



Schola europaea

Office of the Secretary-General

Brussels, 15 June 2021
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For the attention of:

Ms [REDACTED]
President of the Parents' Association
of the European School, Brussels I

Mr [REDACTED]
President of the Parents' Association
of the European School, Brussels II

By email with acknowledgement of receipt

Subject: Organisation of the end of the school year in the Brussels European Schools

Dear Sir,
Dear Madam,

Over the last three weeks, I have received a considerable number of requests for explanations, but also letters of complaint and even an administrative appeal lodged at the instigation of the legal representatives of 121 pupils attending the Brussels European Schools, about the collective decision by the four Brussels Directors, which was communicated in early May, to reduce the provision of schooling to a half-day (the morning), from 22 June to 1 July 2021, for nursery and primary cycle pupils and to cancel lessons altogether on 2 July 2021.

The number of messages has made me deciding to address my reply to the Presidents of the Parents' Associations of the Brussels European Schools – in particular to you, Ms [REDACTED] and Mr [REDACTED], who questioned me in writing – hoping in your help to relay the information to your members, when felt relevant. I would point out, in so far as this is necessary, that this letter is not confidential in nature and can therefore be shared with parents.

As regards the decision of the Brussels Directors to reorganise the end of the school year, I duly noted the *de facto* and *de jure* arguments that were put forward to criticise it. I set out, moreover, in a letter of 26 May 2021 to the signatories of the aforementioned administrative appeal of 14 May, the legal reasons that prevented me from censuring the contested decision.

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My role, unfortunately (or fortunately, according to one's viewpoint), ends here, since the control that I exercise as Secretary-General adjudicating on appeals involves monitoring legality and not expediency. It is not for me to substitute my power of assessment for that of the Directors on the appropriateness or otherwise of the arrangements that have been made.

This leads me to respond to some of the complaints that have been submitted to my judgement, in particular the fact that Class Councils must convene outside teaching hours (Article 27 of the General Rules), that the school year must consist of 180 days (Annex I to the same set of Rules), that the current context can no longer be regarded as an "exceptional case" within the meaning of Article 3.2 of the General Rules (which authorises Directors' to rearrange pupils' timetable), that preparation of the Baccalaureate ceremony does not justify cancelling a day's lessons for the youngest pupils and that, finally, the new organisational arrangements are contrary to pupils' interest.

Beyond the somewhat rhetorical arguments that can be used to counter the first two complaints – namely that if afternoon lessons do not take place it is indeed therefore the case that Class Councils are convening outside teaching hours (aforementioned Article 27) and that while the school year must consist of 180 days, Annex I does not require them to be full days – I would make the following points, which seem to me to be of greater importance, since they directly affect the wellbeing of European Schools' pupils and staff.

Pursuant to Article 3.2 of the General Rules of the European Schools, it is the Director's responsibility to draw up *"a timetable for each year group and language section at the beginning of the school year. [...] This timetable shall be communicated on request to the members of the Boards of Inspectors. Except in exceptional cases, it may not be changed during the school year."*

It is a guiding principle that only Directors are competent to assess what is meant by "exceptional cases" within the meaning of Article 3.2, in the light of the structural and organisational situation of their School, of which they have a full picture (availability of teachers, accounting of timetables, difficulty in assessing pupils' competence at the end of a school year whose calendar has fluctuated, etc.).

Some people contend that the coronavirus pandemic, whose consequences have been felt for over a year now, can no longer be regarded as "exceptional", precisely because of its length and of its continuation over time.

This line of argument is valid and one cannot remain insensitive to it. In my opinion, after having tested the waters, so to speak, from a pedagogical and human viewpoint, the fact remains that we are still very much in the presence of exceptional circumstances requiring flexibility and adaptation.

As a preliminary remark, it should be noted that the concept of exception has to be assessed in relation to the normal situation according to which rules and regulations are devised. The fact that an exceptional situation persists does not mean that it can be regarded as normal even so.

In this particular case, the assessments that will be carried out at the end of this June by the Class Councils concerning pupils' promotion will indeed be "exceptional", since relating to observations made during a peculiar school year, where attendance of school in presence, contrary to the spirit and the provisions of Annex I to the General Rules, which aims at maximum harmonisation across the Schools and pupils, has been fluctuating for both the Schools and pupils, some of them and indeed at times whole classes having been quarantined.

It is a fact that the school year now ending has been very particular. Consequently, there is no doubt that assessments of pupils will have to be made using more flexible/individualised criteria, which most probably require longer discussions. The particularity of the Class

Councils of this year 2020-2021 also lies in the fact that, unlike those of the year 2019-2020, they will concern a year that was disrupted in its entirety by the Covid-19 pandemic.

It will also be remembered that at its meeting of 15-17 April 2020, the Board of Governors endorsed the proposal to allow all primary cycle pupils to go up into the year above, except when a pupil's legal representative and the School agreed that he or she should repeat the school year¹.

Now the fact that no decisions on pupils' repeating the year were taken by the Class Councils at the end of the 2019-2020 school year will unquestionably have also an impact on the deliberations of the Class Councils for the current year, 2020-2021.

In this context and in pupils' well-understood interest, which must prevail over any other consideration, there is a need at all costs to avoid teachers deciding mechanically on each case or reaching the point where discussion is curtailed on account of timetable constraints, hence the idea of organising the Class Councils when staff could be yet reasonably able to perform their duties.

The exceptional nature of the coming deliberations (in view of the fact that pupils were not required to repeat a year, of closures and of distance teaching and learning) requires teachers to be offered a setting conducive to their taking appropriate measures, by concretely scrutinising each pupil's case. The organisation of lessons in the form of half-days allows pupils, moreover, to continue to attend school each day, thus maintaining some degree of learning pace.

Broadly speaking, therefore, a balance that has been struck by the Directors between the need to guarantee continuity of education, on the one hand, and the smooth conduct of Class Councils, on the other, does not appear unjustified or disproportionate. At any rate, the contested decision makes pupils' best interests the main focus of concern.

Similarly, it does not appear unjustified or disproportionate to cancel a day's schooling for the youngest pupils for the benefit of students who have passed the Baccalaureate, the ceremony for award of their diplomas requiring complex organisational arrangements to be made, in order to respect the social distancing norms that the Covid-19 pandemic has entailed, something which will be a first for the Schools at the end of this 2020-2021 school year, last year's ceremonies having been cancelled.

Finally, and I will end with this point, whilst Article 3.2. of the General Rules provides that the Director *"draws up a timetable for each year group and language section at the beginning of the school year"*, it is precisely to cope with exceptional situations such as the Covid-19 pandemic that the provision foresees a derogation from that principle.

To date, albeit that a positive trend seems to be emerging thanks to vaccination, the pattern of development of the health situation – and its impact on the organisation of education – remains uncertain, with the result that the Directors have no choice other than to keep pace with these developments and to take the measures that are required incrementally, in line with the said developments.

In any event, the decision to rearrange the timetable for the end of the school year with a view to organisation of the Class Councils could not have been taken earlier, ideally in September 2020, since it would then have been premature and, by its very nature, unfounded.

¹ Decision of the enlarged meeting of the Board of Governors of the European Schools, meetings of 15-17 April 2020 (2020-04-D-26-en-3), pages 7 *et seq.*.

For all these reasons, but also because it is not for me to assess the expediency of the decision that was taken by the Directors, I can but appeal to your understanding and request your support so that the end of this 2020-2021 school year, marked like the previous one by severe disruptions beyond our control, proceeds in the best possible conditions.

Yours faithfully,



Giancarlo Marcheggiano
Secretary-General

cc:

- Mr [REDACTED], President of the Parents' Association of the Brussels III School;
- Ms [REDACTED], President of the Parents' Association of the Brussels IV School;
- Mr [REDACTED], Director of the European School, Brussels I;
- Ms [REDACTED], Director of the European School, Brussels II;
- Ms [REDACTED], Director of the European School, Brussels III;
- Mr [REDACTED], Director of the European School, Brussels IV.