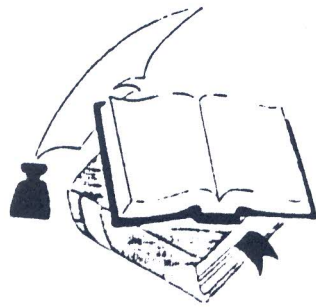


DRAFT

Island Ordinance  
governing the granting  
of  
Study-Financing



THE ISLAND COUNCIL OF THE  
ISLAND TERRITORY OF SINT MAARTEN

Island Ordinance governing the granting  
of study financing.

DRAFT

No. 2

THE ISLAND COUNCIL OF THE ISLAND TERRITORY OF SINT MAARTEN

Considering: that it is desirous to establish regulations with reference to the granting  
of study financing by the Island Government;

In view of : the Island Regulation Netherlands Antilles ( P.S. 1951, no.39) as  
amended;

RESOLVES

to establish the following Island Ordinance Study Financing Sint Maarten:

Chapter 1

Description of terms

Article 1

1. For the application of that established in or by virtue of this island ordinance shall  
be understood by:
  - a. resident: the person who is registered at the Registry office of  
the Island Territory of Sint Maarten and who actually  
resides here;
  - b. student: the person for whom study financing is being  
requested or to whom it has been granted;
  - c. legal representative: parent, guardian or caretaker, under whose authority  
a minor student is;
  - d. study financing: the provision of funds for studying;
  - e. scholarship: a contribution from the island treasury for studying.

f. committee: which contribution need not be repaid, unless there is talk of revoking the study financing retroactively; the study financing committee, as meant in Chapter 5 of this ordinance.

2. Where in this ordinance, the masculine form is used, this is considered to also apply to persons of the female gender.

## Chapter 2

### Requirements for the granting of study financing

#### Article 2

1. For study financing from the island treasury shall be considered those who in any event meet the following requirements:
  - a. they were born on Sint Maarten or one of their parents was born on Sint Maarten;
  - b. they have been a resident of Sint Maarten for at least the last 2 years, preceding the request for study financing for the first year of study, unless in that period they have been receiving secondary education outside of Sint Maarten; in the latter case the legal representative must be a resident of Sint Maarten at the time of the request;
  - c. they have the Dutch nationality;
  - d. they have reached the age of 18, but have not yet reached the age of 26 on September 1<sup>st</sup> of the year in which the academic year, for which the request has been submitted, is due to start.
2. Contrary to that established in the first paragraph, sub a, b and c, the following persons may also be considered for study financing:
  - a. Antillean youngsters, as meant in article 1, sub a, b and c of the Federal study grants Regulation, who during at least the last two years, preceding the request for study financing for the first year of study, have been resident of Sint Maarten;
  - b. other persons having the Dutch nationality, who have been resident on Sint Maarten for at least the last 5 years, preceding the request for study financing for the first academic year;
  - c. persons of other nationalities, who for at least the last 10 years, preceding the request for study financing for the first academic year, have been a resident of Sint Maarten.
3. On the basis of a request to that effect by the student or his legal representative, the Executive Council may deviate from that established in the first paragraph sub d, in the matter of the minimum age of 18, if the student has completed or shall complete a final form of secondary education at an earlier age.



### Article 3

1. Notwithstanding that mentioned in article 2, the following requirements shall be in effect, in order to be eligible for study financing:
  - a. some final form of secondary education has been completed;
  - b. study financing is requested for studies or training for which there are no facilities on Sint Maarten or for studies or education at the University of Sint Maarten;
  - c. the person concerned has been or shall be admitted to the intended educational institution;
  - d. the person concerned is not eligible for study financing from the federal treasury or from other sources, unless the study financing from other sources is not sufficient;
  - e. the person concerned was not eligible for study financing from the island- or the federal treasury previously.
2. Contrary to that mentioned in the previous paragraph, sub e, a student who has been previously granted study financing for Secondary Vocational Education, after completing last mentioned, may be eligible for study financing for Higher Vocational Education in the same or a related area of study.

### Article 4

In cases, in which the student does not meet one or more requirements as mentioned in articles 2 and 3, or after secondary education has completed studies, the Executive Council may still grant study financing if they should be of the opinion that the Sint Maarten Community will benefit from the intended studies.

## Chapter 3

### Expenses which may be approved for study financing

### Article 5

The following types of expenses are taken into consideration when determining the amount of the study financing:

- a. the college- or course fees due to the educational institution, as well as the exam- or preliminary exam fees;
- b. the costs of study material, such as books etc.;
- c. cost of living during the studies;
- d. insurance expenses, specifically premiums and cost of insurance against illness and accidents during the period for which study financing is granted;
- e. outfitting expenses, specifically the costs of necessities to be acquired at the start of the studies, for settling outside of Sint Maarten in connection with the studies;
- f. travelling expenses, incurred in connection with travel between the island territory and the location of the study;

- g. supervision expenses, specifically the costs due to the authorised person meant in article 17, for the counselling and supervising of the applicant;
- h. practical training expenses, specifically costs related to practical training done during the studies, including the travel expenses associated with this;
- i. the costs of medical examination of the student in connection with the request for study financing.

## Chapter 4

### Form of study financing

#### Article 6

1. Study financing is essentially granted as a combination loan- scholarship;
2. Study financing which per year does not exceed an amount to be established by the Executive Council per year, is granted as a scholarship;
3. In cases as meant in article 4, only a loan is granted;
4. Further regulations are established by Island Resolution governing administrative decrees, with regard to:
  - a. the maximum amount of the study financing, insofar as is necessary, broken down into the types of expenses mentioned in article 5;
  - b. the maximum amount of the study financing, in relation to the taxable income of the legal representative(s) and/or the personal income of the student;
  - c. the instances in which a scholarship is granted and the amount of this, taking into consideration the amounts of the various types of expenses mentioned in article 5 and the income of the legal representative(s) and/or the student;
  - d. the relationship in terms of percentage between loan and scholarship;
  - e. the interest to be calculated on the loan;
  - f. the amount as meant in the second paragraph

## Chapter 5

### The study financing committee

#### Article 7

1. The Executive Council shall set up a study financing committee which is charged with the task of making recommendations to the Executive Council with regard to requests for study financing relative to the procedure for processing the requests insofar as this is not covered in this ordinance and with regard to the policy relative to study financing in general.
2. The committee shall consist of 15 members at most.
3. The committee shall consist, in any event, the Head of the Department of Education and in his absence, the acting head, the Head of the Federal department of Education (section Windward Islands), the Head of the Labour Department, the Directors of the schools for secondary education, a representative of higher education, a representative of the Small Business Association, a representative of



- g. supervision expenses, specifically the costs due to the authorised person meant in article 17, for the counselling and supervising of the applicant;
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- e. a statement from the student, as to whether he was being considered previously for study financing from the insular-or federal treasury;
3. Along with the application form, the student must also submit:
- a. a birth certificate of the student in question or in the absence of this a certificate of identification;
  - b. a statement from an officer of the Civil Registry, which shows that the student is in compliance with that required in article 2, first or second paragraph;
  - c. a certificate of good moral conduct extended by the authorised body of the place or places, where the student has had residence during the last two years, preceding the request for study financing;
  - d. a current medical declaration stating that the student does not suffer from any mental-or physical handicaps, which would make the selected studies or education impossible;
  - e. a statement from the educational institution which the student wishes to attend, stating that the student shall be admitted for the selected area of study and the grade or, as the case may be, the academic year the student in question shall be placed;
  - f. the list of grades, obtained during the last exam or in the absence of this, the reports of the current school year, with the understanding that should the student still have to sit an exam, the list of grades must still be sent on, as soon as available;
  - g. a statement from the Inspectorate of Taxes relative to the taxable income of the legal representative(s) for the calendar year preceding the year of filing and a statement relative to the taxable income of the student, in the event he has a personal income;
  - h. a written statement of guarantee which shows that the guarantor agrees to act as such in order to guarantee compliance with the financial obligations resulting from the granting of study financing;
  - i. the private loan agreement provided with the application form, signed by the student and his legal representative, along with the relevant statement which states that they are in agreement with the conditions under which the study financing is being granted.
4. The Executive Council may decide that besides the documents meant in the previous paragraph, another statement too - or another piece of documentary evidence- which is considered of importance for the processing of the request, must be submitted by the student.

#### Article 11

1. In the event the compulsory application form has not been used or has not been filled in completely or in the event the documents meant in article 10, third and fourth paragraph, have not been submitted or have not been submitted in their entirety, the Executive Council shall, within four weeks after receipt of the request,



the St. Maarten Business Association, and a representative of the Chamber of Commerce;

4. Members other than those mentioned in the previous paragraph are appointed for a period of three years. They are immediately eligible for reappointment.
5. The Executive Council shall fill vacant positions as quickly as possible, but within 30 days at the latest;
6. The person who has been appointed to fill a premature vacancy, shall resign at the point in time, at which the member in whose place he was appointed, would have resigned.

#### Article 8

1. The Head of the Department of Education or in his absence, his replacement, shall act as chairman of the Committee:
2. The Executive Council shall appoint a co-worker of the Department of Education as secretary to assist the committee. This person is not a part of the committee.

#### Article 9

1. The committee shall meet as often as the chairman or two or more members deem necessary;
2. The Executive Council may, by Island Resolution governing administrative decrees, establish further regulations with regard to the operating procedure of the committee.

### Chapter 6

#### Request and decision

#### Article 10

1. The request for study financing must be submitted to the Executive Council by the student - or in the case of a minor, by his legal representative(s), at the latest December 30<sup>th</sup> of the calendar year preceding the year in which the study will start, using a form decided upon by the Executive Council.
2. On the application form must at least be mentioned, or as the case may be, included:
  - a. the names, Christian names, the address and the telephone number of the student and of his legal representative(s);
  - b. the educational institution(s) or training facility(ies) the student has attended resp. been educated at or still attends resp. is being educated at;
  - c. the area of study or education the student wishes and the intended educational institution;
  - d. a statement from the student with reference to the question, as to whether he also submitted a request for study financing to other governments or institutions;



allow the applicant the opportunity to rectify the detected oversight(s) within 20 days;

2. In the event the detected oversight(s) is (are) not rectified within the period meant in the previous paragraph, the Executive Council shall inform the applicant in writing that the application shall not be processed.
3. The detected oversight(s) can no longer be rectified after the notice sent by the Executive Council as meant in the previous paragraph, unless the applicant, in the opinion of the Executive Council had no prior opportunity to rectify the oversight(s).

## Article 12

1. The Executive Council shall put the submitted requests which meet the requirements as included in article 10, along with the relevant documents into the charge of the committee, with the request to submit recommendations within six weeks relative to all the requests and in particular to make a selection taking into account the amount taken up in the budget for the year in question for study financing;
2. Requests which, on the basis of that established in article 11, third paragraph, second clause, are processed after the committee has submitted the recommendation as meant in the first paragraph, do not have to be put before the committee for recommendation separately;
3. The Executive Council shall decide on the request by July 31<sup>st</sup>, preceding the first year of study. The student and the committee shall be informed in writing of this decision within two weeks after the decision has been made by the Executive Council.
4. A decision to turn down a request will be accompanied by an account of the grounds for rejection;
5. In the event the Executive Council takes a decision which deviates from the recommendations of the committee, the grounds for this shall be made known to the committee.

## Article 13

1. Study financing may be granted, insofar as the total amount reserved in the budget for the year in question is adequate, taking into account the amount reserved in the budget for the continuation of study financing for studies in progress;
2. The requests are evaluated within the framework of the previous paragraph, on the basis of the following criteria:
  - a. the studies must be in the interest of the Sint Maarten community;
  - b. it must be sufficiently evident from the information, study results and/or school reports submitted, that the student possesses the capacities and qualities needed to complete the intended study successfully, within the normal period of study;
  - c. better qualified students shall take precedence.
3. Annually, by October 31<sup>st</sup> at the latest, preceding the year in which study financing may be requested, an Island resolution governing administrative decrees, shall be

adopted, which shall serve as a guideline for the evaluation, meant in the previous paragraph. sub a.

4. In the Island Resolution meant in the previous paragraph, basic assumptions may also be included with regard to distribution in the countries, in which the studies may be done and with regard to the desired educational institutions.

#### Article 14

The chairman of the committee may request information of the heads and directors of the educational institutions, which the applicant has attended, with regard to his aptitude, ability, diligence and behaviour. This information must be supplied on a pre-printed form, established by the Executive Council.

#### Article 15

Refusal of or partial honouring of a request can only be based on the following:

- a. the student does not meet the requirements, stated in articles 2 and 3;
- b. the student is eligible or was eligible previously for study financing by the Federal Government;
- c. in accordance with the Island resolution meant in article 6, fourth paragraph, the cost of the studies must be wholly or partly covered by the income of the legal representative(s) and/or the personal income of the student;
- d. the request cannot be honoured on the basis of the evaluation meant in article 13.

### Chapter 7 Conditions

#### Article 16

1. The student may not enjoy any other income resulting from labour or other sources, among which is understood other scholarship granting entities, without the explicit permission of the Executive Council;
2. The student may not make a change of studies, unless this is done for important reasons and with the permission of the Executive Council;
3. The student must have a physical check up within six weeks after the decision to grant study financing;
4. The student is obliged to submit the results of the studies for the previous semester, to the Head of the Department of Education, before January 1<sup>st</sup> and before July 15<sup>th</sup>, each year;
5. The student is obliged, as long as he receives study financing, to submit a statement from the Inspectorate of Taxes relative to the taxable income of the legal representative(s) of the previous calendar year and a statement relative to the taxable income of the student, if he should have a personal income, each year before November 1<sup>st</sup>;



6. The student is obliged to provide the head of Educational Affairs, the committee and the Executive Council with all information they may require in connection with the request for study financing and with regard to the progress of the studies;
7. The student is obliged, after completion of a study outside Sint Maarten, to return as quickly as possible to the Island territory of Sint Maarten, to find employment and to be incorporated into the labour market;
8. The Executive Council may set further conditions.

## Chapter 8

### Authorised person

#### Article 17

1. In the event the student intends to study outside Sint Maarten and a positive decision has been made with regard to the request for study financing, the Executive Council shall, if possible, appoint an authorised person, residing in the country where the student intends to study and who on behalf of the Executive Council shall monitor the progress of the studies of the student and if necessary shall lend assistance;
2. The authorised person may also act as representative of the legal representative(s) in the event the latter so desire(s);
3. The authorised person is obliged to submit the results of the previous semester to the Head of the Department of Education each year;
4. The authorised person is obliged to provide the head of Educational Affairs, the committee and the Executive Council with all information they may require with regard to the progress of the studies;
5. The authorised person shall ensure that the student settle the costs meant in article 5. sub b through c, on a timely basis.

## Chapter 9

### Extension

#### Article 18

1. Study financing is granted in essence for the normal duration of the studies, on the condition that the study results are sufficient and pending the outcome of a more detailed decision by the Executive Council relative to the size and form of the study financing, considering that determined in the Island Resolution meant in article 6, paragraph 4;
2. On the basis of the study results submitted, the Executive Council decides annually before August 15<sup>th</sup>, whether the study financing shall be continued or must be revoked;
3. In the event the study results are insufficient, study financing can be extended by half a year at the most. Based on the study results in the next semester the Executive Council shall decide before February 1<sup>st</sup>, if the study financing can be continued for the remainder of the academic year;

4. The student shall be informed before September 1<sup>st</sup> of the decision to revoke or extend by half a year;
5. Study financing may only be extended once for the same phase of the study;
6. Study financing in its entirety may not be extended for more than one and a half times the normal study duration;
7. The student shall be informed of the detailed decision meant in the first paragraph, before December 15<sup>th</sup> of the academic year for which study financing has been continued or extended by half a year. Insofar as that detailed decision relates to income verification, the taxable income of the previous year shall be in effect;
8. In the detailed decision meant in the first paragraph, the costs of practical training and in between travel expenses of the student may be included for the academic year in question.

## Chapter 10 Summer Courses

### Article 19

1. Study financing may also be granted to students, who are studying or being trained with the aid of financing provided by the island territory, upon such a request, for so-called summer courses, if:
  - a. the study results of the student for the academic year preceding the summer course are sufficient and
  - b. the student, by taking the summer course can reduce the duration of the remaining part of the studies or broaden his knowledge or improve his qualifications.
2. Study financing for summer courses may be granted, insofar as the amount reserved for this within the study financing budget for the year in question is sufficient. The students with the better qualifications take precedence within that framework.
3. Study financing which is requested resp. granted for summer courses is considered as part of the study financing which was requested resp. granted for the academic year preceding the summer course, taking into consideration that mentioned in or in accordance with article 6.
4. The Executive Council shall decide before June 1<sup>st</sup> on the request for study financing for the summer course. Article 11 is applicable accordingly.

## Chapter 11 Revoking

### Article 20

1. The Executive Council may revoke the study financing wholly or partly, if:
  - a. the applicant discontinues the studies;
  - b. the study results are insufficient;



- c. it turns out that the student or his legal representative(s) have not submitted the proper information requested or have submitted inaccurate information or have made false statements;
  - d. the student has used the money provided, wholly or mostly for purposes other than those for which it was provided;
  - e. it turns out that the student has enjoyed other income resulting from labour or other sources, among which other scholarship granting entities, without having obtained the explicit permission of the Executive Council.
2. Revoking the study financing on the grounds mentioned in the first paragraph, sub c through e shall be done retroactively.
  3. When revoking study financing retroactively, that part of the financing that was to be considered as scholarship shall be added to the amount of the loan, thereby increasing the interest to be paid on the total amount by 5%.

#### Article 21

1. The Executive Council may, before proceeding to revoke of the study financing, suspend the payments of the monies.
2. The student and his legal representative shall be informed of a decision to revoke the study financing by registered mail within 30 days after the decision to suspend, in the event proceedings to suspend the payment of the monies have started.

### Chapter 12 Repayment

#### Article 22

1. Within six months after completion of the studies or revoking of the study financing as meant in article 20, first paragraph, sub d and e, the student or the legal representative must commence with the repayment of the revoked study financing as meant in article 20, first paragraph, sub c through e, at the latest on the first day of the second month after revoking.
2. The amount to be repaid per year may not be more than 10% of the net annual income of the student or of the guarantor, unless the repayment is related to the revoking of the study financing as meant in article 20, first paragraph, sub c through e.
3. The Executive Council may attach further conditions to the repayment.
4. The Executive Council shall inform the student and/or the guarantor in writing of the repayment schedule established for him;
5. The Executive Council is authorised to suspend the repayment obligation of the student and/or the guarantor for a particular period to be established on the basis of income- and asset verification.
6. The Executive Council is authorised to grant exemption of the repayment obligation to the student and/or the guarantor, if the studies have been discontinued for reasons of serious physical or mental impairment of the student.

## Chapter 13 Legal protection

### Article 23

1. The applicant may make an appeal to the Executive Council against resolutions in accordance with this ordinance.
2. By resolution, in accordance with this ordinance, shall be understood a written decision of the Executive Council, regulating a statutory juridical transaction which is not of general purport.
3. Refusal to make a resolution is tantamount to a resolution. After the term established in this ordinance for making a resolution has expired without a resolution having been made or - if no term has been set - if a resolution has not been made within a reasonable period, this shall be construed as a refusal to make a resolution.
4. The appeal is made within six weeks after the day on which the resolution has been made or has been construed as a refusal.
5. The Executive Council shall decide on the appeal, within two months after the applicant has been heard or has had the opportunity to be heard.

## Chapter 14 Penalty clause

### Article 24

Providing inaccurate information and/or making or submitting false statements with a view to obtaining study financing deceitfully or getting an extension of study financing already granted is punishable as an offence and may result in detention of 2 months at the most or a fine of at the most five thousand guilders.

## Chapter 15 Final- and transition provisions

### Article 25

This island ordinance shall be cited as "Island Ordinance Study Financing Sint Maarten".

### Article 26

The conditions in force at the time the grant for study financing from the island treasury in whatever form was made, granted before the coming into force of this ordinance,



shall remain in effect for the years for which study financing was granted, insofar as these deviate from that established in this ordinance.

Thus established in the public meeting of the Island Council on.....

THE ISLAND COUNCIL OF THE ISLAND TERRITORY OF SINT MAARTEN  
The Secretary  
The Chairman