

Binding study advice regulation

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Summa College



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A: binding study advice procedure BOL

This procedure applies to all BOL students, with the exception of BOL students in an Entrance course. For students in an Entrance study programme, the regulation in chapter C applies.

Before a binding study advice (A3) can be given, the student must have already received 2 written study advice and 2 written evaluations in which it is clear that the student has not fulfilled the agreements made.

A1. 1st Study advice

- a. A first written study advice can be given at
 - Failure to comply with agreements made at the time of admission to a training course.
 - Insufficient progress in a student's study progress in accordance with Education and Examination Regulations / study guide¹. (Unauthorized) absenteeism.
- b. The career counsellor will record the 1st study advice in writing in the 'study advice form'. The study advice contains agreements/improvements that the student must comply with, as well as a term in which the agreements must be complied with.
- c. The career counsellor will discuss the study advice with the student, if possible together with his parents/representatives if the student is younger than 23 years of age.
- d. The study advice is drawn up in duplicate. After being signed by the career counsellor, the documents are presented to the student for signing.
- e. At the end of the agreed term an evaluation interview will take place with the student, if possible together with his parents/representatives if the student is younger than 23 years of age. The career counsellor will record the evaluation of this 1st study advice in writing in the 'study advice form'.
- f. If the student has fulfilled the agreements made within the set term, this 1st study advice will lapse. If the student has not complied with the agreements, the student will be issued with the 2nd study advice.

A2. 2nd Study advice

- a. If the evaluation of the 1st study advice shows that the student has not fulfilled the agreements within the agreed term, this leads to a 2nd written study advice. This advice states that if the student again fails to comply with the agreements, this will lead to termination of the teaching agreement.
- b. The careers advisor records the second study advice in writing in the 'study advice form'. Once again, the study advice contains agreements / improvement actions that the student must comply with, as well as a term in which the agreements must be complied with.
The career counsellor will discuss the study advice with the student, if possible together with his parents/representatives if the student is younger than 23 years of age. The study advice is drawn up in duplicate. After the career counsellor has signed it, the documents will be presented to the student for signing.
- c. At the end of the agreed term an evaluation interview will take place with the student, if possible together with his parents/representatives if the student is younger than 23 years of age. The evaluation of this second advice will be recorded in writing by the career counsellor in the 'study advice form'.

¹ A study advice cannot therefore be given on the basis of behaviour or a negative (professional) attitude if these aspects are not explicitly included as an assessment aspect in the OER/training guide/study guide.

- d. If the student has fulfilled the agreements made within the set term, the education agreement will not be dissolved. However, the 2nd study advice remains valid throughout the entire program. If the agreements have not been met, a binding study advice will be issued.

A3. Binding study advice

- a. If the evaluation of the ^{second} study advice shows that the student has not fulfilled the agreements within the agreed term, this will lead to a final and binding study advice which includes the termination of the education agreement.
- b. The binding study advice is recorded in writing by the careers advisor in the 'study advice form'.
- c. The binding study advice is discussed in the education team.
- d. The director invites the student for an oral discussion of the binding study advice, if possible together with the parents/representatives if the student is younger than 23 years of age. The binding study advice is drawn up in duplicate. After signature by the director, the documents will be presented to the student (and the parents/guardians if present) for signature. With the signature of the student (and parents/guardians) the education agreement ends in accordance with art. 12(2)(c) of the conditions attached to the education contract.*
- e. If the student indicates that he does not wish to follow the binding study advice, the Director of the School terminates the contract of education with immediate effect by giving written notice of termination as provided for in Article 12(2)(d) of the conditions of the contract of education.*
- f. If the student (and the parents/carers if the student is younger than 23) does not have a responds to the invitation to discuss the binding study advice, sends a one-off reminder to the Director. The school gives the student (and the parents/guardians if the student is younger than 23) the opportunity to demonstrate within 8 school days after sending the reminder that he still accepts the invitation to discuss the binding study advice.
If, after the specified period of 8 school days, the student (and the parents/guardians if the student is younger than 23) fail to comply with the invitation, the director of the school terminates the Education Agreement with immediate effect by giving written notice as stipulated in Article 12, Paragraph 2 under d. of the conditions of the Education Agreement.*

* Please note: if a student is younger than 18 years old, the education contract can only be terminated if it can be demonstrated that 8 weeks of unsuccessful searches for another school have taken place, see Article 9.5 of the Students' Charter.

B: Binding study advice procedure BBL

This procedure applies to all BBL students, with the exception of BBL students in an Entrance course. For students in an Entrance course the regulation in chapter C applies.

Before a binding study advice (B3) can be given, the student must have already received 2 written study advice and 2 written evaluations in which it is clear that the student has not fulfilled the agreements made.

B1. 1st Study advice

- a. A first written study advice can be given at
 - Failure to comply with agreements made at the time of admission to a training course.
 - Insufficient progress in a student's study progress in accordance with Education and Examination Regulations ²study guide . (Unauthorized) absenteeism.
- b. The first study advice is, if desired by the school after having heard the representative of the learning company, recorded in writing by the career counsellor in the 'study advice form'. The study advice contains agreements to which the student must adhere and a term within which the agreements must be met. If desired by the school, a copy of the study advice will be sent to the learning company.
- c. The careers advisor discusses the study advice with the student. The study advice is drawn up in duplicate. After the career counsellor has signed it, the documents are presented to the student for signing.
- d. At the end of the agreed term an evaluation interview will take place with the student. The evaluation of this first study advice is recorded in writing by the career counsellor in the 'study advice form'.
- e. If the student has fulfilled the agreements made within the set term, this 1st study advice will lapse. If the agreements have not been met, the ^{second} study advice will be issued.

B2. 2nd Study advice

- a. If the evaluation of the 1st study advice shows that the student has not fulfilled the agreements within the agreed term, this leads to a 2nd written study advice. This advice states that if the student again fails to comply with the agreements, this will lead to termination of the teaching agreement.
- b. The second study advice is recorded in writing by the career counsellor, after having heard the representative of the learning company, in the 'study advice form'. The study advice once again contains agreements to which the student must adhere, as well as a term within which the agreements must be met. A copy of the study advice will be sent to the student company.
- c. The study advice will be discussed by the career counsellor with the student, if possible together with the representative of the learning company.
- d. The study advice is drawn up in duplicate. After being signed by the career counsellor, the documents are presented to the student for signing.
- e. At the end of the agreed term, an evaluation interview will take place with the student. The evaluation of this second advice is recorded in writing by the career counsellor in the 'study advice form'.

² A study advice cannot therefore be given on the basis of behaviour or a negative (professional) attitude if these aspects are not explicitly included as an assessment aspect in the OER/training guide/study guide.

- f. If the student has fulfilled the agreements made within the set term, the education agreement will not be dissolved. However, the 2nd study advice remains valid throughout the entire program. If the agreements have not been met, the binding study advice will be issued.

B3. Binding study advice

- a. If the evaluation of the ^{second} study advice shows that the student has not fulfilled the agreements within the agreed term, this will lead to a final and binding study advice which includes the termination of the education agreement.
- b. After hearing the representative of the student company, the career counsellor will record the binding study advice in writing in the 'study advice form'.
- c. The binding study advice is discussed in the education team.
- d. The director invites the student and the representative of the learning company in writing for an oral discussion of the binding study advice. The binding study advice is drawn up in duplicate. After signature by the director, the documents will be presented to the student for signature. With the student's signature, the education agreement ends in accordance with Article 12.2 under c. of the terms and conditions attached to the education agreement).*
- e. If the student indicates that he does not wish to follow the binding study advice, the director of the school terminates the teaching agreement with immediate effect by giving written notice of termination as stipulated in Article 12, Paragraph 2 under d. of the conditions of the teaching agreement.*
- f. If the student does not comply with the invitation to discuss the binding study advice, the director will send a one-time reminder. The school gives the student the opportunity to demonstrate within 8 school days after sending the reminder that he still accepts the invitation to discuss the binding study advice.
If, after the set period of 8 school days, the student fails to comply with the invitation, the director of the school terminates the Education Agreement with immediate effect by giving written notice as stipulated in Article 12, Paragraph 2 under d. of the conditions of the Education Agreement.*

* Attention: if the student is younger than 18 years old, the education contract can only be terminated if it can be shown that 8 weeks of unsuccessfully searching for another school, see article 9.5 student statute

C: Procedure for binding study advice Entrance to study programmes

The procedure binding study advice Entrance study programmes only applies to students who are enrolled in an Entrance study programme.

A binding study advice in accordance with Article 8.1.7a of the Education and Vocational Education Act (Wet Educatie en Beroepsonderwijs, WEB) will in any case be issued to every student enrolled in an Entrance study programme no later than 4 calendar months after commencement of the study programme. If

the study programme is continued after these 4 months, the student may also be given binding study advice in accordance with the procedure described below.

Before a negative binding study advice can be given, the student must have received at least 1 written study advice and 1 written evaluation in which it is clear that in the opinion of the competent authority, taking into account his personal circumstances, the student has made insufficient progress in the study programme.

C1. Training agreement

- a. At the start of the programme, the career counsellor and the student will make agreements about the programme the student will follow. The agreements relate to
 - Study results and study progress necessary for students to have the prospect of certification
 - Presence and motivation of the student
 - Standard educational support from the school to the student
 - Date on which the 1st study advice will be given to the student
- b. If applicable, agreements will also be made about the offer of extra support for the school.
- c. If applicable, agreements will also be made about the offer of additional support by other external partners.
- d. If necessary, the parents or representatives of the student and representative(s) of the external partner(s) involved are invited by the school to attend the appointments to be made.
- e. The agreements made will be laid down in writing in a training agreement, which will in any case be signed by the student and the student's career counsellor.
- f. The training agreement may be submitted to the representative(s) of the external partner(s) with whom agreements have been made for signature. If the student is less than 18 years old at the start of the program, the program agreement will also be submitted to the parents/representatives of the student for signature.
- g. The education agreement is a supplement to the education agreement signed by the student and the competent authority for the study programme in question and forms an integral part thereof.
- h. The school will provide the student, the parents/representatives of the student and external partners involved with a copy of the training agreement signed by all parties.

C2. Study advice and study advice form

- a. Each study advice within the framework of this procedure relates to the student's study results, study progress, attendance, and motivation as described in the study programme agreement and/or the OER/training guide and gives the student an insight into the extent to which the student - taking into account his/her personal circumstances - can reasonably be considered capable of obtaining the Entrance Degree.
- b. During the school year, in principle 4 study advices are given to students by the career counsellor, if possible in the following periods:
 - 1st study advice about 8 weeks after the start of the course
 - 2nd study advice within 17 weeks but in any case no later than 4 months after the start of the course
 - 3rd study advice approximately 26 weeks after the start of the course
 - 4th study advice about 37 weeks after the start of the course
- c. If, according to the career counsellor, this is necessary, an interim evaluation of the 1st study advice may be agreed upon with the student between the 1st and 2nd study advice, provided the student has been informed of this at least three school days in advance.
- d. The 2nd, 3rd and 4th study advice may be accompanied by a written decision negative binding study advice, in which case the education agreement with the student will be terminated.

- e. Each study advice given to the student by the career counsellor is preceded by an evaluation of the agreements made in the program agreement and any additional agreements made within the framework of this procedure.
- f. Each study advice is discussed with the student and in any case recorded in writing in the study advice form:
 - to what extent the student's study results and progress meet the requirements of the programme of study
 - to what extent attendance and motivation meet what is required of the student
 - to what extent the student is reasonably expected to be able to obtain the Entrance Diploma at that time
 - whether extra support is offered to the student and, if so, what support it concerns, who will offer the support and in what period of time support will be offered
 - whether additional agreements should be made with the student in order to achieve the necessary improvements and, if so, what these agreements are
 - the date on which the study advice will be evaluated with the student and a next study advice will be given to the student or this next study advice may have a binding character
- g. If necessary, the parents or representatives of the student and representative(s) of the external partner(s) involved are invited by the school to attend the discussion of the study advice.
- h. If the student has previously deregistered with the career counsellor for a legitimate reason to discuss the study advice, a new date will be agreed with the student, insofar as this is possible within 2 weeks after the originally planned date at the latest. For the ^{second} study advice, it must also be possible to agree a new date with the student at the latest within 4 months after the start of the programme of study.
- i. If the student is absent without a legitimate reason when discussing the study advice or discussion is not possible in accordance with the provisions under h above, the career counsellor will draw up the study advice form without having discussed it with the student.
- j. The study advice form is signed by the careers advisor and presented to the student for signature.
- k. The school will send a copy of the signed study advice form to the student, the parents/representatives of the student and the representative(s) of the external partner(s) who co-signed the Study Advice Agreement.

C3. Study advice decision

- a. The ^{2nd}, ^{3rd} and 4th study advice is accompanied by a decision (binding) study advice on whether or not to continue the study programme by the student.
- b. If agreements have been made with external partners in the training agreement, the representative(s) of the external partner(s) will be heard prior to the formation of the binding ^{2nd} study advice decision. If necessary, the external partners concerned may be heard prior to the establishment of the decision ^{3rd} and/or 4th study advice.
- c. The decision is study advice:
 - Positive about the continuation of the program if the student, based on the study results, progress, attendance and motivation, is reasonably expected to be able to obtain the Entrance Diploma, or;
 - Negative and binding and leads to termination of the study programme if the student, based on the study results, progress, attendance and motivation and with due observance of his personal circumstances, is not reasonably considered able to obtain the diploma for the Entrance study programme for which the educational agreement has been concluded between the competent authority and the student.

I. Decision positive study advice

- d. A decision in favour of continuing the study programme is discussed by the career counsellor with the student and, if necessary, the parents/representatives of the student and representative(s) of the external partner(s).
- e. In the positive study advice decision, the student is advised in writing, if possible, about the most suitable possibilities for moving on to an additional study programme or for moving on to work.
- f. At the 4th study advice, the career counsellor will also determine whether the student is allowed to take part in the examination and, if so, in which qualification. If the student is not yet allowed to take part in the examination at that time, this decision, stating the reasons, will be communicated to the student and recorded in writing. If possible, agreements will be made and recorded in writing with the student about the extension of the programme of study, the conditions under which and the moment at which the student may still take the examination.
- g. The decision positive study advice is signed by the career counsellor and presented to the student for signing.
- h. The decision in favour may be presented for signature to the representative(s) of the external partner(s) who co-signed the training agreement. If the student is less than 18 years old, the decision positive study advice can be offered to the parents/representatives of the student for signature.
- i. The school will provide the student, the parents/representatives of the student and the representative(s) of the external partner(s) who has/have co-signed the Study Advice Agreement, with a copy of the signed study advice form and a positive study advice decision.

II. Decision Negative binding study advice

- j. In the case of a negative binding recommendation, the Director invites the student and, if possible, the parents/representatives if the student has not yet reached the age of 23 and, if necessary, the representative(s) of the external partner(s) concerned for an oral discussion of the study advice. The career counsellor will be present at this meeting.
- k. If the student does not comply with the invitation to discuss the study advice, a reminder will be sent to the student once, giving the student the opportunity to show acceptance of the invitation within 3 school days after the reminder has been sent. If, after the set period of 3 school days, the student does not comply with the repeated invitation or discussion of the study advice, in accordance with the provisions of C2.h, the study advice form and decision will be drawn up in a negative binding study advice without having heard the student.
- l. The written decision negative binding study advice:
 - Reasoned
 - indicates the decision to terminate the education agreement with the student
 - mentions the possibility for the student to appeal against the decision
 - shall be signed by the Director and the Career Counsellor
- m. If possible, follow-up agreements will be made with the student about supervision and aftercare, which agreements will be recorded in writing.
- n. The binding negative study advice decision is presented for signature to the student, to the parents/guardians of the student in case the student has not yet reached the age of 18 and to the representative(s) of the external partner(s) who co-signed the program agreement.
- o. With the signing of the negative binding study advice by the student and the parents/guardians in case the student has not yet reached the age of 18, the education agreement ends by mutual consent as referred to in Article 12, Paragraph 2, sub c of the General Terms and Conditions to the education agreement.

- p. If the student and the parents/guardians, in the case the student has not yet reached the age of 18, do not sign the binding negative study advice decision, the competent authority terminates the education agreement in accordance with Article 12 paragraph 2 sub d of the General Terms and Conditions attached to the education agreement.
- q. Termination of the education agreement of a student to whom the Compulsory Education Act 1969 applies will only take place after the competent authority has made an effort to find another school willing to admit the student. Another school means a school for (special) secondary education or an institution for (education and) vocational education. If it can be demonstrated that 8 weeks of unsuccessfully searching for another school to which the student can be referred, the education agreement will be dissolved by the competent authority and the student's enrolment for the Entrance programme in question will be terminated. The competent authority will inform the compulsory education officer of the intention to terminate the education agreement.
- r. The school will send a copy of the signed study advice form and the negative binding study advice decision to the student, the parents/representatives of the student and the representative(s) of the external partner(s) who co-signed the study agreement.

D: Dispute resolution

If the student does not agree with the binding study advice, it is possible to file a formal complaint:

- a. Students following a course at MBO level 2, 3 or 4 should make use of the general complaints procedure as published on www.summacollege.nl.
- b. In the case of a binding study advice within the Entrance study programme, the following applies:
 - In the case of a negative binding study advice within 4 months after the start of the study programme, the student must lodge an appeal with the Examination Appeals Committee within two weeks after the negative advice has been issued.
 - In case of a negative binding study advice later than 4 months after the start of the study programme, the student should use the complaints procedure general matters (as published on www.summacollege.nl).
 - In the case of a positive binding 4th study advice in which it is stipulated that the student is not yet allowed to take an examination, the student must submit an objection to this to the examination board in accordance with the provisions of the TER/Opleidingsgids.