

INTERPARENTS MEMO

Dear European School Parents,

We would like to inform you that two Interparents representatives were finally able to meet, after three urgent requests, with the Head of European Bacculaureate Unit and the Deputy Secretary General of the European Schools to get information on the measures adopted to address concerns expressed by parents across the schools on the 2018 European Bacculaureate exams.

Unfortunately, these concerns have been only partially addressed.

Specific instructions have been given to the correctors in order to address some of the particular issues raised, including:

- Maths 3 paper. Question 7 (confusion over the wording of "the high jump" problem)
- Maths 3 paper. Question 1 (the misuse of a plural in the Dutch translation)
- Physics paper. Question 2Ba (The Newton theory)

The average results for the Maths exams appear slightly lower compared to last year's Maths results. Despite this, the Chair of the Examining Board of the European Bacculaureate has decided¹ not to make use of her power to ensure assessment moderation of the European Bacculaureate written exams².

Administrative appeal

Any parent or student who feels that a procedural irregularity has adversely affected the student's Bacculaureate results should consider lodging a formal complaint. An administrative appeal, formulated in writing and specifying the reasons, must be lodged with the Chairman of the Examining Board of the European Bacculaureate through the Director of the School attended by the candidate.

Please be informed that any contentious appeal may be lodged with the Complaints Board³ only if an administrative appeal has been lodged with the Chairman of the Examining Board and only if an express or implied decision rejecting it has been taken.

Who should lodge an appeal?

Even if you feel that you have been harmed as a result of the Bacculaureate proceedings, you should not automatically consider lodging a formal complaint. The possibility should be considered only if you feel that the outcome of the Bacculaureate exams has been prejudicial to

¹ According to the explanations given orally to Interparents during the meeting mentioned above. (

² See Article 6.4.9.8 of the Arrangements for Implementing the Regulations for the European Bacculaureate (hereinafter A.I.R.E.B. – Document 2015-05-D-12-en-10). Moderation allows recalculation of values either for the whole examination or for individual questions as a result of i) eliminating of one or more questions, adapting marking instructions, remarking, etc. or ii) establishing a re-examination for all or some of the candidates.

³ A legal action.

you exams' performance due to any infringement of the rules governing the Baccalaureate examinations and its implementation.

Particularly, parents or students may lodge an appeal in the case when a student failed to obtain the Baccalaureate Diploma or, even though he/she has successfully passed the exams, the marks obtained do not enable the student to enrol in the University of his/her choice.

You are entitled to lodge an appeal if, for example, due to specific or general procedural irregularity⁴:

- You have failed the Baccalaureate.
- You have received a low overall mark or low subject mark that has jeopardised your access to university⁵.

Important: If a student is 18 years of age only he/she can lodge the appeal. If a student is under 18 years of age, his/her legal representatives must lodge the appeal.

Deadline for lodging an appeal

The claim should be lodged not later than 10 calendar days⁶ after the communication of the Baccalaureate results. The Director of the School will send electronically the complaint accompanied by all the relevant documentation to the Secretary-General of the European Schools not later than 2 working days after the reception at the School.

First steps

The immediate first step for lodging an appeal is to formally request the Director of your school to deliver a copy of the documentation related to the written exam, including:

- the original script
- the final mark awarded to the examination script
- the mark awarded by each of the correctors
- the correctors' commentaries
- the examination paper
- the marking scheme

The request for papers must be made **in writing** to the Director of the School not later than 4 calendar days after the candidate has been informed of the Baccalaureate examination results.

The Director will make all documents available not later than 3 calendar days after receipt of the request.

Possible grounds for an appeal

Not all anomalies trigger the possibility of lodging an appeal. The only grounds for appeal are formal irregularities, i.e. any violation of a rule of law relating to the procedure provided for by the texts governing the European Baccalaureate, including the provisions made in this respect by the Board of Governors and the Board of Inspectors. An appeal may only concern procedural defects

⁴ Pedagogical assessments to whether the grade (s) assigned to a pupil actually reflect his or her performance in the examination at issue are excluded.

⁵ *That request is meant to obtain the minimally required level by certain Universities for enrolment in the faculty of the student's choice.*

⁶ *All days in a month including weekends and holidays.*

or irregularities in the conduct of the examination, including administrative error, which could have adversely affected a candidate's performance or the outcome of the examination⁷.

Interparents has up to this point identified the following possible grounds for an appeal:⁸

Maths 5 Paper without calculator

Interparents would like to refer to Document 2018-01-D-4-en-1 "Quality assurance of the 2018 Baccalaureate Written Examinations Papers" in Annex I, a document that describes the content and formal criteria for the written exams papers.⁹

In page 15 of that document, the following¹⁰ is stated:

"These questions are designed strictly to test the basic knowledge and skills laid down in the first 2 columns of the syllabus for this course."¹¹

It is Interparents' view that this rule of procedure may have been breached in questions 2, 4 and particularly 5 of the 5-period Maths exam without calculator.

For example, question 5 asks the following:

Solve the equation $(2z + 3) i = z^{12}$

Whereas the syllabus¹³ only refers to the following type of equations:

Solve a quadratic equation with real coefficient without a calculator

Solve an equation of the form $z^2 = c$ where c is a complex number.

This question may therefore, arguably, constitute a formal irregularity as it would represent a breach of the principle contained in Document 2018-01-D-4-en-1 cited above.

Math 3 Paper

It is Interparents view the wrong translation in the Dutch version may have been breached Article 3.1 of the A.I.R.E.B. which establishes the right for all students to the uniformity of the Baccalaureate examination ("*All written European Baccalaureate examinations shall be the same for all candidates, irrespective of the language section to which they belong*").

⁷ See Article 12.2 of A.I.R.E.B. It is settled case-law that the wide discretion which an Examining Board enjoys in determining the procedures and the detailed content of the written and oral tests which candidates are required to undergo must be offset by a scrupulous observation of the rules governing the organisation of those tests (judgments in *Girardot v. Commission*, T-92/01, paragraph 2 and *Christensen v. Commission*, T-336/02, paragraph 38).

⁸ This does not intend to be an exhaustive list of possible ground for appeal. Nevertheless it is indispensable that a formal irregularity is proved in all cases.

⁹ Page 2 of the document. Available under request.

¹⁰ Regarding questions included in the Examination without Technological Tool.

¹¹ S7 syllabus.

¹² With an overline.

¹³ Document 2010-D-611-en-3, page 2.

Physics

Question 2 b) a). There is no specific reference to the Newton theory in the syllabus¹⁴. This could also constitute a procedural irregularity in the sense of Article 12 of the “Arrangements for the European Baccalaureate” and provide a ground for appeal.

How can your APEEE support you

Your APEEE can provide you with general advice, with the support of Interparents, on whether there are possible grounds for an appeal in your case.

For more specialised advice, parents should seek legal aid and contact a lawyer with some specific understanding of the peculiarities of the legal system of the European schools.

Sincerely,

Pere Moles Palleja, Kathryn Máthé, Jan Von Pfaler
Interparents.

¹⁴ <https://www.eursec.eu/Syllabuses/1998-D-45-en.pdf>