

**AGREEMENT FOR THE MEDEZEGGENSCHAPSRAAD (MR)
PRIMARY EDUCATION DUTCH CARIBBEAN**

AUGUST 2014

This is the medezeggenschapsraad agreement of the Sacred Heart Primary School in Saba Dutch Caribbean

Paragraph 1 General

Article 1 Definitions

This regulation will understand under:

- a. law: the Law primary education BES;
- b. competent authority: Stichting Katholiek Onderwijs Saba;
- c. medezeggenschapsraad: the medezeggenschapsraad as referred to in article 18, first section, of the law;
- d. school: Sacred Heart Primary;
- e. pupils: the pupils of the school, in the sense of the law;
- f. parents: the parents, guardians or caregivers of the pupils;
- g. school management: the director and deputy director, as referred to in the law;
- h. personnel: the personnel that is employed or at least worked for three months without appointment by the competent authority and that is working on the school;
- i. division: the separate groups of members, referred to in article 18, third section, of the law;
- j. formal secretary: a functionary from outside the medezeggenschapsraad to be appointed for the support of the secretariat of the medezeggenschapsraad.

Paragraph 2 The medezeggenschapsraad

Article 2 Medezeggenschapsraad

A medezeggenschapsraad is connected to the school. This council is chosen directly by and from the parents and the personnel according to the stipulations of this regulation.

Article 3 Size and composition of medezeggenschapsraad

1. The medezeggenschapsraad consists of 4 members of whom:
 - a. 2 members are being chosen by and from the personnel; and
 - b. 2 members are being chosen by and from the parents.
2. The numbers of members, referred to in the first section, part a and b, are equal to each other.

Article 4 Exclusions

1. Persons who are part of the competent authority cannot be a member of the medezeggenschapsraad.
2. A personnel member who is charged to act on behalf of the competent authority in discussions with the medezeggenschapsraad cannot also be a member of the medezeggenschapsraad .

Article 5 Duration of appointment

1. A member of the medezeggenschapsraad will be chosen for a period of 3 years.
2. A member of the medezeggenschapsraad will resign after its appointment ends and can be re-elected immediately.
3. A member that has been designated or elected for the fulfilment of a intermediary vacancy, shall resign on the moment on which the person, in whose place he has been designated or elected, should resign.
4. Except in case of periodic resignation, the membership of the medezeggenschapsraad ends:
 - a. upon death;
 - b. by resignation by the member;
 - c. as soon as a member no longer forms part of the division from which and by which he has been elected.

Paragraph 3 The Election**Article 6 Organisation elections**

1. The management of the election of the members of the medezeggenschapsraad is with the medezeggenschapsraad. The medezeggenschapsraad may assign the organisation thereof to a election committee.
2. The medezeggenschapsraad determines the composition, way of working, and the powers of the election committee as well as the way in which decisions are made regarding complaints about decisions of the election committee.

Article 7 Date elections

1. The medezeggenschapsraad determines the date of the election, as well as the times of start and finish of the voting.
2. The medezeggenschapsraad will notify the competent authority, the parents and the personnel of the times referred to in the first section.

Article 8 Eligible and voting persons

Those who on the day of the registration for candidacy form part of the personnel or are a parent, are authorised to vote and are eligible as member of the medezeggenschapsraad.

Article 9 Announcement eligible and voting persons

The medezeggenschapsraad shall establish 2 months before they elect a list of the persons who are authorised to vote and eligible to be elected. This list will be made public to the parents and the personnel, stating the possibility to register as a candidate, as well as the term set for that.

Article 10 Registration for candidacy

1. Candidates for the election of the part of the medezeggenschapsraad that is chosen from and by the personnel, can be nominated by personnel members and by organisations of personnel.
2. Candidates for the election of the part of the medezeggenschapsraad that is chosen from and by the parents, can be nominated by parents and by organisations of parents.

Article 11 Insufficient candidates

1. If from the parents and the personnel not more candidates have been nominated than there are seats in the medezeggenschapsraad for that division, then for that division no election will take place and will the nominated candidates be deemed to be chosen.
2. The medezeggenschapsraad will notify the competent authority, the divisions and the concerned candidates thereof timely before the election date.

Article 12 Election

The election takes place by a secret voting in writing.

Article 13 Voting; power of attorney

1. A person authorised to vote shall cast at the most as many votes as there are seats for his division in the medezeggenschapsraad. On a candidate only one vote can be cast.
2. A person authorised to vote can, by written power of attorney with a surrender of his ballot paper, let another person, who belongs to the same division, cast his vote. A person authorised to vote can at the most be authorised by one other person only to cast a vote by power of attorney.

Article 14 Outcome elections

1. Chosen are the candidates who subsequently have united the highest number of votes for them. If, for the last seat to be filled, there are more candidates, who have united an equal number of votes for them, then the candidate will be chosen by means of a draw.

2. The outcome of the elections will be established by the medezeggenschapsraad and notified in writing to the competent authority, the divisions and the concerned candidates.

Article 15 Intermediary vacancy

1. In case of an intermediary vacancy the medezeggenschapsraad will designate as a successor of the concerned member, the candidate from the concerned division who has given the established outcome, referred to in article 14, first section, is eligible thereto firstly.
2. The appointment takes place within a month after the emergence of the vacancy. The medezeggenschapsraad will notify the competent authority, the divisions and the concerned candidate of this appointment.
3. If from the parents and the personnel there are fewer nominated candidates than that there are seats in the medezeggenschapsraad for that division or if there is no successor as referred to in the first section then the vacancy/vacancies can be provided for by holding an intermediary election. In that case the articles 6 to 14 are equally applicable.

Paragraph 4 Design and way of working medezeggenschapsraad

Article 16 Election chairperson and secretary

1. The medezeggenschapsraad will choose from within its council a chairperson, a substitute chairperson and a secretary.
2. The chairperson, or in his/her absence the substitute chairperson, will legally represent the participation council.

Article 17 Exclusion of members of the medezeggenschapsraad

1. The members of the medezeggenschapsraad shall comply with the obligations deriving from the membership. The medezeggenschapsraad can come to the judgment, that a member of the medezeggenschapsraad does not comply with the obligations referred to in the first section, if the concerned member:
 - a. either is seriously negligent in the compliance with the stipulations of the law and of the participation regulations; or
 - b. violates the duty to secrecy about data of which he knows the confidential nature or should reasonably suspect; or
 - c. forms a serious impediment for the functioning of the medezeggenschapsraad .
2. In case of a judgment as referred to in the second section the medezeggenschapsraad can decide with a majority of at least two thirds of the number of members to point the concerned member to his obligations or request the concerned member to withdraw as a member of the medezeggenschapsraad.

3. In case of a judgment as referred to in the second section the division, from which and by which the concerned member has been chosen, with a majority of at least two-thirds can decide to exclude the member of the medezeggenschapsraad from the activities of the medezeggenschapsraad for the duration of, to the most three months.
4. The medezeggenschapsraad will conduct in case of the judgment referred to in the second section and in case of a resolution as referred to in the third section as much as possible consultation with the division from which and by which the concerned member has been chosen, taking into account the confidentiality of information.
5. A judgment as referred to in the second section will be conveyed to the concerned member in writing.
6. A decision referred to in the third and fourth section the resolution in question cannot be taken, then after the concerned member has been given the opportunity to task knowledge in writing of the objections made against him and also have been given the opportunity to defend himself against it, whereby he can be assisted by a counsel if so desired.

Article 18 Submission points for the agenda by personnel and parents

Parents, carers, teachers, supporting staff can submit points through

- a. personally communicating with and MR member
- b. confidential via the MR email address
- c. in writing or by phoning an MR member

Received points will be discussed in the monthly MR meeting and dealt with accordingly.

Article 19 Consultation personnel and parents

The medezeggenschapsraad will provide feedback to the parents, carers, teachers, supporting staff via:

- a. personal communication
- b. confidential via the MR email addresses
- c. written or telephone contact with the person(s)
- d. annual report as mentioned in article 21, paragraph 3
- e. the school website (advertising)

Article 20 Household regulation

1. The medezeggenschapsraad will establish, in compliance with the prescriptions of the medezeggenschapsraad regulations and of the law, a household regulation.
2. In the household regulation shall in any case be arranged:
 - a. the task description of the chairperson and secretary;
 - b. the way of convocating meetings;

- c. the way of set-up of the agenda;
 - d. the way of forming resolutions;
 - e. the quorum that is required to hold a meeting.
3. The medezeggenschapsraad will send a copy of the household regulation to the competent authority.

Paragraph 5 General tasks and powers of the medezeggenschapsraad

Article 21 Openness, mutual consultation and equal treatment

1. The medezeggenschapsraad promotes in accordance with its abilities openness and mutual consultation in the school.
2. The medezeggenschapsraad will furthermore guard in the school in general against discrimination on whichever ground and promotes equal treatment in equal cases and in particular the equal treatment of men and women and the inclusion of handicapped employees.
3. The medezeggenschapsraad will issue to all persons involved in an annual written report at the end of each school year of its activities/plans and will enable the divisions to enter into consultation with it about matters that are relevant to the concerned division in particular.

Article 22 Provision of information

1. The medezeggenschapsraad shall receive from the competent authority, whether or not upon its request, timely all information that it reasonably needs for the fulfilment of its task.
2. The medezeggenschapsraad shall receive in any case:
 - a. yearly the budget and related policy plans in the areas of finance, organisation and education;
 - b. at the beginning of the school year in writing the data with regard to the composition of the competent authority, the organisation within the school, the management statute and the main point of the policy already established;
 - c. yearly before 1st May information about the calculation that forms the basis for the means that will be allocated from the Government Fund ('s-Rijks kas) to the competent authority;
 - d. yearly before 1st July an annual report as referred to in article 175 of the law;
 - e. the points of departure that the competent authority applies to the execution of its powers;
 - f. at least once per year in writing data about the height and content of the employment regulations and agreements;
 - g. immediate information about any judgment of the complaints committee;
 - h. information about appointment and termination of school management and about the

determination or change of the concrete division of tasks within the school management.

3. If the competent authority presents a proposal for discussion, advice or confirmation to the medezeggenschapsraad, then by the competent authority also an overview will be provided of the motivation for the proposal, as well as of the consequences that the execution of the proposal will have expectedly for the personnel, parents and pupils and of the measures taken further to that.
4. If the competent authority presents a proposal for discussion, advice or confirmation to a division of the medezeggenschapsraad, then that proposal will be presented by the competent authority simultaneously to the other division or divisions for their information.

Article 23 Public access and secrecy

1. The meeting of the medezeggenschapsraad is public, unless the council speaks about individual persons, or the nature of a matter to be treated objects to it in the judgment of one third of the members.
2. If in a meeting or a part thereof a personal interest of one of the members of the medezeggenschapsraad is at stake, then the medezeggenschapsraad can decide that the concerned member does not participate in that meeting or that part thereof. The medezeggenschapsraad will then at the same time decide that the treatment of the concerned matter will take place in a closed meeting.
3. The members of the medezeggenschapsraad are obliged to secrecy of all matters that they learn in their capacity, with regard to which the competent authority or the medezeggenschapsraad has imposed secrecy to them or of which they, in relation to the imposed secrecy, should understand the confidential character. The resolution to impose secrecy will be conveyed as much as possible before the treatment of the concerned matter.
4. The entity that imposes the secrecy, as referred to in the third section of this article, will also convey which data provided in writing or verbally fall under the secrecy and for how long this has to last, as well as whether there are persons with regard to whom the secrecy does not have to be observed.
5. The duty to secrecy does not expire upon the termination of the membership of the council, nor by the termination of the connection of the concerned person with the school.

Article 24 Consultation with competent authority

1. The competent authority shall enable the medezeggenschapsraad 4 times per year to discuss the general course of matters with it.
2. The competent authority and the medezeggenschapsraad will convene if so requested while stating the reasons for it by the medezeggenschapsraad, a division of the medezeggenschapsraad or the competent authority. The consultations can be held on behalf of the competent authority.
3. If two-thirds part of the members of the medezeggenschapsraad and the majority of each division wish so, then the competent authority will conduct the consultation referred to in the first section with each division separately.

Article 25 Subjects of consultation with the medezeggenschapsraad

1. The competent authority discusses with the medezeggenschapsraad in consultation over the general course of matters in any case the intended resolutions in the concerned school year with regard to the following matters:
 - a. changing of the pedagogical objectives of the school;
 - b. establishing or changing of the policy with regard to the organisation of the school;
 - c. establishing or changing of the school plan, or the learning plan, and the care plan;
 - d. establishing or changing of the school regulations;
 - e. establishing or changing of the headlines of the multi-year financial policy for the school, including the intended allocation of the means that have been allocated by the competent authority for the benefit of the school from the public funds or have been received from others;
 - f. establishing or changing of rules on the areas of safety, health and well being policy, insofar not belonging to the competency of the personnel division;
 - g. establishing or changing of the complaints procedure applicable for the school;
 - h. establishing or changing of the policy with regard to the execution of supporting activities by parents for the benefit of the school and the education;
 - i. termination, substantial reduction or extension of the activities of the school or of an important part thereof, or establishing or changing of the policy in that matter;
 - j. the conclusion, termination or important change of a sustainable cooperation with another institution, or establishing or changing of the policy in that matter;
 - k. participation or termination of participation to a pedagogical project or experiment, or establishing or changing of the policy in that matter;
 - l. establishing or changing of a regulation in the area of hiring of dismissal policy insofar that establishing or changing relates to the foundation of the school or the changing thereof;
 - m. appointment or dismissal of the school management;
 - n. establishing or changing of the concrete division of tasks within the school management, as well as the establishing or changing of the management statute;
 - o. establishing or changing of the policy with regard to the admission or removal of pupils;
 - p. regulation of the holidays;
 - q. new construction or important reconstruction of the school;
 - r. establishing or changing of the policy with regard to the maintenance of the school.

2. The competent authority can determine in addition to the first section in consultation with the medezeggenschapsraad, which intended resolutions with regard to the matters referred to in the first section will be submitted for advice or confirmation the medezeggenschapsraad. The competent authority will present a proposal thereto.

Article 26 Subjects of consultation with personnel division of the medezeggenschapsraad

1. The competent authority discusses with the personnel division of the medezeggenschapsraad in the consultation over the general course of matters in any case the intended resolutions in the concerned school year with regard to the following matters:
 - a. establishing or changing of the personnel formation;
 - b. establishing or changing of rules with regard to the ongoing education of the personnel;
 - c. establishing or changing of a possible work regulation for the personnel and of the set/up and the design of the work consultation, insofar the resolution has a general applicability for all or an entire category of personnel members;
 - d. establishing or changing of the regulation of leave of the personnel;
 - e. establishing or changing of a working and rest time regulation of the personnel;
 - f. establishing or changing of the policy with regard to the allocation of salaries, surcharges and bonuses to the personnel;
 - g. establishing or changing of the division of tasks respectively the work load within the personnel, the school management there under not included;
 - h. establishing or changing of the policy with regard to personnel assessment. Job classification and function differentiation;
 - i. establishing or changing of a regulation in the area of the work circumstances, the absence due to illness or the re-integration policy;
 - j. establishing or changing of a regulation in the area of the company social work;
 - k. establishing or changing of a regulation over the processing of and the protection of personal data of the personnel;
 - l. establishing or changing of a regulation regarding facilities that are aimed on or are suitable for substitution of or verification of presence, behaviour or performance of the personnel;
 - m. establishing or changing of a regulation in the area of the promotion or in the area of the hiring and dismissal policy insofar that establishment or changing relates to the foundation of the school or the changing thereof;
 - n. establishing or changing of the regulation regarding the facilities, insofar that concerns the personnel.
2. The competent authority can determine in addition to the first section in consultation with the personnel division of the medezeggenschapsraad, which intended resolutions with regard to the matters referred to in the first section will be submitted for advice or confirmation to the personnel division of the medezeggenschapsraad. The competent authority will present a proposal thereto.

Article 27 Procedure request for advice

1. If the competent authority is required to submit a resolution on the basis of article 25, second section, or article 26, second section, in advance for advice or confirmation to the medezeggenschap-sraad or the personnel division thereof, then the competent authority will ensure that:
 - a. advice is requested on such a time, that the advice can be of actual influence on the forming of resolutions;
 - b. the medezeggenschapsraad is enabled to conduct consultation before an advice is issued;
 - c. the medezeggenschapsraad will be notified as soon as possible about the way in which suit is given to the issued advice;
 - d. the medezeggenschapsraad, if the competent authority does not wish to follow or follow entirely the advice, will be able to conduct further consultation with it before the resolution is finally made.

Paragraph 6 Acting on behalf of the competent authority**Article 28 Personnel member shall conduct consultation**

1. The director shall conduct the consultation on behalf of the competent authority, as referred to in this regulation, with the medezeggenschapsraad.
2. Upon the request of the medezeggenschapsraad or upon the request of the personnel member, as referred to in the first section, the competent authority can decide to relieve the personnel member of his task to conduct a consultation on behalf of the competent authority.
3. Upon the request of the medezeggenschapsraad the competent authority shall conduct, in special cases, consultations with the medezeggenschapsraad itself.

Paragraph 7 Miscellaneous stipulations**Article 29 Facilities**

1. The competent authority shall allow the medezeggenschapsraad the use of the facilities that it has and, if the competent authority has seconded a formal secretary to the medezeggenschapsraad, shall allow the use to the formal secretary of those facilities which it has at its disposal and that a medezeggenschapsraad, a commission and a formal secretary reasonably require for the fulfilment of their task.
2. The competent authority will develop a regulation for the reasonable necessary costs of activities that are undertaken by parents and personnel in the medezeggenschapsraad, including costs of schooling.
3. The competent authority will develop a regulation for the members of the medezeggenschapsraad originating from the personnel for facilities in time for the benefit of conducting consultation, schooling and other medezeggenschapsraad activities.

4. The personnel members in the medezeggenschapsraad have dispensation from their regular tasks for the number of hours that they are deemed to be busy for the participation on a yearly basis, expressed in the task policy.
5. The facilities referred to in the third section are determined in such a size as is reasonably necessary for the fulfilment of the task by the members of the medezeggenschapsraad . To an employee who is both a member of the personnel division of the medezeggenschapsraad as of the joint medezeggenschapsraad will be made available by the competent authority per school year at least 40 hours. To an employee who is a member of one of these participation bodies, shall at least 25 hours be made available. If the chairperson of the medezeggenschapsraad is a personnel member, then to him/her at least 25 hours extra will be made available. If a personnel member is secretary of the medezeggenschapsraad, then to him/her 15 hours extra will be made available.
6. The number of days for schooling and formation amounts to two per year per personnel member of the medezeggenschapsraad.
7. The competent authority will grant a presence remuneration to parents who are a member of the medezeggenschapsraad.
8. Also the competent authority will contribute to the expenses for administrative support of the medezeggenschapsraad.

Article 30 Legal protection

The competent authority will ensure that the persons who are or were placed on a list of candidates as referred to in article 9 of this regulation, as well as the members and former members of the medezeggenschapsraad shall not be disadvantaged on the basis thereof in their position with regard to the school.

Article 31 Change of this regulation

The competent authority will submit any change of this regulation as a proposal to the medezeggenschapsraad and shall only establish the changed regulation insofar the proposal whether or not changed after consultation has received the confirmation of at least two-thirds of the number of members of the medezeggenschapsraad.

Article 32 Quotation title; coming into force

This regulation can be quoted as: agreement Medezeggenschapsraad SHS.

This regulation will come into force as of 18 August 2014.

(President of SHS School Board)

(Chairman of SHS MR)