

Policy brief – school choice in Belgium

January 2009

Background on school enrollment policies in Belgium

Education policies in Belgium are organized at the (language) community level. Each community has its own enrollment policy: the Flemish Community, the French-speaking Community and the German-speaking community.

The organization of education across these three communities shares several elements. We highlight four such elements that are particularly relevant for the workshop:

1. School education in Belgium is compulsory and free from age 6 to age 18. Schools – with the exception of international schools that do not follow the imposed curriculum – are not allowed to charge fees. They are **all publicly funded**.
2. There is however **competition and differentiation** among schools along religious lines (religious versus non confessional schools), pedagogy and organizing body (municipalities, provinces, state, confessional or non confessional not-for-profit organizations).
3. Until recently, school enrollment was largely unregulated and **operated as a quasi-market**: parents could send their kids to whichever school they wanted (provided there was space when they asked) and school admission policies were left to individual schools. This led some schools to select insidiously their pupils (by discouraging some from enrolling or by starting registrations long in advance and unaware from parents from disadvantaged backgrounds, for example).¹
4. Enrollment policies are **currently in flux** in the two main language communities: the current policies are controversial and the issue of how to properly regulate excess demand for schools has risen on the public agenda.

Situation in the Dutch-speaking community

Flanders first reformed its enrollment policy in 2003 (GOK decree).² The new policy set a common date for all schools to start registrations. Registrations were taken in person on a first-come first-served basis. When a school's capacity was reached, further applicants would be put on a waiting list in a chronological order. Schools could not decline a pupil's registration unless they had reached capacity.

A second reform took place in 2006. Groups of schools within the same area (aka local coordination platforms, in Dutch: "lokale overlegplatformen", LOP) were allowed to coordinate the details of their school enrollment practices as long as they respected the "first-come, first-served" logic. They could for instance give priority - through an earlier registration period - to siblings of children already at the school and for children from disadvantaged background (as measured by several objective indicators, including income, language at home, degree of the mother,...).

Faced with parents' growing discontent over long queues in front of popular schools, the Flemish education minister announced in March 2008 a two-year period during which local coordination

¹ In practice, such selection concerned a minority of schools.

² "Equal Schooling Opportunities" Decree. The legal documents and texts can be found at www.ond.vlaanderen.be/wetwijs/thema.asp?id=54.

platforms could experiment with enrollment policies as long as they respected the principle of equal treatment of equals. In addition, the new GOK decree allows schools to use a geographic criterion instead of a “first-come first served” criterion when demand exceeds supply. Reform is quite likely after these two years.

The local coordination platform for Gent has been the first one to adopt a geographical criterion to break ties. Specifically, the LOP Gent defines three priority classes:

1. Students who have a sibling already in the school
2. “GOK” students, i.e. students from disadvantaged background
3. Other students

Students who have a sibling in the school have priority over GOK students who have priority over the other students. In case demand exceeds supply, geographical proximity is used to break ties. Students submit their preferences over schools (1st choice, second choice, ...) to the LOP, which runs the algorithm and determines the assignment of schools to students. Parents have two weeks to react. This new procedure is currently being implemented for the 2009-2010 academic year.

Situation in French-speaking Belgium

In 2007, the French-speaking community also introduced a system of enrollment based on a “first-come first-served” (enrollment decree). Like in Flanders, the most visible consequences of the new policy were daylong queues in front of many schools (including some that had never reached capacity in the past), multiple registrations that led to uncertainty for pupils on the waiting lists, and parents’ frustration.

A second reform took place in 2008 (social diversity decree, in French: décret mixité). The “first-come first-served” principle was dropped and replaced by a combination of community-wide priorities, school-set quotas for different priority categories, and random priorities for pupils belonging to the same quota class. Specifically,

1. Students are categorized into priority students or non priority students. Students who have priority in a school are those who:
 - a. have a sibling in that school
 - b. have a parent working in that school
 - c. has special needs (handicap)
 - d. use the boarding infrastructure of that school
 - e. are in a shelter or in foster care
 - f. were in a (language) immersion school in primary school and the target secondary school is an immersion school
 - g. come from one of (the maximum two) partner primary schools of that school.
2. The administration announces the set of disadvantaged primary schools that benefit from the “social diversity” status.
3. Each school announces the number of places available as well as the proportion of places available to students from the borough (geographic proximity) and the proportion of places reserved for students from disadvantaged primary schools (social diversity criterion, must be at least 15%). Finally, the schools announce the randomization mechanism to be used in case of excess demand (choice among three).

4. If demand exceeds supply:
 - a. A lottery number is drawn for all students
 - b. Students are categorized into “borough” and “non borough students.” In each category, students are temporarily accepted according to their priority status, their lottery number (independently of the lottery number, priority students have priority over non priority students) and up to the number of places assigned to each category. If within a category (borough / non borough), there is excess supply, students on the waiting list from the other category are assigned these extra places.
 - c. If the result does not reach the minimum level of social diversity, permutations of students are carried out as follows. Starting with the “borough students”, the procedure looks at the first “social diversity” student in the waiting list, accepts him/her and puts the last “social diversity” student that was temporarily accepted on the waiting list. The process continues until the social diversity proportion is satisfied or there is no more “social diversity” student on the waiting list. If this is the case, the procedure is repeated for the non borough” students.
 - d. Accepted students are informed and requested to inform the school(s) they no longer want if they receive multiple firm registrations. Schools with students on their waiting list can then give firm registrations to other students.

Heated debates surrounded the approval of the decree. Opponents argued, among others, that the decree went against parents’ freedom of choice, that it would deteriorate quality standards because school directors could no longer ensure that the students and their parents endorsed the school’s pedagogy, ...etc. Interestingly, in an early project (better received by parents’ associations), the final decision if demand exceeded supply was left to school directors. This was deemed illegal by the Conseil d’Etat (the body that checks the legality of new laws). The use of a lottery was the fall-back option.

A big drawback of the procedure is that **applications remain decentralized**, thus enabling multiple hanging registrations. This drawback was already highlighted at the time the decree was approved. People did not however anticipate the extent of multiple registrations. Schools, especially in dense areas, have been flooded with applications.

In preparation for the workshop, we called all secondary schools in French-speaking Belgium at the end of the registration period. We asked them for their capacity and the number of applications they had received. 59 % (303 schools) responded (reasons for not responding included “do not have time”, “cannot reveal this information”, “do not want to answer”).³ The response rate in Brussels metropolitan area was 67%. The results are the following:

1. **28%** of the schools that responded had received more requests than capacity. This is to be compared with the fact that in September 2008, only 5.5% of all schools were at capacity. In Brussels metropolitan area, **68%** of the schools received more requests than capacity (for a total of 49 schools out of 72 respondents). Many of the “fashionable” secondary schools in Brussels did not answer.
2. Among the respondents, the median school in French-speaking Belgium received requests for 71% of their seats. The median school in Brussels metropolitan area received 2.16 times more requests than capacity.

³ We suspect that the non respondents are both the schools that were flooded with registrations and the schools that received very little relative to their capacity.

3. In Brussels, the distribution of the ratio between the number of registrations and capacity is bimodal, reflecting the duality of the school system: bad schools attract very few registrations and good schools attract a lot more registrations than their capacity.

These numbers should be interpreted in light of an estimated number of eligible students of 49,946 compared with an estimated total number of places of 70,165.

This phenomenon of multiple registrations has been referred to as the bubble. It is causing anxiety for parents who still do not know (almost two months after the end of the registration period) where their kids will go. School administrations, which are supposed to write to all applicants with the result of the lottery, are overwhelmed. There are calls for parents that hold multiple firm registrations to drop those they do not want in order to help the bubble deflate.

Here is a **summary of recent events**:

1. **Parents have been divided.** The federations of parents associations (UFAPEC and FAPEO) have called for an evaluation of the decree and they have encouraged parents holding multiple firm registrations to drop those they did not want.

Others have filed suits during the registration periods to suspend or cancel the decree (they were followed by the conservative opposition). Other suits were filed in Brussels when the registration period was closed and lottery numbers were drawn. These suits have suspended the procedure until last week. On January 14, 500-600 parents demonstrated in Brussels. Those parents call other parents not to do anything (including not cancel their registrations in less-preferred schools if they have a firm registration elsewhere).

2. Some **school directors** have refused to apply the decree (they have been suspended)
3. The **education minister**, Christian Dupont, has pronounced the decree dead shortly after the end of the registration period (December 10). In particular, he has declared that the use of lottery had shown its limit and that it will never be used again. He has voiced his interest for geographical proximity as a criterion to break ties. At the same time he has also declared that his team would start again from scratch for the next decree.
4. **Schools have been comparing their lists** to try and identify parents holding multiple firm registrations and speed up the “deflation” of the “bubble”. Initially, minister Dupont had promised that lists would be first compared within networks (catholic / non catholic) and then between networks and that this procedure would be over by January 20. A couple of weeks ago, he claimed in front of the parliament that the bubble was deflating.

However, among others because the situation in Brussels was stuck due to the suits, unofficial news suggests that deflation is happening only very slowly. Last Friday, newspaper reported that the catholic network had sent letters to parents holding multiple registrations in catholic schools. This suggests that we are only at the beginning of the comparison of lists within networks.

My interpretation of these events (and I insist it is my own reading of the events, others – including the Belgian speakers at the conference – may have a different reading) is the following:

1. Minister Dupont has not understood what actually went wrong in the decreet. He says he accepts the responsibility for the failure but he blames it on the lottery. At times, he even mentions that the decreet would not have failed if the Conseil d’Etat had allowed a system where school directors have the final word when there is more demand than places available. Arbitrary (and unknown at the time of registrations) decision by school directors would have led to the same phenomenon of multiple registrations as experienced with the lottery system.

2. There is confusion in the public debate between the objectives of the decree and the ways to achieve them. Because the two last decrees have failed, people tend to consider – maybe opportunistically? – that the objectives were wrong. This is certainly visible in some parents’ positions but also at the political level where now some politicians (including people close to minister Dupont) suggests the use of geographical criterion to break ties when demand is greater than capacity.
3. More generally there is (opportunistically?) confusion about what’s possible or not. For example, opponents to the decree claimed that it constrained their freedom of choice (a sacred value). In fact, the decree is there *because* some schools (a minority of them – around 5%) could not meet the demand they faced. We live in a world of constrained freedom of choice: before and after the decree.
4. In the process of dealing with the bubble, some ideas that were until very recently considered as taboo may be making progress. One such idea is the need to centralize the process and ask for preferences over schools. Concerns raised against this idea include privacy protection, unwillingness to delegate the process from schools to a central administration, unwillingness to share information between the two main competing networks (catholic and non catholic schools). The current chaos may make people more pragmatic. It may also have to do with the way this is presented (symbolisms matter).
5. As may be apparent at the workshop (I hope not too much), the whole debate is very emotional. Stake-holders are so upset about the chaos that followed the past two decrees that some would prefer to reverse to the status-quo. At a minimum, people will be highly skeptical about any proposed new solution.