrange, X., “Mixité sociale, mixité religieuse : le droit de l’enseignement face à la diversité”, in ringelheim, J., *Le droit et la diversité culturelle*, Bruxelles, Bruylant, 2011, pp. 503-567, sp. pp. 520-523.
- ⁵ Delgrange, X., *op. cit.*, pp. 504-523.
- ⁶ Decree of 24 July 1997 “définissant les missions prioritaires de l’enseignement” (defining the priority missions in Education). See Dumont, H. & Collin M., *Le décret du 24 juillet 1997 définissant les missions prioritaires de l’enseignement*, approche interdisciplinaire, Bruxelles, Pub. Facultés universitaires Saint-Louis, 1999.
- ⁷ See Draelants H., Dupriez V. & maroy Chr., *Le système scolaire*, Bruxelles, Centre de recherches et d’information socio-politiques (CRISP), 2011; Ministère de la Communauté française, « *Le développement de l’éducation* », Rapport de la Communauté française au Bureau international de l’Education, 2008, www.ibe.unesco.org
- ⁸ Following its governmental declaration, the French Community should apply article 24, §2, of the Constitution, and create an independent institution who will manage the official schools. It should allow the Government to become only the arbiter of schooling in its all.
- ⁹ The General Council of Catholic Education (CGEC) is a consultative body. It is composed of parents’ and teachers’ representatives, representatives of the pouvoirs organisateurs and the bishops. This Council defines the special aims of Catholic education, pushes for improvement in Catholic education, formulates the expectations of the Christian School Community, deals with public authorities with a view to achieving these objectives and sets the main directions in education and teaching, for example, in drawing up the educational project (projet éducatif) for free grant aided education (enseignement libre subventionné).
- ¹⁰ el Berhoumi M., « *L’enseignement à domicile perquisitionné* », *Journal des tribunaux*, 2009, pp. 701-705.

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- ¹¹ Decree March 14, 1995.
- ¹² Decree October 27, 1994.
- ¹³ Decree March 27, 2002.
- ¹⁴ On 'zonalisation' of elementary education, Decree July 13, 1998.
- ¹⁵ Executive Decree, March 15, 1993.
- ¹⁶ Decree June 30, 2006.
- ¹⁷ Royal order June 29, 1984.
- ¹⁸ De groof J., *Droit à l'instruction et liberté d'enseignement*, Brussels, 1984, 254p.; id., *Les pouvoirs publics et l'enseignement subventionne*, Cepess, 1985, 232 p.
- ¹⁹ Delgrange, X., « Analyse juridique de l'élaboration du décret 'missions' », in Dumont, H. & Collin, M., *Le décret du 24 juillet 1997 définissant les missions prioritaires de l'enseignement, approche interdisciplinaire*, op. cit., pp. 19-78.
- ²⁰ Delgrange, X., « L'égalité dans l'enseignement à la lumière de la jurisprudence de la Cour d'Arbitrage », *Quels droits dans l'enseignement ? Enseignants, Parents, Elèves*, op. cit., p. 5291 ; « Le financement de l'enseignement et l'égalité entre les réseaux », *Administration publique (trimestriel)*, 2002, pp. 303-310.
- ²¹ Dermagne J.M. « La gratuité dans l'enseignement », *Quels droits dans l'enseignement ? Enseignants, Parents, Elèves*, op. cit., pp. 3047.
- ²² Van remoortere F., "The Legal Status of Pupils in the Frenchspeaking Community of Belgium", in De groof J., penneman h., *The Legal Status of Pupils in Europe, Volume I* (1996), Kluwer Law international, The Hague, 1998, p. 294.
- ²³ Delgrange X. & Detroux L. "Les menaces sur le service public de l'enseignement", in Dumont H., *Le service public : entre menaces et renouveau*, Bruges, La Charte, 2009, pp. 231- 296.
- ²⁴ masquelin J.J., *Le droit aux subsides de l'enseignement libre*, Brussels, 1975; De groof J., *Le pacte scolaire : Coordination et Annotations*, Brussels, 1990.
- ²⁵ F.g.: leroy M., « La liberté d'organiser un enseignement et la liberté de choisir un enseignement », in *Quels droits dans l'enseignement ?*, op. cit. , p. 23 : « Depuis longtemps, l'État, et maintenant la communauté, sont devenus le véritable pouvoir organisateur de tout l'enseignement subventionné. Les autres n'en ont plus que le nom, et l'illusion de diriger ce qu'ils ne peuvent que gérer comme le ministère le leur dicte. Même la 'spécificité', dont se réclame le plus puissant réseau d'enseignement libre, se ramène à une sorte d'»ambiance», qui imprègne de valeurs et de références

tirées de la religion la dispensation d'un savoir et d'une formation dont le contenu est fixé par la communauté. C'est affaire de présentation plus que de fond. Ce qui laisse à cet enseignement l'illusion qu'il est libre, c'est que le peu de latitude dont il dispose porte précisément sur un des principaux critères en fonction desquels les parents fixent leur choix sur une école plutôt que sur une autre. »

- ²⁶ Education in Belgium: The Diverging Paths, Brussels, 1991, p. 169.
- ²⁷ Crahay M., Echech des élèves, échec de l'école ?, Council of Education and Training, Brussels, 1992.
- ²⁸ VanDenBerghe V., « L'enseignement en Communauté Française de Belgique : un quasi marché », Réflets et perspectives de la vie économique, 1998/1, p. 65.
- ²⁹ Delgrange, X. & el Berhoumi M., "Inscrire son enfant dans une école francophone, comment sortir du libre de la jungle ?", Tijdschrift voor Onderwijsrecht en Onderwijsbeleid, 2008-2009, pp. 459-476.
- ³⁰ samBon J., « Les modifications apportées en matière d'inscription scolaire et de gratuité de l'enseignement », Administration publique (trimestriel), 2002, pp. 295-302.
- ³¹ "... projets, éducatif, pédagogique et de l'établissement de l'école, ainsi que le règlement des études et le règlement d'ordre intérieur."
- ³² Constitutional Court, arrest n° 110/98 and 131/2003, www.const-court.be. See Delgrange, X. & el Berhoumi, M., « Les droits en matière d'enseignement », in Verdussen, M. & Bonbled, N., Les droits constitutionnels en Belgique - Les enseignements jurisprudentiels de la Cour constitutionnelle, du Conseil d'Etat et de la Cour de cassation, Bruxelles, Bruylant, 2011, pp. 1175-1294.
- ³³ Dupriez V. & zaChary M.-D., « Analyse juridique de l'enseignement en Communauté française », Courrier Hebdomadaire du CRISP, Brussels, nr. 1611-1612, 1998, pp. 15-32 ; De Commer B., « Le statut du personnel de l'enseignement libre subventionné », Courrier Hebdomadaire du CRISP, Brussels, nr., 1927-1928, 2008, www.crisp.be.
- ³⁴ Art. 21 Decree February 1, 1993. See also art. 24 on "incompatibilities". Art. 27 guarantees "la protection de la vie privée du personnel".
- ³⁵ Decree February 2, 2007.
- ³⁶ Decree March 8, 2007. See Draelants, H., Dupriez, V. & maroy Chr., Le système scolaire, op. cit., pp. 107-109.
- ³⁷ See **mangez C.**, « Les évaluations externes des acquis des élèves : description de dispositifs existants en Belgique francophone », Les Cahiers de Recherche en Éducation et Formation, n° 80, 2010 ; Draelants, H., Dupriez, V. & maroy Chr., Le système scolaire, op. cit., pp. 66-69.

³⁸ Decree June 2, 2006.

³⁹ Decree April 30, 2009.

⁴⁰ See “Grade Retention during Compulsory Education in Europe: Regulations and Statistics”, 2011, Eurydice, <http://eacea.ec.europa.eu/education/eurydice>.

⁴¹ Decree March 31, 1994, for French Community’s schools; decree December 17, 2003, for official grant-aided schools. See Delgrange, X., « La neutralité de l’enseignement en Communauté française », *Administration publique*, 2007-2008/2, pp. 119-160.