

## **ACT No. 561**

of 24<sup>th</sup> September 2004

### **on Pre-school, Basic, Secondary, Tertiary Professional and Other Education (the Education Act)**

Amendment: 383/2005 Coll.  
Amendment: 161/2006 Coll.  
Amendment: 179/2006 Coll. (part)  
Amendment: 158/2006 Coll.  
Amendment: 342/2006 Coll.  
Amendment: 165/2006 Coll.  
Amendment: 624/2006 Coll.  
Amendment: 112/2006 Coll.  
Amendment: 179/2006 Coll.  
Amendment: 217/2007 Coll.  
Amendment: 296/2007 Coll., 343/2007 Coll.  
Amendment: 58/2008 Coll.  
Amendment: 126/2008 Coll., 189/2008 Coll.  
Amendment: 242/2008 Coll., 243/2008 Coll.  
Amendment: 561/2004 Coll. (part), 242/2008 Coll. (part)

The Parliament has resolved upon the following Act of the Czech Republic:

#### **PART ONE**

#### **GENERAL PROVISIONS**

##### Section 1

##### **Subject and Scope of Application**

This Act shall regulate pre-school, basic, secondary, tertiary professional and other education at schools and school facilities, lay down conditions under which education and training (hereinafter referred to as “education”) are executed, define the rights and duties of natural and legal persons involved in education, and specify the scope of competencies of the bodies executing state administration and self-government in the system of education.

##### Section 2

##### **Principles and Goals of Education**

(1) Education shall be based on the principles of

- a) equal access of all citizens of the Czech Republic or nationals of any other European Union Member State to education without any discrimination based on any ground such as race, colour, sex, language, belief or religion, nationality, ethnic or social origin, property, kith or kin, or the health condition or any other status of a citizen;

- b) considering the educational needs of an individual;
- c) mutual respect, deference, toleration of opinions, and dignity of all parties in education;
- d) free basic and secondary education of citizens of the Czech Republic or nationals of any other European Union Member State at schools established by the state, a region, a municipality or a union of municipalities;
- e) free dissemination of findings arising from the results of current knowledge of the world and in compliance with general goals of education;
- f) enhancement of the process of education on the basis of results achieved in the sciences, research and development and the widest possible application of effective up-to-date pedagogical approaches and methods;
- g) evaluation of results of education with regard to achieving goals of education laid down herein and in educational programmes; and
- h) the opportunity given to everybody to learn for all their life whilst being aware of having co-responsibility for one's education.

(2) General goals of education shall be, in particular, as follows:

- a) the personal development of a human being who shall possess knowledge and social competencies, ethical and spiritual values for their personal and civil life, for the execution of a profession or working activities, and for acquiring information and learning in the course of life;
- b) acquiring general education or general and vocational education;
- c) understanding of and application of principles of democracy and a legal state, fundamental human rights and freedoms along with responsibility and a sense of social coherence;
- d) understanding and application of the principle of equality of women and men in society;
- e) the formation of national and state citizenship awareness and respect for the ethnic, national, cultural, language and religious identity of every person;
- f) knowledge of global and European cultural values and traditions, understanding and acquiring principles and rules arising from European integration as a basis for coexistence at national and international levels;
- g) acquisition and application of knowledge of the environment and its protection arising from the principles of sustainable growth and of safety and the protection of health.

(3) Education provided hereunder shall be a service of general interest.

### **Educational Programmes**

Section 3  
**System of Educational Programmes**

(1) The Ministry of Education, Youth and Sports (hereinafter referred to as the “Ministry”) shall develop the National Educational Programme, discuss it with selected scientific experts and practitioners, with relevant central trade union bodies, republic-wide employers’ organisations and with regions, and shall submit it to the Government to be discussed. The Government shall submit the National Educational Programme to the Chamber of Deputies and the Senate of the Parliament for their approval. The National Educational Programme shall incorporate goals of education laid down herein and define principal educational areas, the content of education and tools necessary for achieving such goals. The Ministry shall disclose the National Educational Programme at all times in a manner enabling remote access.

(2) Framework Educational Programmes shall be published for each educational area within basic and secondary education as well as for pre-school, basic artistic and language education. Framework Educational Programmes shall define the compulsory content, scope and conditions of education. These shall be binding for the development of School Educational Programmes, the evaluation of children’ and pupils’ results in education, the development and assessment of textbooks and teaching texts, and furthermore Framework Educational Programmes shall be a binding basis for specifying amounts of funds to be allocated pursuant to Sections 160 through 162.

(3) Education in individual schools and school facilities shall be organised in accordance with School Educational Programmes.

(4) Tertiary professional education in each educational area in individual tertiary professional schools shall be organised in accordance with an educational programme accredited pursuant to Sections 104 through 106.

(5) The Government shall lay down in its Regulation, after discussion with respective republic-wide employers’ organisations and with regions, the set of educational areas within basic, secondary and tertiary professional education and conditions for assessing the health condition of a person applying for education.

Section 4  
**Framework Educational Programmes**

(1) Framework Educational Programmes shall specify, in particular, the concrete objectives, form, length and compulsory content of education, both general and vocational, in accordance with the focus of a particular educational area, its organisation, professional profile, conditions of the course of education and the manner of completing the education, principles for development of School Educational Programmes as well as conditions for the education of pupils with special educational needs, and shall determine required materials, personnel and organisational conditions, and conditions for health protection and safety. The Ministry acting in agreement with the Ministry of Health shall specify conditions for the protection of health with regard to the provision of education.

(2) Framework Educational Programmes must comply with the latest findings of:

- a) scientific disciplines whose fundamental findings and practical usage should be delivered by education, and
- b) pedagogy and psychology on effective methods and organisation of education appropriate to the age and development of learners.

Framework Educational Programmes shall be adjusted in accordance with the aforementioned views. Relevant ministries, through scientists and practitioners, including those involved in pedagogy and psychology, shall ensure the development of critical objector's opinions on Framework Educational Programmes.

(3) The Ministry shall publish Framework Educational Programmes acting in accordance with relevant ministries. The Ministry shall publish Framework Educational Programmes for medical fields acting in accordance with the Ministry of Health. The Ministry shall issue such Framework Educational Programmes after having discussed them with the relevant authority determined for recognising such Framework Educational Programmes<sup>1</sup>. The Ministry of Defence, the Ministry of the Interior and the Ministry of Justice, acting in accordance with the Ministry, shall publish Framework Educational Programmes for education at schools under their responsibility. Prior to their publication, ministries shall discuss Framework Educational Programmes for vocational education with relevant central trade union bodies, republic-wide employers' organisations, and regions.

(4) In the case of a serious event, a Framework Educational Programme may be modified with such a modification being effective at the earliest from the beginning of the following school year unless the modifications arise from valid legal regulations. In such a case the ministry that issued the Framework Educational Programme shall disclose the modification sufficiently in advance.

(5) Framework Educational Programmes and their modifications shall be disclosed by the issuing ministries at all times in a manner enabling remote access.

## Section 5 **School Educational Programmes**

(1) With regard to education for which a Framework Educational Programme has been issued under Section 3 (2), School Educational Programmes must be in compliance with this Framework Educational Programme; the content of education may be broken down in the School Educational Programme into subjects or other comprehensive educational units (for example modules).

(2) With regard to education for which a Framework Educational Programme has been issued a School Educational Programme shall specify, in particular, the concrete objectives of education, the length, the form, the content and the time schedule of education, conditions for the admission of persons applying for education, and the manner in which education shall be completed, including conditions for the education of pupils with special educational needs, and a document certifying completion of education, if applicable. Further it shall include the description of material, personnel and economic conditions and conditions for work safety

and health protection upon which education at a particular school or school facility shall be provided.

(3) A School Educational Programme shall be issued by the head teacher or director of a school facility. The head teacher or director of the school facility shall disclose the School Educational Programme at an accessible place within the school or school facility; everybody shall be entitled to acquaint themselves with the School Educational Programme and make copies, or may receive a copy being charged a fee as appropriate in the given location. The provision of information under the Act on Free Access to Information shall not be prejudiced.

## Section 6

### **Educational Programme for Tertiary Professional Education**

(1) The Educational Programme for Tertiary Professional Education shall specify, in particular, the concrete objectives of education, the length, the form, and the content of education and its organisation, the profile of graduates of the educational programme concerned, the language of instruction, conditions of the course of education, and the manner in which education shall be completed, as well conditions for the education of students with special educational needs, and material, personnel and organisational conditions, conditions for work safety and health, and health protection conditions for persons applying for education.

(2) A head teacher shall publish, at an accessible place in the school, the educational programme accredited under Sections 104 through 106; everybody shall be entitled to acquaint themselves with the educational programme and make copies, or may receive a copy being charged a fee as appropriate in the given location. The provision of information under the Act on Free Access to Information shall not be prejudiced.

(3) Educational Programmes accredited under Sections 104 through 106 shall be binding for evaluation of the tertiary professional school concerned as well as for the results of the education of students. It shall be a binding basis for specifying amounts of funds to be allocated pursuant to Sections 160 through 162.

### **Educational System, Schools and School Facilities and their Legal Status**

## Section 7

### **Educational System, Schools and School Facilities**

(1) In this Act hereunder, the educational system shall consist of schools and school facilities.

(2) Schools shall provide education in compliance with Educational Programmes laid down in Section 3.

(3) Different types of schools shall be as follows: nursery schools, basic schools, secondary schools ( secondary general schools, secondary technical schools and secondary vocational schools), conservatories, tertiary professional schools, basic artistic schools and language schools authorised to organise state language examinations. For the purpose of

description of a school the Ministry shall lay down in an implementing legal regulation the different types of schools in accordance with their specialisation.

(4) A school facility shall provide services and education supplementing and supporting education at schools or relating directly to it, or shall provide institutional and protective education or preventative educational care<sup>1a</sup> (hereinafter referred to as “school services”). A school facility shall carry out education in compliance with the School Educational Programme specified in Section 5 (2).

(5) Types of school facilities shall be as follows: school facilities for further education of pedagogical staff, school advisory facilities, school facilities for developing personal interests and providing further education, school facilities for special purposes, educational and lodging and boarding facilities, school canteens, and school facilities for providing institutional education, protective education and preventative educational care. A special legal regulation<sup>1</sup> shall lay down the division of school facilities for executing institutional education, protective education and preventative educational care<sup>1a</sup>.

(6) The execution of activities carried out at schools and school facilities shall be conditional upon their inclusion in the Register of Educational Facilities.

(7) Pedagogical staff<sup>2</sup> shall carry out educational activities at schools and school facilities.

## Section 8 Legal Status of Schools and School Facilities

(1) A region, a municipality or a voluntary union of municipalities whose scope of activities concern tasks carried out within the educational system (hereinafter referred to as a “union of municipalities”) shall establish schools and school facilities as legal persons involved in education or organisations partially covered from the state budget under a special legal regulation.<sup>3</sup>

(2) The Ministry shall establish schools and school facilities as legal persons involved in education or organisations partially covered from the state budget under a special legal regulation<sup>4</sup> and Section 169 herein.

(3) The Ministry of Defence, the Ministry of the Interior and the Ministry of Justice shall establish schools and school facilities as organisational units of the state or parts thereof.<sup>5</sup>

(4) The Ministry of Foreign Affairs shall establish schools at embassies and consulates of the Czech Republic as units of such embassies and consulates.

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<sup>1a</sup> Act No. 109/2002 Coll. on the Provision of Institutional Education or Protective Education at School Facilities and on Preventative Educational Care at School Facilities and on the Amendment to Some Other Acts

<sup>2</sup> Act No. 563/2004 Coll. on Pedagogical Staff and on the Amendment to Some Other Acts

<sup>3</sup> Act No. 250/2000 Coll., on Budgeting Rules of Regional Budgets, as amended.

Act No. 562/2004 Coll., amending some acts in relation to the adoption of the Education Act.

<sup>4</sup> Section 54 (2) of Act No. 219/2000 Coll., on the Property of the Czech Republic and its Representation in Legal Relations

<sup>5</sup> Act 219/2000 Coll., as amended

(5) The Ministries listed in sub-sections 2 through 4 shall fulfil the function of founders of schools and school facilities on behalf of the state.

(6) Registered churches and religious societies which have been authorised to exercise a special right to establish church schools<sup>6</sup>, and other legal persons or natural persons, shall establish schools and school facilities as legal persons involved in education or legal persons operating in accordance with special legal regulations<sup>7</sup> and whose scope of activities shall be providing education or educational services hereunder

(7) A legal person and an organisational unit of the state or a part thereof may carry out activities pertaining to a school and/or a school facility or also several schools and/or school facilities.

### **Section 8a**

#### **The Name of a Legal Person and Organisational Unit of the State or a Part Thereof**

(1) The name of a legal person or organisational unit of the state or a part thereof carrying out activities under sub-section 8 (7) must always include the following:

- a) a denotation of the kind or type of school if it carries out activities of a school;
- b) a denotation of the type of school facility to perform institutional education, protective education or preventive educational care if it carries out the activities of this kind of school facility;
- c) a denotation of the kind or type of school facility which is not specified under letter b) if it carries out the activities of only this type of school facility;

(2) The name of a legal person or organisational unit of the state or a part thereof carrying out activities under sub-section 1 (a) and (b) may further include denotations of all kinds or types of school facilities if such legal person or organisational unit of the state carries out the activities of such school facilities.

(3) The name may also contain a clarifying description or an honourable title, provided that such honourable title has been granted by the Ministry.

## **Long-term Objectives and Annual Reports**

### **Section 9**

#### **Long-term Objectives**

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<sup>6</sup> Section 7 (1) (e) of Act No. 3/2002 Coll., on the Freedom of Religious Confession and the Position of Churches and Religious Societies and on the Amendment to Some Other Acts (the Act on Churches and Religious Societies)

<sup>7</sup> For example the Commercial Code, Act No. 248/1995 on Public Benevolent Societies and on Amendments to Some Other Acts, as amended

(1) The Ministry shall draw up long-term objectives of education and of the development of the educational system of the Czech Republic, discuss the draft objectives with relevant central trade union bodies, relevant republic-wide employers' organisations and with regions, submit it to the Government for its approval, and shall disclose it in a manner enabling remote access. The Government shall submit the long-term objectives of education and development of the educational system of the Czech Republic to the Chamber of Deputies and the Senate of the Parliament for it to be discussed there.

(2) Regional Authorities shall draw up, in compliance with the long-term objectives of education and development of the educational system of the Czech Republic, their long-term objectives of education and development of the educational system of the respective region and submit it to the Ministry for its opinion. Part of the long-term objectives of education and development of the educational system of the respective region concerning education at schools and school facilities established by the region in question shall be submitted by the relevant Regional Council to the respective Regional Assembly for its approval. The long-term objectives of education and development of the educational system of the respective region shall be at all times disclosed in a manner enabling remote access.

(3) The long-term objectives under sub-section 2 shall contain an analysis of the educational system in the region concerned and lay down, on the basis of demographic development presented, labour market development and other development goals in the region, in particular, goals and tasks for individual fields of education, the structure of education offered, mainly the structure of individual educational areas, kinds or types of schools and school facilities and their capacities, and a proposal for funding education and educational services in the region concerned.

(4) Long-term objectives shall be evaluated at two year intervals and, if necessary, they shall be adjusted or supplemented using the procedure set out in subsections 1 and 2.

## Section 10 **Annual Reports**

(1) Every year the Ministry shall draw up an annual report on the situation and development of the educational system of the Czech Republic, submit it to the Government and disclose it, at all times, in a manner enabling remote access.

(2) Every year Regional Authorities shall draw up an annual report on the situation and development of the educational system in the respective region, shall submit it to the respective Regional Assembly and the Ministry, and disclose it, at all times, in a manner enabling remote access.

(3) Every year head teachers of basic, secondary and tertiary professional schools shall draw up an annual report on activities carried out by the respective school during the school year, deliver it to the founder and disclose it in an accessible place in the school. All persons may acquaint themselves with the annual report and make copies or may receive a copy being charged a fee as appropriate in the given location. The provision of information under the Act on Free Access to Information shall not be prejudiced.

## Section 11



The Ministry shall lay down in an implementing legal regulation a framework structure, the content and procedures of elaborating long-term objectives and annual reports under Section 10 (2) and (3), and dates by when such objectives and reports must be submitted and disclosed.

### **Evaluation of Schools, School Facilities and the Educational System**

#### **Section 12**

- (1) Evaluation of schools shall be carried out through self-evaluation of the relevant school and observations of the Czech School Inspectorate.
- (2) Self-evaluations of schools shall become the basis for drawing up the annual report on the activities of the school and one of the documents to be used for observations made by the Czech School Inspectorate. The Ministry shall lay down in an implementing legal regulation a framework structure, rules and deadlines for self-evaluations carried out by schools.
- (3) Education at school facilities shall be evaluated by the Czech School Inspectorate.
- (4) Evaluation of the educational system in regions shall be carried out by the relevant Regional Authority and included in the report on the situation and development of the educational system in the respective region. Evaluation of the Educational System of the Czech Republic shall be made by the Ministry and included in the report on the situation and development of the educational system of the Czech Republic and by the Czech School Inspectorate and included in its annual report.
- (5) Evaluation of a relevant school or school facility may be made by the founder in accordance with criteria published in advance.

### **Language of Instruction and Education of Members of National Minorities**

#### **Section 13**

#### **Language of Instruction**

- (1) The language of instruction shall be the Czech language.
- (2) Members of national minorities<sup>8</sup> shall have the right to be educated in the language of the relevant national minority under conditions stipulated in Section 14.
- (3) The Ministry may permit the teaching of some subjects in a foreign language.
- (4) A foreign language may be the language of instruction at tertiary professional schools.

#### **Section 14**

#### **Education of Members of National Minorities**

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<sup>8</sup> Section 2 (2) of Act No. 273/2001 Coll., on the Rights of Members of National Minorities and on the Amendment to Some Other Acts

(1) A municipality, a region or the Ministry shall ensure education for members of national minorities in the language of the relevant minority at nursery, basic and secondary schools, namely in the municipalities where, in compliance with a special legal regulation,<sup>9</sup> a Committee for National Minorities has been established and if conditions stipulated herein are satisfied.

(2) Should at least eight (8) children claim to be members of a national minority a class<sup>D)</sup> of the relevant grade of nursery school may be set up; should at least ten (10) pupils claim to be members of a national minority a class<sup>D)</sup> of the relevant grade of basic school may be set up. A nursery school or basic school with the language of the national minority may be established provided that all classes have on average at least twelve (12) children or pupils who claim to be members of the national minority in one class.

(3) Should at least twelve (12) pupils claim to be members of a national minority a class of the relevant grade of secondary school may be set up; a secondary school with the language of the national minority as a language of instruction may be established provided that all classes have on average at least fifteen (15) pupils who claim to be members of the national minority.

(4) In organising education in the language of a national minority, municipalities, regions or the Ministry shall take into account the accessibility of this education. Education in the language of a national minority may be also organised by a union of municipalities or municipalities, or a municipality and a region may mutually agree on the manner of organisation, including funding.

(5) If conditions stipulated in sub-sections 2 and 3 are not satisfied a head teacher with the consent of the founder may specify in the School Educational Programme subjects or their parts which may be taught bilingually, both in the Czech language and the language of the relevant national minority.

(6) At schools with instruction in the language of the relevant national minority, school reports, apprenticeship certificates, and diplomas on completion of education shall be issued bilingually, both in the Czech language and in the language of the relevant national minority.

## **Teaching of Religion**

### **Section 15**

(1) In compliance with the principles and goals of education under Section 2, it shall be enabled to teach religion at schools. Religion may be taught by registered churches or religious societies which have been granted a special right to teach religion at state schools<sup>10</sup>, even jointly upon an agreement in writing.

(2) Religion shall be taught as an optional subject at basic and secondary schools established by the state, a region, a municipality or a union of municipalities, if at least seven (7) pupils of the school concerned apply for religion lessons taught by a church or a religious society. Pupils from several grades of one school or more schools, however with a maximum

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<sup>9</sup> Section 117 (3) of Act 128/2000 Coll., on Municipalities (Municipal Establishment), as amended by Act No. 273/2001 Coll.

<sup>10</sup> Section 7 (1) (a) of Act No. 3/2002 Coll.

number of pupils in one class of thirty (30) pupils, may join in one class. Pupils from more schools may join to be taught religion lessons simply on the basis of an agreement concluded between the relevant schools which shall also regulate the coverage of costs incurred in relation to such lessons.

(3) An authorised representative of a church or religious society who satisfies the qualifications required to carry out the activities of a pedagogical worker under a special legal regulation<sup>2</sup> may teach religion being in a labour-law relation to the legal person providing the activities of the school concerned. An authorising document shall be issued by the statutory body of a church or religious society. In the case of the Roman-Catholic church this shall be the statutory body of the relevant bishopric.

## **Education of Children, Pupils and Students with Special Educational Needs and Gifted Children, Pupils and Students**

### **Section 16**

#### **Education of Children, Pupils and Students with Special Educational Needs**

(1) A child, pupil or student having special educational needs shall be a disabled person, or a person disadvantaged in terms of health condition or social position.

(2) For the purpose of this Act, disability shall mean mental, physical, visual or auditory disability, language deficiency concurrent with more deficiencies, autism and development deficiency in learning or behaviour.

(3) For the purpose of this Act a health disadvantage shall mean a serious health defect, long-term disease or modest health defect resulting in problems in learning and behaviour which must be taken into account in education.

(4) For the purpose of this Act, social disadvantage shall mean:

- a) a family environment with a low social and cultural status, threat of pathological social phenomena;
- b) institutional education ordered or protective education imposed, or
- c) the status of asylum seeker, a person enjoying supplementary protection, or a party to proceedings for granting international protection in the Czech Republic under a special legal regulation<sup>11</sup>

(5) The special educational needs of children, pupils and students shall be ensured by a school advisory facility.

(6) Children, pupils or students with special educational needs shall be entitled to an education the content, form and methods of which correspond to their educational needs and possibilities, on the creation of necessary conditions enabling such education and on the advisory assistance of the school and the school advisory facility. When admitting disabled pupils and students, and pupils and students who are disadvantaged in terms of health

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<sup>11</sup> Act No. 325/1999 Coll., on Asylum and on the Amendment to Act No. 283/1991 Coll., on the Police of the Czech Republic, as amended (the Act on Asylum), as amended

conditions, and when such pupils and students complete their education, adequate conditions corresponding to their needs shall be specified. When evaluating pupils and students with special educational needs the nature of their disability or disadvantage must be taken into account. The head teacher may, in exceptional cases, prolong the length of secondary and tertiary professional education, however not more than by two (2) years, for individual disabled pupils or students.

(7) Disabled children, pupils or students shall be, during their education, entitled to the free use of special textbooks and special didactical and compensatory teaching aids provided by the school. Children, pupils and students who are deaf-and-mute shall be entitled to free education through or by means of sign language. Visually impaired children, pupils and students who cannot read normal print shall be entitled to education using Braille print. Children, pupils or students who cannot communicate in spoken language shall be entitled to free education through or by means of compensatory ways of communication.

(8) Should it be required by the nature of schools for the disabled or, with the consent of a Regional Authority, classes, departments or study groups at schools using adapted educational programmes shall be established for disabled children, pupils or students. Pupils suffering from serious mental disability, pupils with several learning disabilities, and autistic pupils shall be entitled to be educated at a special basic school if they are not thus educated otherwise.

(9) Head teachers of nursery schools, basic schools, basic special schools, secondary schools, and tertiary professional schools may, with the consent of the relevant Regional Authority, establish the post of teacher's assistant for classes or study groups where a child, pupil or student with special educational needs is educated. In the case of disabled children, pupils and students or children, pupils and students disadvantaged in terms of health conditions the opinion of the school advisory facility shall be required.

(10) To open an individual class, department or study group with adjusted educational programmes in a school under sub-section 8 and to establish the post of teacher's assistant under sub-section 9 the consent of the Ministry is required in the case of schools established by the Ministry or registered churches or religious societies, and the consent of the relevant Regional Authority in the case of schools established by other entities.

## Section 17

### **Education of Gifted Children, Pupils and Students**

(1) Schools and school facilities shall create conditions for the development of gifted children, pupils, and students.

(2) With regard to the development of gifted children, pupils, and students, the extended teaching of some subjects or groups of subjects may be organised. Head teachers of schools may adjust the organisation of education in classes aimed at physical education or for pupils and students undergoing sports training.

(3) Head teachers of schools may, in the case of an extraordinarily gifted pupil, at the request of a person specified by a special legal regulation<sup>12</sup> or upon the judgment of the court authorised to act on behalf of the child (hereinafter referred to as “statutory representative”), and in the case of an extraordinarily gifted pupil who is of legal age, at his/her own request, transfer that pupil to a higher grade without completing the previous grade. The opinion of the school advisory facility or a paediatrician registering the pupil concerned shall be enclosed with the application of the pupil whose school attendance is compulsory. The transfer shall be made upon the condition of passing examinations relating to the syllabus or the part of the syllabus of the grade the pupil or student shall not complete. The head teacher shall specify the content and scope of such examinations.

#### Section 18

##### **Individual Educational Plan**

Head teachers may, after receiving in writing the recommendation of a school advisory facility, in the case of a minor pupil with special educational needs or being extraordinarily gifted, at the request of his/her statutory representative, or in the case of a pupil who is of legal age or a student with special educational needs or being extraordinarily gifted, at his/her own request, permit education according to an individual educational plan. With regard to secondary or tertiary professional education head teachers may permit education according to an individual educational plan also on the basis of other serious reasons.

#### Section 19

The Ministry shall lay down in an implementing legal regulation rules and other details for determining the educational needs of gifted children, pupils, and students and the adjustment of organisation, admission, the course of teaching and completion of education of children, pupils and students with special educational needs and gifted children, pupils and students, including details of the individual educational plan and conditions for transferring these children, pupils, and students to the relevant higher grade.

### **Education of Foreign Nationals**

#### Section 20

(1) Citizens of European Union Member States shall have access to education and school services defined herein under the same conditions as citizens of the Czech Republic.

(2) Person not included in sub-section 1 shall have, under the same conditions as citizens of the Czech Republic, access hereunder to:

- a) basic education including institutional education and protective education provided that they legally reside in the Czech Republic;
- b) meals provided at schools, school clubs organised by a school facility for the development of hobbies and interests of pupils in regular day school attendance, in the case of pupils of a basic school, the relevant grade of a secondary school or the relevant grade of a conservatory;
- c) secondary education, tertiary professional education, including institutional education and protective education, provided that they legally reside in the Czech Republic;

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<sup>12</sup> Act 94/1963 Coll., on Family, as amended

- d) pre-school education, basic artistic education and school services hereunder if they are in possession of a residence permit of the Czech Republic exceeding ninety (90) days and reside in the Czech Republic<sup>13</sup>, or are persons enjoying subsidiary protection<sup>13c</sup>, international protection seekers<sup>13d</sup>, or persons enjoying temporary protection<sup>13e</sup>;

(3) Persons specified in sub-section 2 (c) and (d) shall become children, pupils or student of a relevant school or a school facility under the conditions hereunder if they prove to the head teacher of the school or school facility not later than on the day when the education or provision of school services is commenced that they legally reside in the Czech Republic. Legal residence shall be proven by a document specified under the special legal regulation<sup>13f</sup>.

(4) Persons who are not citizens of the Czech Republic and who have had previous education abroad shall be, at their request when taking admission examinations at secondary and tertiary professional schools, waived the admission examination of the Czech language which is a part of the admission examination. The school shall verify knowledge of the Czech language which is necessary for education in the chosen field of education by means of an interview.

(5) The Regional Authority having local jurisdiction at the place of residence of the pupil concerned and in cooperation with the founder of the school shall ensure that a pupil who has lived in the Czech Republic for a long period of time and is subject to compulsory school attendance hereunder, and who is a child of nationals of other European Union Member States who have been employed or have been self-employed persons in the Czech Republic or have studied here or have been granted the right to reside in the Czech Republic for other reasons<sup>14</sup>,

- a) can attend free preparation for their inclusion to basic education including learning the Czech language adapted to the needs of such pupil; and
- b) is, if possible and in cooperation with the countries of origin of pupils, taught their mother tongue and culture of their country of origin, whilst such teaching shall be coordinated with usual education at the basic school concerned.

(6) The Regional Authority shall ensure the preparation of pedagogical staff who shall carry out education under sub-section 5.

(7) The Ministry shall lay down in an implementing legal provision the form, content and organisation of free preparation under sub-section 5 (a).

### **Rights and Duties of Pupils, Students and Statutory Representatives of Children and Minor Pupils**

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<sup>13</sup> Act No. 326/1999 Coll., on the Residence of Aliens in the Czech Republic and on the Amendment to Some Other Acts, as amended

<sup>13c</sup>

<sup>13d</sup>

<sup>13e</sup>

<sup>13f</sup>

## Section 21

### **Rights of Pupils, Students and Statutory Representatives of Children and Minor Pupils**

- (1) Pupils and students shall be entitled to
- d) education and school services hereunder;
  - e) information on the course and results of their education;
  - f) elect and be elected to the School Board, if they are of legal age;
  - g) establish, with the school, self-governing bodies of pupils and students, to elect and be elected to such bodies, to work for them and through them to contact the head teacher, whereas the head teacher shall be obliged to deal with the opinions and comments of such self-governing bodies;
  - h) express their opinions on all decision concerning essential matters of their education, whilst their opinions must be devoted attention appropriate to their age and development level; and
  - i) information and advisory assistance

(2) Statutory representatives of children and minor pupils shall also have the rights stipulated in sub-section 1 with the exception of letters a) and b).

(3) Parents of pupils who are of legal age and students or persons who have a duty to support and maintain such pupils and students shall be also entitled to be provided with information under sub-section 1 (b).

## Section 22

### **Duties of Pupils, Students and Statutory Representatives of Children and Minor Pupils**

- (1) Pupils and students shall be obliged to:
- a) duly attend the school or school facility and to duly be educated;
  - b) adhere to school and internal Rules of Order and regulations and instructions of the school and school facility concerning health protection and safety which they are to become acquainted with; and
  - c) respect instructions given by pedagogical staff of schools and school facilities issued in compliance with legal regulations or the internal Rules of Order.

(2) Pupils of legal age and students shall be further obliged to:

- a) inform the school and school facility on any change in their health condition, health problems or other serious facts which could affect the course of their education;
- b) justify their absence from school lessons in compliance with conditions set out in the school Rules of Order; and
- c) notify the school and school facility of the data under Section 28 (2) and (3) and other data which is essential for the course of their education or the safety of a pupil or student and of any changes in such data .

(3) Statutory representatives of children and minor pupils shall be obliged to:

- a) ensure that the child or pupil duly attends the school or school facility;
- b) at the request of the head teacher or the principal of the school facility to participate personally in discussing serious matter concerning the education of the child or pupil;

- c) inform the school and school facility on any change in health conditions, health problems or other serious facts concerning the child or pupil which could affect the course of education of the child or pupil;
- c) justify the absence of the child or pupil from school lessons in compliance with conditions set out in the school Rules of Order; and
- d) notify the school and school facility of data under Section 28 (2) and (3) and other data which is essential for the course of their education or the safety of a pupil or student, and of any changes in such data.

## **Organisation of Education at Schools**

### Section 23

#### **Organisation of Schools**

(1) With regard to organisation, nursery, basic and secondary schools shall be divided into classes, tertiary professional schools into study groups, conservatories and basic artistic schools into departments and language schools authorised to organise state language examinations into courses.

(2) Classes, study groups and departments of all schools whose activities are carried out by one legal person must be located in a region where the legal person has a registered seat. The Ministry shall permit exceptions in cases of particular consideration and on the proposal of the founder or the legal person carrying out activities of the school.

(3) The Ministry shall lay down in an implementing regulation the lowest number of children, pupils, and students for individual types of schools, and the lowest as well as the highest number of children, pupils, and students to be in a class, study group or department. The founder of the school may permit exceptions of up to four (4) children, pupils, and students from the number specified in the implementing legal regulation and of up to 20 per cent from the number laid down in Section 14 (2) and (3) and Section 47 (1), provided that in the case of a lower number than specified they shall cover the increased costs on educational activities and that an increased number of children, pupils, and students shall not be detrimental to the quality of educational activities of the school, and that conditions of health protection and safety are satisfied. In the case of an approved exception from the number of pupils under Section 14 (2) and (3) and Section 47 (1) the calculated figure shall be rounded up. The founder of the school, unless it is the state, a region, a municipality or a union of municipalities, when permitting an exception to the lowest possible number of children, pupils or students in individual types of schools or in a class, study group or department, shall not be bound by the limit of four (4) children, pupils or students of the number specified by an implementing legal regulation.

### Section 24

#### **School Year**

(1) The school year shall start on 1 September and end on 31 August of the following calendar year. The school year shall be divided into a period of school lessons and a period of school holidays. The period of school lessons shall be divided into semesters. The lessons shall be taught in a five-day school week.



(2) Head teachers may, for serious reasons, in particular for organisational and technical reasons, during school lessons permit for pupils a maximum of five (5) days off within the school year.

(3) The Ministry may, in individual cases of particular consideration, set out differences from the usual organisation of the school year.

(4) The provisions of sub-sections 1 through 3 shall not apply to education provided in nursery schools and language schools authorised to organise state language examinations, and the provisions of sub-section 1 shall not apply to education at tertiary professional schools.

(5) The Ministry shall lay down in an implementing legal regulation details on organisation of the school year, types, length and terms of school holidays, dates on which pupils and students shall receive school reports, as well as the organisation of the school year and conditions for operations at nursery schools and language schools authorised to organise state language examinations.

## Section 25 **Forms of Education**

(1) Basic education shall be in the form of day attendance. Secondary and tertiary professional education shall be organised as day or evening attendance, as distance, e-learning and combined forms of education. Education attained in all forms of education shall be equal.

(2) For the purpose of this Act

- a) day attendance shall be understood to be school lessons organised regularly every day within a five day school week during the school year;
- b) evening attendance shall be understood to be school lessons organised regularly several times a week in the scope of 10 up to 18 lessons a week during the school year, usually in afternoon and evening lessons;
- c) distance form shall be understood as self-learning supported by consultation in the scope of 200 up to 220 consultation hours in the school year;
- d) e-learning shall be understood to be self-learning mainly via or only via information technologies or supported by individual consultation;
- e) combined form shall be understood as education using day and other forms of education laid down herein.

(3) The length of distance, evening, e-learning, or combined forms of education shall be maximally one (1) year longer than the period of day education.

## Section 26 **School Lesson**

(1) A school lesson in basic, basic artistic, secondary and tertiary professional education shall last 45 minutes. A lesson of vocational training and job practice at secondary and tertiary professional education shall last 60 minutes. A framework or accredited

educational programme for pupils with special educational needs may specify a different length of school lesson. In justified cases school lessons may be divided or joined together.

(2) A Framework Educational Programme for basic education shall specify the number of compulsory school lessons per week for the first grade and the second grade and it shall be maximum of 22 compulsory school lessons, in the third up to fifth grade a maximum of 26 compulsory school lessons, in the sixth and seventh grades a maximum of 30 and in the eight and ninth grades a maximum of 32 compulsory school lessons per week. Framework educational programmes for secondary education and accredited educational programmes for tertiary professional education shall specify the number of compulsory school lessons, namely a maximum of 35 compulsory school lessons per week. In the case of conservatories and educational areas where a Framework Educational Programme specifies as a part of enrolment proceedings an examination to determine ability, a maximum of 40 compulsory school lessons per week; and with regard to the field of education “Gymnazium Focusing on Sports” a maximum of 46 school lessons per week.

(3) Framework Educational Programmes for basic and secondary education and accredited educational programmes for tertiary professional education shall further determine the minimum number of compulsory school lessons in individual grades.

(4) The Ministry shall lay down in an implementing legal regulation the organisation of school lessons and rules for dividing and joining classes and study groups during school lessons.

## Section 27

### **Textbooks, Teaching Texts, School Equipment and Stationary**

(1) The Ministry shall grant or withdraw an approval clause for textbooks and teaching texts for basic and secondary education on the basis of an assessment as to whether these comply with educational goals stipulated herein, in Framework Educational Programmes and legal regulations. The Ministry, acting in agreement with the Ministry of Health, shall grant and withdraw an approval clause for textbooks and teaching texts for medical branches of secondary schools. The Ministry shall publish the list of textbooks and teaching texts approved by an approval clause in the Journal of the Ministry of Education, Youth and Sports (hereinafter referred to as the “Journal”) and in a manner enabling a remote access.

(2) In addition to textbooks and teaching texts provided for in the list under sub-section 1, schools may also use other textbooks and teaching texts unless these are contrary to the educational goals stipulated herein, in Framework Educational Programmes or legal regulations, and if in terms of their structure and content they conform with pedagogical and didactical principles of education. Head teachers who are responsible for satisfying the aforementioned conditions shall decide on using textbooks and teaching texts pursuant to the first sentence.

(3) Pupils of basic schools and children included in preparatory classes (Section 47) shall be provided free textbooks and teaching texts contained in the list under sub-section 1. Pupils of the first grade of basic education and children included in preparatory classes shall not return such textbooks and teaching texts, whereas pupils of other grades of basic

education shall be obliged to return textbooks and teaching texts provided not later than by the end of the relevant school year.

(4) Pupils of secondary schools for whom school attendance is compulsory and disabled pupils who attend secondary schools shall be provided free textbooks and teaching texts contained in the list under subsection 1. Pupils shall be obliged to return textbooks and teaching texts provided not later than by the end of the relevant school year

(5) Head teachers of secondary schools shall establish a fund of textbooks and teaching texts at least for 10 per cent of pupils of the relevant secondary school. Such textbooks and teaching texts shall be lent free to pupils who are socially disadvantaged and pupils in social need and in material necessity.<sup>15</sup>

(6) Pupils of preparatory classes of basic schools, the first grades of basic education, pupils in basic education under Section 46 (3), and disabled pupils who attend basic schools shall be provided free basic school equipment and stationery. The Ministry shall lay down in the implementing legal regulation the scope of such free provision of basic school equipment and stationary.

## **Documentation of Schools and School Facilities**

### **Section 28**

(1) Schools and school facilities shall maintain, in accordance with the nature of their activities, the following documentation:

- a) the decision of registration in the Register of Educational Facilities and on its alteration and documents listed in Section 147;
- b) a register of children and students (hereinafter referred to as the “School Register”);
- c) documents concerning the admission of children, pupils, students and applicants for education, on the course of their education and its completion;
- d) educational programmes under Section 4 through 6;
- e) annual reports on activities carried out at the school, reports on its self- evaluation;
- f) class registers containing provable data on education provided and the course of education;
- g) the School Rules of Order and Internal Order of the School, the timetable;
- h) minutes of pedagogical meetings;
- i) a Book of Injuries of children, pupils and students, and medical reports;
- j) protocols and other records on controls and inspection reports;
- k) personnel and pay-roll documentation, financial documentation and accounting records<sup>16</sup> as well as other documentation laid down by special legal regulations.<sup>17</sup>

(2) The School Register of the school, in accordance with the nature of school activities, shall contain the following data on a child, pupil or student:

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<sup>15</sup> Act No. 482/1991 Coll., on Social Needs, as amended

<sup>16</sup> Act No. 563/1991 Coll., on Accounting, as amended

<sup>17</sup> For example Sections 50 and 52 of Act No. 258/2000 Coll., on Public Health Protection and on the Amendment to Some Other Related Acts

- a) the name and surname, birth identification number, or the date of birth if a birth number has not been assigned to a child, pupil or student, and also nationality, the place of birth and the place of permanent residence or the place of temporary residence in the Czech Republic according to the type of residence of a foreign national or a place of residence abroad where the child, pupil or student does not reside in the Czech Republic;
- b) data on previous education including the achieved level of education;
- c) in the case of secondary or tertiary professional schools, the educational area, form and length of education;
- d) the date when education was commenced at the school concerned;
- e) data on the course and results of education at the school concerned, the language of instruction;
- f) data on whether a child, pupil, or student is disabled, including a description of his/her disability or whether he/she is disadvantaged in terms of health condition; or data on whether a child, pupil, or student is disadvantaged in terms of social position if such data has been provided to school by the statutory representative of the child or minor pupil, pupil of legal age, or student;
- g) data on health conditions relevant to education and on any health problems which could affect the ability to learn;
- h) the date of termination of education at the relevant school, data on examinations by which the education at secondary or tertiary professional education has been completed; and
- i) the name and surname of the statutory representative, the place of permanent residence or any other place of residence if they do not have a permanent residence in the Czech Republic, and the address for the delivery of written documents, and telephone number.

(3) The School Register of a school facility, in accordance with the nature of their activities, shall contain the following data on a child, pupil, or student:

- a) the name and surname, birth identification number, or the date of birth if a birth number has not been assigned to the child, pupil or student, and also nationality and the place of permanent residence or the place of temporary residence in the Czech Republic according to the type of residence of a foreign national or a place of residence abroad if the child, pupil or student does not reside in the Czech Republic;
- b) the date when school service or education was commenced and terminated;
- c) the data on health conditions relevant to education and on any health problems which could affect the provision of school services or education;
- d) data on whether a child, pupil, or student is disabled including a description of his/her disability or whether he/she is disadvantaged in terms of health condition; or data on whether a child, pupil or student is disadvantaged in terms of social position if such data has been provided to the school by the statutory representative of the child or minor pupil, or pupil of legal age, or student;
- e) denotation of the school which the child, pupil, or student attends; and
- f) the name and surname of the statutory representative, the place of permanent residence or any other place of residence if they do not have permanent residence in the Czech Republic and the address for the delivery of written documents, and telephone number.

(4) Records or modifications of data included in the School Register shall be made without any undue delay after the date of change of such relevant fact. In maintaining documentation and School Registers and in processing personal data on children, pupils, and

students schools and school facilities shall respect a special legal regulation.<sup>18</sup> Schools and school facilities shall be authorised to provide data contained in documentation and in School Registers to persons who prove their entitlement by authorisation stipulated herein or in special acts.<sup>19</sup>

(5) For statistical purposes and meeting other duties pursuant hereto the Ministry or an organisation established by the Ministry shall collect data resulting from documentation of schools and school facilities and School Registers with the exception of data stipulated in sub-section 2 (g) and (i) and sub-section 3 (c) and (f); the data provided for in sub-section 2 (f) and sub-section 3 (d) shall be gathered only as anonymous data. Schools and school facilities established by a municipality or a union of municipalities shall provide to the relevant Regional Authority such data through a Municipal Council of a municipality with an extended scope of powers. Regional Authorities shall deliver such data to the Ministry or to the organisation established by the Ministry. Other schools and school facilities, with the exception of schools and school facilities established by the Ministry, shall deliver such data through the relevant Regional Authority to the Ministry or the organisation established by the Ministry. When delivering and processing data resulting from documentation of schools and school facilities and School Registers, state administration bodies and local governments shall respect a special legal regulation.<sup>17</sup>

(6) The Ministry shall lay down in an implementing legal regulation and shall publish in the Journal the conditions, scope, form and the manner in which documentation of schools and school facilities and School Registers shall be maintained, and the scope, form, manner and deadlines for delivering the data resulting from documentation of schools and school facilities and School Registers to the relevant state administration body operating within the educational system, and via it to the Ministry or to the organisation established by the Ministry.

(7) The Ministry shall lay down in an implementing legal regulation the form and content of valid forms of school reports, extracts from school reports, apprenticeship certificates and diplomas confirming completion of education. School reports, apprenticeship certificates, and diplomas on completion of education shall contain the birth identification number of a pupil or student if such number has been assigned to him/her. School reports, diplomas on completion of education and apprenticeship certificates shall be stamped with the national coat of arms of the Czech Republic<sup>20</sup> and shall be a public instrument.

(8) It shall not be permitted to make any corrections to records included on a school report, apprenticeship certificates or diplomas on completion of education. Signatures on school reports, apprenticeship certificates and diplomas of completion of education must be original. Schools shall issue duplicates and transcripts of school reports, apprenticeship certificates and diplomas of completion of education. The school may require payment for costs incurred for the issuance of such duplicates and transcripts which may not exceed CZK 100.00 (one hundred). The Ministry shall lay down in an implementing legal regulation

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<sup>18</sup> Act No. 101/2002 Coll., on the Protection of Personal Data and on the Amendment to Some Acts, as amended

<sup>19</sup> For example Section 8 of the Rules of Criminal Procedure, Section 47 (1) and (2) of Act No. 283/1991 Coll., on the Police of the Czech Republic, Section 21 (1) (d) of Act No. 582/1991 Coll., on Organisation and Provision of Social Welfare

<sup>20</sup> Act No. 352/2001 coll., on Using National Symbols of the Czech Republic and on the Amendment to Some Other Acts

conditions for the issuance of duplicates and transcripts of school reports, apprenticeship certificates and diplomas of completion of education.

(9) Schools shall maintain records of forms for school reports which are evidence of an acquired level of education, for apprenticeship certificates and diplomas of completion of education.

(10) Document filing shall be regulated by special legal regulations.<sup>21</sup>

## **Safety and Health Protection at Schools and School Facilities**

### **Section 29**

(1) In providing education and directly related activities and in providing school services schools and school facilities shall be obliged to take into account fundamental physiological needs of children, pupils, and students and to create conditions for their healthy development and for preventing the rise of pathological social phenomena.

(2) Schools and school facilities shall ensure the safety and protection of health of children, pupils, and students in education and directly related activities and in providing school services, and they shall provide pupils and students necessary information on safety and health protection.

(3) Schools and school facilities are obliged to maintain registers of injuries of children, pupils and students which occurred during activities stipulated in sub-section 2, to draw up, and to deliver a record on such injury to specified bodies and institutions. The Ministry shall lay down in its decree the manner of recording injuries, reports and delivery of records on injuries, a sample of such records on injuries and shall specify bodies and institutions which must be supplied with records on injuries.

## **School Rules of Order, Internal Rules of Order, and Scholarship Rules**

### **Section 30**

(1) Head teachers shall issue the School Rules of Order; principals of school facilities shall issue Internal Rules of Order. School Rules of Order and Internal Rules of Order shall regulate:

- a) details on the execution of rights and duties of children, pupils, and students and their statutory representatives at schools or school facilities and details on rules of relations with pedagogical staff;
- b) operations and the internal regime of schools or school facilities;

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<sup>21</sup> Act No. 97/1974 Coll., on Archiving, as amended.

Decree no. 117/1974 Coll., laying down the criteria for assessing written documents such as archives and details on shredding procedure.

- c) conditions on ensuring the safety and protection of health of children, pupils or students and their protection against pathological social phenomena and against manifestations of discrimination, hostility, or violence;
- d) conditions concerning the treatment of property of schools or school facilities by children, pupils, and students.

(2) The School Rules of Order shall also contain rules for the evaluation of results of education of pupils and students.

(3) Head teachers shall disclose the School Rules of Order or Internal Rules of Order at an accessible place in the school or school facility, in a provable manner they shall inform employees, pupils, and students of the school or school facility of such rules and shall inform statutory representatives of minor children and pupils of their publication and content.

(4) Head teachers of secondary or tertiary professional schools may with the consent of the founder issue Scholarship Rules under which pupils and students may be granted scholarship for excellent results.

## **Educational Measures**

### Section 31

(1) Educational measures shall be approbations or other appreciations on the one hand and disciplinary measures, on the other hand. A disciplinary measure may be conditional expulsion of a pupil or student from the school or school facility, final expulsion of a pupil or student from the school or school facility, and other disciplinary measures not having legal consequences for the pupil or student concerned. Approbations, other appreciations and disciplinary measures may be imposed by head teachers or the principals of school facilities or by class teachers. The Ministry shall lay down in the implementing regulation types of disciplinary measures and conditions for granting and imposing other disciplinary measures or approbations or other appreciations.

(2) Head teachers or directors of school facilities may, in the event of serious wilful violation of duties stipulated herein or in the School Rules of Order or Internal Rules of Order, decide on conditional expulsion or final expulsion of a pupil or student from the school or school facility . Head teachers or principals of school facilities shall specify in their decisions on conditional expulsion a probationary period of not longer than one (1) year. Should a pupil or student breach during the probation period the duties stipulated herein or in the School Rules of Order or Internal Rules of Order, the head teacher or the principal of the relevant school facility may make a decision on final expulsion of the pupil or student concerned. A pupil may be conditionally expelled or finally expelled from the school only in the case that he/she has finished compulsory school attendance.

(3) Specially rude verbal or intentional physical assault of a pupil or student against staff of the school or school facility shall be, at all times, considered to be a serious wilful violation of duties stipulated herein.

(4) Head teachers or directors of school facilities shall make a decision on conditional or final expulsion within two (2) months from the day they were informed of the wrongful act of the pupil or student, however not later than within one (1) year from when the pupil or

student committed the wrongful act in question, with the exception of cases where such wrongful act has been classified as a criminal offence under a special legal regulation.<sup>22</sup> The head teacher shall inform the Pedagogical Board of his/her decision. A pupil or student shall cease to be a pupil or student of the relevant school or school facility the day following the date when the decision on expulsion comes into legal force unless such decision states a later date.

### **Prohibition of Activities and Propagation of Political Parties and Movements, Prohibition of Advertising**

#### Section 32

(1) Neither activities of political parties and political movements nor their propagation shall be permitted at schools and school facilities.

(2) Advertising in contradiction with goals and the content of education and advertising and sales of products endangering the health, psychological and moral development of children, pupils, and students or directly threatening or damaging the environment shall not be permitted.

## **PART TWO**

### **PRE-SCHOOL EDUCATION**

#### Section 33

#### **Goals of Pre-school Education**

Pre-school education shall support the development of personality of a pre-school age child, support his/her healthy emotional, intellectual and physical development and acquiring child's basic rules of conduct, fundamental life values and interpersonal relations. Pre-school education shall create fundamental prerequisites for continuing education. Pre-school education shall help to equalise inequalities in development among children prior to their admission to basic education and provide special pedagogical care for children with special educational needs.

#### Section 34

#### **Organisation of Pre-school Education**

(1) Pre-school education shall be organised for children aged usually between three to six years of age.

(2) Head teachers of nursery schools shall set out, acting in agreement with the founder of the school, the place, deadline and time for applying for the admission of children to pre-school education for the following school year and shall publish such information in a manner usual at the location of the nursery school.

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<sup>22</sup> Act No. 140/1961 Coll., the Criminal Code, as amended



(3) Head teachers of nursery schools shall decide on the admission of a child to the nursery school or on specification of a probationary period for the stay of a child the period of which must not exceed three (3) months.

(4) Priority of admission shall be given to children during the last year prior to their commencement of compulsory school attendance. Should it not be possible to admit a child during the last year prior to his/her compulsory school attendance due to reasons of capacity the municipality where the child has permanent residence shall ensure that the child in question shall be admitted to another nursery school.

(5) When admitting children to pre-school education the conditions stipulated by a special legal regulation<sup>23</sup> must be adhered to.

(6) Head teachers of nursery schools shall decide on the admission of disabled children on the basis of an opinion in writing issued by the school advisory facility or a paediatrician registering the child in question.

(7) A child may be admitted to pre-school education even during the school year.

### Section 35

(1) Head teachers of nursery schools may, after sending in advance notification in writing to the child's statutory representative, make a decision on the termination of pre-school education if

- a) a child without the excuse of his/her statutory representative does not attend pre-school education for a period exceeding two weeks;
- b) a statutory representative grossly and repeatedly disturbs the operations of the nursery school;
- c) termination has been recommended in the course of a probationary period by a paediatrician or the school advisory facility; or
- d) a statutory representative repeatedly does not pay a fee charged for education at the nursery school or a fee charged for school meals (Section 123) within a specified period of time and does not agree with the head teacher on an additional payment date.

(2) The Ministry shall lay down in an implementing legal regulation details on conditions pertaining to operations of nursery schools, the organisation of pre-school education, safety and protection of the health of children, provision of meals and other special care for children.

## **PART THREE COMPULSORY SCHOOL ATTENDANCE AND BASIC EDUCATION**

### **TITLE I COMPULSORY SCHOOL ATTENDANCE**

#### Section 36

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<sup>23</sup> Section 50 of Act No. 258/2000 Coll.

## **Satisfying Compulsory School Attendance**

(1) School attendance shall be compulsory for a period of nine (9) years, however no longer than until the end of the school year when a pupil reaches seventeen (17) years of age (hereinafter referred to as “compulsory school attendance”).

(2) Compulsory school attendance shall apply to citizens of the Czech Republic, nationals of any other European Union Member States who reside in the Czech Republic longer than ninety (90) days<sup>24</sup>. Further compulsory school attendance shall apply to other foreign nationals who have been granted permanent residence in the Czech Republic or temporary residence exceeding ninety (90) days or who are party to proceedings for granting international protection .<sup>11</sup>

(3) Compulsory school attendance shall start at the beginning of the school year following the date when a child reaches six (6) years of age, unless he/she is permitted postponement. A child who reaches six years of age at the period between the beginning of a relevant school year and the end of the calendar year may be admitted to compulsory school attendance in the school year concerned if such a child is physically as well as mentally adequately mature and if his/her statutory representative so requests.

(4) The statutory representative of a child shall be obliged to register the child for compulsory school attendance from 15<sup>th</sup> January until 15<sup>th</sup> February of the calendar year during which the child should begin compulsory school attendance.

(5) A pupil shall satisfy his/her compulsory school attendance at the basic school established by a municipality or a union of municipalities located in the school district (Section 178 (2)) where the pupil has permanent residence (hereinafter referred to as the “local school”) unless the statutory representative selects for the pupil a school other than the local school. Should the child be admitted to a school to other than the local school the head teacher of such school shall notify the head teacher of the local school of this fact not later than by the end of March of the calendar year when the child concerned should start compulsory school attendance.

(6) A pupil placed in a school facility for institutional education or protective education or in a school facility for preventative educational care shall satisfy compulsory school attendance at the basic school established within the school facility or at the basic school established by a municipality or a union of municipalities located in the school district where the relevant school facility has its seat or any other school established by the state, a region, a municipality or a union of municipalities.

(7) Head teachers of local schools shall be obliged to preferentially admit pupils who have permanent residence in the relevant school district and pupils placed in this district at the school facility for the execution of institutional education or protective education or in a school facility for preventative educational care, up to the permitted number of pupils specified in the Register of Educational Facilities.

### Section 37

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<sup>24</sup> Title IVa of Act No. 326/1999 Coll., as amended

### **Postponement of Compulsory School Attendance**

(1) If a child is not after having reached six (6) years of age adequately physically or mentally mature and if the child's statutory representative so applies in writing, the head teacher shall postpone the beginning of compulsory school attendance by one (1) school year if such an application is supported by a recommending assessment from the relevant school advisory facility or a paediatrician. The beginning of compulsory school attendance may be postponed to, at the latest, the beginning of the school year when the child concerned reaches eight (8) years of age.

(2) In registering for the first grade the basic school shall provide a statutory representative with information on the option to postpone compulsory school attendance.

(3) Should a pupil show during the first year of his/her compulsory school attendance insufficient physical or mental maturity to be able to satisfy compulsory school attendance the head teacher may, with the consent of the statutory representative, additionally postpone for such a pupil the beginning of compulsory school attendance until the following school year.

(4) Should the head teacher decide on the postponement of compulsory school attendance under sub-section 1 or 3 he/she at the same time shall recommend to the statutory representative education of the child concerned in a preparatory class of the basic school or in the last grade of a nursery school if it can be assumed that such education shall balance the child's development.

### **Section 38**

#### **Satisfying Compulsory School Attendance Abroad or at a Foreign School in the Czech Republic**

(1) A pupil may also satisfy compulsory school attendance

- a) at a school outside the Czech Republic;
- b) at a school established at the embassy or consulate of the Czech Republic;
- c) at a school established in the Czech Republic by a legal person with a registered seat outside the Czech Republic or by a natural person who is a foreign national, and at a school not included in the Register of Educational Facilities but where the Minister of Education, Youth and Sports has permitted compulsory school attendance.

(2) If a pupil may not satisfy his/her compulsory school attendance abroad in a manner corresponding to sub-section 1 (a) or (b) such a pupil shall satisfy compulsory school attendance in the form of individual tuition.

(3) A pupil who satisfies compulsory school attendance in the manner set out in sub-section 1 or 2 shall be at the same time a pupil of the local school or any other school included in the Register of Educational Facilities and which has been selected by his/her statutory representative.

(4) The pupil's statutory representative shall be obliged to notify the head teacher of the school laid down in sub-section 3 of the presumed period of time during which the pupil shall satisfy his/her compulsory school attendance in the manner set out in sub-section 1 or 2, or

shall provide the address of the school abroad. The pupil's statutory representative shall be obliged to register the pupil at the school set out in sub-section 1 (a) or (b) not later than within two (2) weeks of the pupil's arrival in the country of residence.

(5) Pupils who satisfy their compulsory school attendance at a school set out in subsection 1 (a) or (c) and in the manner laid down in sub-section 2 shall take examinations in selected subjects at the school set out in sub-section 3 or at a school established at an embassy or consulate of the Czech Republic.

(6) The provisions of sub-sections 3 through 5 shall not apply to nationals of any other European Union Member State who reside in the Czech Republic temporarily for a period exceeding ninety (90) days or other foreign nationals who are authorised to reside in the Czech Republic temporarily for a period exceeding ninety (90) days if they satisfy their compulsory school attendance at a school set out in sub-section 1 (c).

(7) The Ministry shall lay down in an implementing legal regulation the list of subjects, the manner, content, details and conditions upon which examinations under sub-section 5 shall be taken, conditions upon which textbooks and teaching texts shall be provided to pupils who satisfy compulsory school attendance under sub-section 1, and conditions for the inclusion of such pupils into the relevant grades of basic education.

#### Section 38

### **Satisfying Compulsory School Attendance at Secondary School**

(1) A pupil who has been during his/her compulsory school attendance admitted to secondary education shall continue compulsory school attendance at the relevant secondary school.

(2) Upon the request of the pupil's statutory representative or after agreement with such a representative the head teacher of the secondary school where the pupil satisfies compulsory school attendance shall transfer the pupil in question to the appropriate grade of the local basic school or to any other basic school selected by the pupil's statutory representative with the consent of the head teacher of the school in question.

### **Alternative Ways of Satisfying Compulsory School Attendance**

#### Section 40

### **Other Alternatives of Satisfying Compulsory School Attendance**

Other manners of satisfying compulsory school attendance shall be understood to be

- a) individual tuition carried out without regular participation in school lessons (hereinafter referred to as "individual tuition");
- b) education of pupils suffering from serious mental disability.

#### Section 41

## **Individual Tuition**

(1) The head teacher of a school where a pupil has been admitted for compulsory school attendance shall decide on permitting individual tuition of the pupil concerned upon an application in writing filed by the pupil's statutory representative. Individual tuition may be permitted only for the pupil attending the first level (primary level) of basic school.

(2) An application filed by the pupil's statutory representative must contain the following data:

- a) the name, or names, and surname, birth identification number, if such number has been assigned, and permanent place of residence of the pupil or any other place of residence if the pupil does not have permanent residence in the Czech Republic;
- b) the period, grade or term when the pupil should be educated individually;
- c) reasons justifying individual education of the pupil;
- d) the description of space, material and technical equipment for education and conditions for the protection of health of the pupil;
- e) documents certifying education achieved by the person who shall individually teach the pupil;
- f) the list of textbooks and teaching texts to be used in individual tuition unless these are textbooks listed in Section 27 (1);
- g) other details affecting the course of education of the pupil;
- h) the opinion of the school advisory facility.

(3) The head teacher shall permit individual tuition if

- a) individual tuition is justified by serious reasons;
- b) sufficient conditions for individual tuition, in particular material conditions and conditions of protection of the pupil's health, are ensured;
- c) the person who will teach the pupil has acquired at least secondary education completed by a school-leaving examination;
- d) adequate textbooks and teaching texts under which the pupil is to be taught are available.

(5) Should it not be possible to evaluate the pupil being educated individually at the end of the relevant term the head teacher shall specify an additional term for his/her evaluation in order that evaluation shall be completed not later than within two (2) months of the end of the relevant term.

(6) If the statutory representative has some doubts about the correctness of the pupil's evaluation he/she may, not later than within eight (8) days of the date of examinations, request the head teacher in writing to re-examine the pupil. If an examiner of the pupil was the head teacher him/herself the statutory representative shall contact the Regional Authority. If the head teacher or Regional Authority agrees to the request a re-examination of the pupil by the Examination Board shall be ordered.

(7) The head teacher shall refuse permission for individual tuition

- a) if sufficient conditions for education, in particular material and personnel conditions and conditions for the protection of the pupil's health are not ensured;

- b) if the statutory representative does not meet conditions of individual tuition stipulated herein;
- c) if the pupil failed examinations at the end of the relevant term;
- d) if the pupil may not be evaluated in the manner laid down in sub-sections 4 or 5; or
- e) upon the request of the statutory representative.

(8) The head teacher shall decide on refusing individual tuition for the pupil not later than thirty (30) days from the commencement of proceedings and at the same time he/she shall include the pupil into the relevant grade of the basic school. An appeal against a decision made by the head teacher on refusing individual tuition for the pupil shall not have the effect of suspending the enforcement of the decision.

(9) Expenses incurred in individual tuition shall be covered by the statutory representative of the pupil with the exception of textbooks and basic school equipment and stationary under Section 27 (3) and (6), special textbooks and special didactical and compensatory teaching aids under Section 16 (7), and expenses on activities of the school to which the pupil was admitted to satisfy compulsory school attendance.

#### Section 42

### **Education of Pupils Suffering from Serious Mental Disability**

The Regional Authority with jurisdiction at the place of permanent residence of a child suffering from serious mental disability shall, with the consent of the child's statutory representative, determine the manner of education corresponding to the mental and physical capabilities of the child and such decision shall be supported by the recommendatory assessment of a medical specialist and the school advisory facility. At the same time the Regional Authority shall ensure adequate assistance in educating the child, in particular it shall provide pedagogical and methodological help. If the mental and physical capabilities of the child change the Regional Authority shall adjust the manner of education correspondingly.

### **Compulsory School Attendance Completion**

#### Section 43

A pupil shall accomplish compulsory school attendance by completing the period of school lessons held in the school year during which he/she should complete the last year of his/her compulsory school attendance.

## TITLE II

### BASIC EDUCATION

#### Section 44

### **Goals of Basic Education**

Through basic education pupils shall acquire necessary learning strategies on the basis of which they should be motivated for life-long learning, learn how to think creatively and solve problems, effectively communicate and cooperate, protect their physical and mental

health, creative values and the environment, learn how to be considerate and tolerant towards other people, different cultures and spiritual values, to recognise their abilities and real possibilities and to apply these together with knowledge and skills acquired in deciding on their life path and professional career.

#### Section 45 **Levels of Education**

(1) A pupil shall acquire the level of basic education through successful completion of the educational programme of basic education at a basic school, at the lower secondary level of six or eight-year secondary general schools (gymnazium), or in the corresponding level of the eight-year educational programme at a conservatory. The level of basic education shall be also acquired after completing compulsory school education through successful completion of the course for acquiring basic education organised at basic or secondary schools (Section 55 (3)).

(2) A pupil shall acquire the level of basic education by completing the educational programme of basic education at a special basic school.

#### Section 46 **Organisation of Basic Education**

(1) The head teacher shall determine the place and time for registration of pupils to the first grade of basic education in compliance with Section 36 (4) and shall announce it in a usual manner at the location of the school. The head teacher shall decide on admission to basic education upon conditions stipulated in Section 36.

(2) Basic education at basic schools shall consist of nine (9) grades and shall be divided into a first level (primary education) and a second level (lower secondary education) . The first level shall consist of the first five grades and the second level shall be from the sixth to ninth grades. In locations where there are not conditions for establishing all nine (9) grades at basic school, basic school not having all grades may be established.

(3) Basic education for disabled pupils who attend classes or schools with adjusted educational programmes may, upon the prior consent of the Ministry, have ten (10) grades. The first level shall consist of the first up to the sixth grade, whilst the second level shall consist of the seventh up to the tenth grade.

#### Section 47 **Preparatory Classes of Basic School**

(1) A municipality, a union of municipalities or a region may, with the prior consent of the Regional Authority, establish preparatory classes of basic schools to be attended by children, during the last year prior to their commencement of compulsory school attendance, who are socially disadvantaged and where there is a presumption that their inclusion in such a preparatory class may balance out their development. A preparatory class may be established if there are at least seven (7) children.

(2) The head teacher shall decide on the inclusion of pupils in a preparatory class upon the request of the child's statutory representative and upon a recommendation in writing

issued by the school advisory facility. The content of education in a preparatory class shall be an integral part of the School Educational Programme.

#### Section 48

### **Education of Pupils Suffering from Serious Mental Disability, with Multiple Defects and Autism**

Pupils suffering from serious mental disability, pupils with multiple defects, and autistic pupils may be educated at special basic schools with the prior consent of their statutory representative and on the basis of a recommendation in writing issued by a medical specialist and the relevant school advisory facility.

### **Course of Basic Education**

#### Section 49

(1) The head teacher of a school where a pupil requests to be educated shall decide on the transfer of the pupil of a basic school to any other basic school upon the request of the pupil's statutory representative. Should the head teacher decide to grant the request for a transfer, he/she shall inform, without any undue delay, the head teacher of the school to which the pupil concerned should be transferred. The head teacher of the school from which the pupil should be transferred shall deliver copies of documentation from the School Register concerning the pupil to the head teacher of the school in question within five (5) working days after he/she receives the information that the pupil has been admitted to the relevant school.

(2) A head teacher may transfer a pupil to the educational programme of basic education for disabled pupils or to the educational programme of a special basic school upon a recommendation in writing issued by a medical specialist or the school advisory facility, however only after the prior written consent of the pupil's statutory representative. The head teacher shall be obliged to provide the pupil's statutory representative with information on differences in educational programmes and organisational changes which could occur in relation to the transfer to a different educational programme.

(3) In transferring or moving a pupil under sub-sections 1 and 2 the basic school to which the pupil has been transferred or moved shall create conditions for equalising differences in knowledge of the pupil resulting from the differences in school educational programmes.

#### Section 50

(1) A pupil's statutory representative shall be obliged to justify reasons for the pupil's absence from school lessons not later than within three (3) calendar days of the beginning of the pupil's absence. The conditions upon which a pupil shall be excused from school lessons and justification for a pupil's absence from school lessons shall be laid down in the school Rules of Order.

(2) The head teacher may, on the basis of the health conditions of the pupil or other serious reasons, excuse a pupil, upon the request of the pupil's statutory representative, partially or fully from some subjects; he/she, at the same time shall determine a



supplementary manner of educating the pupil at the time when the subject in question is being taught. With regard to physical training the head teacher shall excuse a pupil from such lessons upon a recommendation in writing issued by the paediatrician or a medical specialist. A pupil may be excused from the first or last school lesson of a school day with the prior consent of the statutory representative without any need to compensate for the lesson.

(3) For a pupil who will not be able, due to his/her health condition, attend school lessons for a period exceeding two (2) months, the head teacher shall specify such manner of education which corresponds to the possibilities of the pupil, or the pupil may be permitted education under an individual educational plan pursuant to Section 18. The pupil's statutory representative shall be obliged to create conditions adequate to the determined education.

### **Evaluation of Pupils` Results of Education** Section 51

(1) A pupil shall be every term issued a school report. A pupil may be issued for the first term instead of the school report an extract from the school report.

(2) The evaluation of results of education of a pupil included in a school report shall be expressed by a classifying grade (hereinafter referred to as "classification"), verbally, or by combination of both. The head teacher shall decide on the manner of evaluation with the consent of the School Board.

(3) The school shall transfer verbal evaluation into classification or classification into verbal evaluation in the event that the pupil shall transfer to a school which uses a different evaluation. This shall be done upon the request of the school concerned or the pupil's statutory representative. For the purpose of enrolment proceedings for secondary education a school evaluating verbally shall transcript verbal evaluation into classification.

(4) With regard to a pupil with a learning disability the head teacher shall decide on using verbal evaluation upon the request of the pupil's statutory representative. The educational results of pupils attending special basic schools shall be evaluated verbally.

(5) A school shall issue to its pupil in the last year of compulsory school attendance a final evaluation stating how the pupil concerned has achieved the educational goals stipulated in Section 44. In the fifth and seventh grades of basic education the school shall issue to a pupil who has decided to apply for admission to a secondary school a final evaluation.

### Section 52

(1) A pupil who, at the end of the second term, has succeeded in all compulsory subjects specified by the School Educational Programme with the exception of subjects focusing only on educational care listed in the Framework Educational Programme and subjects from which the pupil has been excused, shall proceed to the upper grade. A pupil of the first level of basic school, who within the first level repeated a grade, and a pupil of the second level of basic school who within the second level repeated a grade, regardless of the results of such a pupil, shall proceed to the upper grade.

(2) If a pupil cannot be evaluated at the end of the first term the head teacher shall determine for his/her evaluation an alternative date so that the evaluation of the first term is completed not later than within two (2) months after completion of the first term. If it is not possible to carry out evaluation on the alternative date the pupil shall not be evaluated for the first term.

(3) If a pupil cannot be evaluated at the end of the second term the head teacher shall determine for his/her evaluation an alternative date so that the evaluation of the second term is completed not later than by the end of September of the following school year. During September until he/she is evaluated the pupil shall attend the nearest upper grade, or he/she shall repeat the ninth grade.

(4) If the pupil's statutory representative is in doubt as to the correctness of the pupil's evaluation at the end of the first or second term he/she may within three (3) working days of the date on which he/she was provably informed of the results of evaluation, however not later than within three (3) working days from the date of school report issuance, request the head teacher to have the pupil re-examined by an Examination Board. If the relevant subject was taught by the head teacher him/herself the pupil's statutory representative may contact the Regional Authority. The re-examination by the Examination Board shall be held not later than within fourteen (14) days of the delivery of the request or on the date agreed with by the pupil's statutory representative.

(5) A pupil satisfying compulsory school education shall repeat the grade if he/she failed at the end of the second grade or could not be evaluated. This provision shall not apply to a pupil who has already repeated the same grade at the same school. Upon the request of the pupil's statutory representative the head teacher may permit the pupil to repeat the grade only on the basis of serious health reasons.

(6) The head teacher may permit a pupil who has completed compulsory school attendance and at the end of the second term failed, or could not be evaluated, to repeat the grade, upon the request of the pupil's statutory representative after assessing study results to date and reasons stated in the application.

### Section 53

(1) Pupils of the ninth grade and pupils who have not yet repeated a grade within a given level of basic school, who at the end of the second term failed a maximum of two subjects with the exception of subjects focused merely on educational care, may resit the examinations.

(2) Examinations shall be resit not later than by the end of the relevant school year on the date determined by the head teacher. A pupil may resit in one day only one examination; such examinations shall be taken in front of an Examination Board.

(3) A pupil who does not pass successfully the repeat examination or does not participate in it, shall have failed. The head teacher may, upon the serious grounds, determine an alternative date for a repeat examination not later than on 15<sup>th</sup> September of the following school year. Until this examination the pupil concerned shall be included in the nearest higher grade or he/she shall again attend the ninth grade.

(4) In well-justified cases the Regional Authority may decide on a repeat examination and examination by an Examination Board under Section 52 (4) at a different basic school. A school inspector shall be present at such examination upon the request of the relevant Regional Authority.

### **Completion of Basic Education**

#### Section 54

(1) The document proving the completion of basic education shall be a school report on the successful completion of the ninth grade or the tenth grade of basic education, a school report proving successful completion of the second grade of a sixth-year secondary general school (gymnazium), the fourth grade of an eight-year secondary general school (gymnazium) or the eight-year educational programme of a conservatory, or a school report issued after successful completion of the course for achieving basic education. These school reports are issued with a certification proving the acquired level of basic education.

(2) A pupil who has successfully completed basic education or a pupil who has completed compulsory school attendance and shall not continue basic education shall cease to be a pupil of the school on 30 June of the relevant school year. A pupil who completed compulsory school attendance and shall resit an examination or shall be evaluated on an alternative date shall be a pupil of the school until he/she takes the examinations in question, unless he/she has been permitted to repeat the grade. A pupil who has been admitted to a secondary school shall be considered a pupil of the basic school until 31 August of the relevant school year.

#### Section 55

(1) A pupil who, after completing compulsory school attendance, has not acquired basic education may after satisfying conditions stipulated herein and upon the request of the pupil's statutory representative continue basic education, however not longer than by the end of the school year in which the pupil reaches eighteen (18) years of age.

(2) The head teacher may, in exceptional cases, permit a disabled pupil to continue basic education until the end of the school year in which the pupil concerned reaches twenty (20) years of age, and in the case of pupils being educated under Section 16 (8), second sentence and Section 48, with the consent of the founder until the end of the school year in which the pupil concerned reaches twenty six (26) years of age. In such cases, taking into account preparation for a profession or working activities, the head teacher shall cooperate with the relevant Labour Office.

(3) Basic and secondary schools may, after discussing the issue with the founder and the Regional Authority and in compliance with the Framework Educational Programme of basic education, organise a course of basic education for persons who have not acquired basic education.

#### Section 56

The Ministry shall lay down in an implementing legal regulation the conditions for establishing the post of teacher's assistant and details of his/her activities, the basic content of

education as well as conditions upon which education in preparatory classes may be organised and the description of organisation of the course of basic education and of evaluating the results of education of pupils and details of the evaluation

## **PART FOUR SECONDARY EDUCATION**

### TITLE I GOALS AND LEVELS OF SECONDARY EDUCATION, ADMISSION TO EDUCATION, ITS ORGANISATION AND COURSE

#### Section 57 **Goals of Secondary Education**

Secondary education shall develop knowledge, skills, abilities, attitudes and values attained within basic education and important for the personal development of an individual. It shall provide pupils in terms of content a broader general education or vocational education connected with general education and shall strengthen their value system. Secondary education shall further create preconditions for fair personal and civil life, the independent acquisition of information and life-long learning, the continuation of education and preparation for carrying out a profession or work activities.

#### Section 58 **Levels of Secondary Education**

(1) Through successful completion of the relevant educational programme of secondary education the following levels of education shall be acquired:

- a) secondary education;
- b) secondary education completed by attaining an apprenticeship certificate;
- c) secondary education completed by a school-leaving examination.

(2) A pupil shall acquire secondary education through successful completion of an educational programme lasting for one (1) or two (2) years and attended in the form of day education.

(3) A pupil shall acquire secondary education completed by attaining an apprenticeship certificate through successful completion of an educational programme lasting for two (2) or three (3) years and attended in the form of day education, or an educational programme of shortened studies for acquiring secondary education completed by attaining an apprenticeship certificate (Section 84).

(4) A pupil shall acquire secondary education completed by a school-leaving examination through successful completion of educational programmes of a six-year or eight-year secondary general schools (gymnasium), the educational programme lasting for four (4) years in the form of day education, the educational programme of additional studies (Section 83) lasting for a period of two (2) years in the form of day education or the educational programme of shortened studies for acquiring secondary education completed by a school-leaving examination (Section 85).

(5) The Government shall lay down in its Regulation areas of education within which secondary education, secondary education completed by attaining an apprenticeship certificate, secondary education completed by a school-leaving examination may be acquired. The Regulation shall also lay down their continuation in apprenticeship branches and study areas under previous legal regulations and the number of pupils in a group under one teacher in vocational training.

### **Admission to Education at Secondary Schools**

#### **Section 59**

#### **Conditions of Admission to Education at Secondary Schools**

(1) Applicants who have completed compulsory school attendance or successfully completed basic education prior to finishing compulsory school attendance, and who within enrolment proceedings have met all conditions upon which they may be admitted by proving adequate abilities, knowledge, interests and health conditions, may be admitted to education at a secondary school unless otherwise stipulated herein.

(2) The head teacher of a secondary school shall decide on admission of applicants for education at the secondary school.

#### **Section 60**

#### **Admission to the First Grade of Education at Secondary Schools**

(1) A head teacher shall announce individual rounds of enrolment proceedings by the manner prescribed in the special implementing regulation. There is no limit on the number of rounds of enrolment proceedings. A head teacher shall be obliged to announce at least one round of enrolment proceedings to the first grade of education at the secondary school. The date for the first round of enrolment proceedings shall be specified by the implementing legal regulation.

(2) With regard to enrolment proceedings the head teacher may decide on holding an admission examination. The admission examination is to verify the capability of the applicant and its content and form shall be specified in compliance with the Framework Educational Programme of basic education. In such case the head teacher shall determine at least two dates for admission examinations. The focus and difficulty of admission examinations held on different dates of the first round of enrolment proceedings and the manner in which the results of admission examinations shall be assessed must allow the setting of the final sequence of successful applicants within the first round of enrolment proceedings. Should the head teacher decide not to organise an admission examination he/she shall inform the applicants or the statutory representatives of minor applicants of such fact without any undue delay.

(3) The head teacher shall specify

- a) uniform criteria for all applicants within each round of enrolment proceedings to the relevant branch of education as well as the forms of education for the respective school year, and
- b) the expected number of applicants to be admitted to individual branches of education and forms of education.

(4) The head teacher shall publish the decision concerning an admission examination if the head teacher has decided to hold it within the enrolment proceedings, dates on which the admission examination shall be held, specified individual criteria and the expected number of applicants to be admitted with regard to

- a) the first round of the enrolment proceedings for branches of education where an examination proving certain abilities is required, by 30<sup>th</sup> October, and for all other branches by 31<sup>st</sup> January at the latest;
- b) further rounds of enrolment proceedings not later than the date on which the relevant round of the enrolment proceedings is announced.

Individual decisions taken by the head teacher must be also published on line.

(5) Applications for education at a secondary school for the first round of enrolment proceedings shall be filed by an adult applicant or by a statutory representative of a minor applicant with the head teacher of the relevant secondary school on a form prescribed by the Ministry within the time limit laid down in Section 60b.

(6) The application shall be filed alongside documents laid down in the implementing legal regulation and in the case of a minor applicant his/her consent shall be attached.

(7) An applicant may file three applications for the first round of enrolment proceedings concerning the daily form of education. For the first round of the enrolment proceedings for a specific branch of education held within one school, if the head teacher decides on holding an admission examination such examination can be taken on several dates on which the enrolment proceedings are held.

(8) The admission examination for the first round of the enrolment proceedings, if announced by the head teacher, shall be held on the date laid down by the implementing legal regulation. An invitation to participate in the admission examination for the first round of enrolment proceedings concerning daily education shall be sent by the head teacher fourteen (14) days prior to the date on which the admission examination in question will be held.

(9) Where an admission examination or examination proving certain abilities required in a different field of education or at a different school regarding which an applicant filed his/her application falls on the same date, this shall not be the reason for specifying an alternative date for taking an admission examination or an examination proving certain abilities under sub-section 12.

(10) After the first round of enrolment proceedings has been completed the head teacher may, in order to enrol the expected number of pupils, announce further rounds of enrolment proceedings whilst he/she shall be obliged to proceed similarly as in the first round with the exception of having the duty of determining two dates for admission examinations.

For further rounds of enrolment proceedings the admission examination shall be held on dates specified by the head teacher, however not earlier than fourteen (14) days after the relevant round of the enrolment proceedings has been announced. The invitation for the admission examination to be held within further rounds of enrolment proceedings shall be sent by the head teacher not later than seven (7) days prior to the date of the admission examination in question.

(11) The head teacher shall specify an alternative date for taking an admission examination for an applicant who is not able, for serious reasons, to participate in the admission examination or an examination proving certain abilities on the specified date and who duly excuses his/her non-participation to the head teacher not later than three (3) days after the date specified for the admission examination or examination proving certain abilities. The admission examination or examination proving certain abilities shall be held on an alternative date not later than one (1) month after the date on which the regular admission examinations or examination proving certain abilities were held.

(12) In duly reasoned cases the head teacher may decide on extending the time limit for holding the admission examination or examination proving certain abilities to the following working days which immediately follow the date determined for the admission examination or the examination proving certain abilities.

(13) Within individual rounds of enrolment proceedings the head teacher shall evaluate an applicant according to:

- a) school reports from previous education;
- b) results achieved within an examination proving certain abilities, if applicable;
- c) results achieved within the admission examination, if applicable; and
- d) other facts proving adequate abilities, knowledge and interests of the applicant.

(14) Should more applicants participate in the enrolment proceedings than the capacity of the school allows for, their sequence shall be decided according to the results achieved within the enrolment proceedings.

(15) A prerequisite for admitting an applicant to education at a secondary school shall be also the satisfaction of health conditions for selected areas of education, if applicable.

(16) The head teacher shall complete the evaluation of applicants within three (3) working days after the date specified for the admission examination. According to the results achieved by individual applicants the head teacher shall determine their sequence and shall send the decision on admission or non-admission to an applicant or to the statutory representative of a minor applicant.

(17) If the admission examination is not held within the first round of the enrolment proceedings the head teacher shall send decisions on admission or non-admission to the applicant or to the statutory representative of a minor applicant without undue delay, however not later than by the end of the time limit specified for the admission examination.

(18) Decisions on the results of the enrolment proceedings which cannot be duly delivered to the applicant or to the statutory representative of a minor applicant shall be deposited for a period of five (5) days and then considered to be duly serviced. A written

document which cannot be delivered shall be deposited at the post office if such document is sent via regular mail.

(19) An appeal of the applicant against a decision taken by the head teacher with regard to the results of the enrolment proceedings may be lodged within a period of three (3) days from the delivery of the decision in question.

(20) An applicant who has been delivered a positive decision shall be obliged to confirm his/her intention to study at a given secondary school in a manner laid down in Section 60a herein.

(21) As regards forms of education other than daily education similar enrolment procedure shall apply.

(22) Should the head teacher announce another round of enrolment proceedings he/she shall, without undue delay, notify the Regional Authority the number of unoccupied places in individual areas and forms of education. The Regional Authority shall forthwith publish the overview of secondary schools including data on the number of unoccupied places in individual educational areas and forms of educations also in a manner enabling remote access.

#### Section 60a **Enrolment Card**

(1) In order to confirm his/her intention to become a pupil in the relevant area and form of education at a given secondary school the applicant shall use an enrolment card.

(2) An applicant who is a pupil at a basic school shall receive such enrolment card at the basic school concerned not later than on 15<sup>th</sup> March or 30<sup>th</sup> November in case he/she applies for education for which an examination proving certain abilities is required. In all other cases an enrolment card shall be provided at the request of the applicant by the Regional Authority competent according to the place of residence of the applicant.

(3) An applicant who participates in enrolment proceedings for the following school year shall receive one enrolment card.

(4) The Ministry shall lay down by the implementing legal regulation:

- a) the form and content of the enrolment card;
- b) manner of registration of such enrolment cards; and
- c) details on issuing duplicate enrolment cards.

(5) The enrolment card shall be confirmed by the stamp and signature of a competent official of the authority which issued the enrolment card in question.

(6) The applicant or his/her statutory representative shall confirm the intention of the applicant to be educated at the relevant secondary school by delivering the enrolment card, not later than within five (5) working days from the date on which the applicant received the decision regarding his/her admission to the head teacher who decided on admitting the



applicant in question.

(7) Should the applicant or his/her statutory representative not confirm the intention of the applicant to be educated at the relevant secondary school by delivering the enrolment card under sub-section 6 the applicant waives the right to be admitted as a pupil of the relevant secondary school and another applicant may be admitted instead. An applicant who requests the head teacher of the relevant secondary school in writing to return to him/her the enrolment card shall also waive his/her right to be admitted as a pupil of the relevant secondary school.

#### Section 60b

### **Time Limits for Delivering Applications for the First Round of the Enrolment Proceedings**

(1) An applicant shall deliver his/her application for daily education to the head teacher of the secondary school not later than on 15 March, or in the case of an application for branches of education where an examination proving certain abilities is required, not later than on 30 November.

(2) An applicant who applies for education other than daily education shall deliver their application to the head teacher of the secondary school not later than on 20 March, or in the case of an application for branches of education where an examination proving certain abilities is required, not later than on 30 November.

#### Section 61

### **Enrolment Proceedings to the First Grade of the Lower Level and to the First Grade of the Upper Level of Six-Year or Eight-Year Secondary General Schools (Gymnazium)**

(1) Education in six-year and eight-year secondary general schools shall be divided into a lower level and an upper level. The lower level shall consist of the first two grades of six-year secondary general schools or the first four grades of eight-year secondary general schools. The upper level shall comprise of the last four grades of six-year and eight-year secondary general schools.

(2) Applicants who shall in the given school year successfully complete the seventh grade of a basic school may be admitted to the first grade of the lower level of six-year secondary general schools, and applicants who shall in the given school year successfully complete the fifth grade of a basic school may be admitted to the first grade of the lower level of eight-year secondary general schools. Pupils who have successfully completed the lower level of six-years of secondary general school or eight-years of secondary general school shall proceed to the first grade of the upper level of secondary general school. With regard to enrolment proceedings to the lower level of secondary general school, Section 60 shall apply accordingly.

#### Section 62

### **Admission to Branches Requiring an Examination Proving Certain Abilities**

(1) With regard to enrolment proceedings for an area of education where an examination proving certain abilities is required by the Framework Educational Programme, the head teacher of the school shall announce the enrolment proceedings within the time specified by an implementing legal regulation.

(2) After the results of the examination proving the particular abilities are evaluated the head teacher shall send to the applicant or to the statutory representative of a minor applicant, notification of the results of such examination, however not later than on 20<sup>th</sup> January. If the applicant has passed the examination proving his/her particular abilities he/she shall continue in the enrolment proceedings. The head teacher shall send the decision on admission or non-admission within seven (7) days of the decision was issued, however not later than on 15<sup>th</sup> February.

(3) By filing an application under sub-section 1 the right of the applicant to file his/her application to education at a secondary school under Section 60 shall not be prejudiced. In case the applicant takes the examination on an alternative date, the third sentence shall not apply to the time limit for delivering the information on results of the examination proving certain abilities.

(4) With regard to this type of enrolment proceedings under this provision Section 60, with the exception of sub-section 7, shall be followed accordingly.

#### Section 63

### **Admission to the Upper Grade of Education at Secondary Schools**

A head teacher may admit an applicant to a grade higher than the first grade of the secondary school. After assessing the documents of the applicant proving his/her previous education the head teacher may within the enrolment proceedings determine as a condition upon which the applicant may be admitted the taking of an examination, and specify its content, date, form and evaluating criteria in compliance with the Framework Educational Programme of the relevant area of education. Provided that the head teacher decides on the admission of an applicant he/she shall also specify the grade to which the applicant shall be assigned.

#### Section 64

The Ministry shall lay down in an implementing legal provision details, procedures and deadlines for filing an application for education at a secondary school including documents forming an integral part thereof, further details on organisation, procedures and the course of the enrolment proceedings, including the dates for holding admission examinations and examinations proving particular abilities of an applicant and on admitting applicants to a grade higher than the first grade.

### **Organisation of Secondary Education**

#### Section 65

(1) Education at a secondary school shall be divided into theoretical teaching and practical education, and education outside school lessons, whilst practical education shall be

divided into professional training, practicum, apprenticeship practice, vocational training or artistic performance and sport preparation, in accordance with individual areas of education. Vocational training or artistic performance and sport preparation may be held also during school holidays for the period of time specified by the Framework Educational Programme.

(2) Practicum and vocational training shall be held at schools and school facilities or at the workplaces of natural or legal persons who have been authorised to carry out activities relating to a given area of education and who have entered into an agreement with the relevant school specifying the content and scope of vocational training and conditions upon which it shall be organised.

(3) The provisions of the Labour Code regulating working hours, safety and protection of health at the work place, care for employees and working conditions for women and children and other regulations on safety and protection of health during work activities shall apply to vocational training.

### **Course of Secondary Education** Section 66

(1) An applicant shall become a pupil of a secondary school on the first day of the relevant school year or on the date stated in the decision on admission.

(2) During the course of secondary education a pupil shall be allowed to transfer to any other secondary school, to change his/her area of education, to interrupt his/her education, to repeat a grade, and shall be entitled to recognition of his/her education to-date under Section 70 upon an application in writing. The consent of the pupil shall be an integral part of the application filed by the statutory representative of a minor pupil.

(3) A head teacher may permit a pupil to change his/her area of education. With regard to making a decision on the change of the area of education the head teacher may decide on an examination which might show the differences in education and specify its content, scope, date, and evaluation criteria.

(4) The head teacher of the school to which a pupil wishes to be transferred shall decide on the transfer of the pupil concerned. With regard to such decision-making process in particular if the transfer to a different area of education is considered, the head teacher may decide on an examination which might show the differences in education and shall specify its content, scope, date, and evaluation criteria. A pupil shall cease to be a pupil of the school from which he/she has decided to transfer on the date preceding the date of the admission to another school. The head teacher shall inform the head teacher of the school which the pupil has left of the admission of the pupil without undue delay. The head teacher of the school from which the pupil has transferred shall send, within five (5) working days after he/she receives information on the admission of the pupil to the other school, to the head teacher of the school in question a copy of documentation on the pupil from the School Register.

(5) The head teacher may interrupt, for a period of not longer than two (2) years, the education of a pupil who has completed compulsory school attendance. For such a time limit the pupil shall cease to be a pupil of the relevant school. After the specified time limit of interruption of education elapses the pupil shall continue to study in the same grade in which

he/she interrupted his/her school attendance or, with the prior consent of the head teacher, in a higher grade if he/she proves corresponding knowledge. Upon request the head teacher shall discontinue the interruption of education even before the specified time limit of interruption elapses unless such discontinuation is prevented by serious reasons.

(6) The head teacher shall be obliged to interrupt the education of a female pupil if she is pregnant or on maternity leave, provided that the education is vocational training and is organised at workplaces prohibited for pregnant women or work carried out is prohibited for pregnant women and mothers until the ninth month after giving birth, or, if on the basis of a medical assessment, school lessons endanger pregnancy of the female pupil concerned.

(7) The head teacher may permit a pupil who has satisfied compulsory school attendance, and who at the end of the second term failed or could not be evaluated, to repeat a grade after assessing all his/her current study results and reasons stated in the application; a pupil who is still satisfying compulsory school attendance shall in such cases always repeat the grade.

### Section 67

(1) A pupil of legal age or the statutory representative of a minor pupil shall be obliged to justify reasons for absence of the pupil from school lessons not later than within three (3) calendar days of the beginning of his/her absence.

(2) The head teacher may, for serious reasons, in particular health conditions, excuse a pupil, upon request, partially or fully from lessons of a subject; a disabled pupil may be also be excused from carrying out certain activities or the head teacher may decide that such a pupil shall not be evaluated in some subjects. A pupil may not be excused from a subject of crucial importance for professional focus of a graduate. With regard to physical training the head teacher shall excuse a pupil from lessons upon the recommendation in writing of a physician registering the pupil concerned, or a medical specialist. A pupil shall not be evaluated in the subject for which he/she has been fully excused.

(3) Conditions upon which a pupil's absence is excused or upon which a pupil is excused from school lessons shall be laid down in the School Rules of Order.

### Section 68

(1) A pupil who has satisfied compulsory school attendance may discontinue education on the basis of a written notification duly serviced to the head teacher of the relevant school. Consent of the statutory representative of a minor pupil shall be an integral part of such notification. A pupil shall cease to be a pupil of the secondary school on the day following the date of delivery of such notification to the head teacher of the relevant school, or on the date stated in the notification on discontinuation of education if such a date is later.

(2) Should a pupil who has already finished compulsory school attendance not attend school lessons for a period of at least five (5) days and his/her absence has not been duly justified, the head teacher shall request in writing the pupil, or the statutory representative of the pupil if he/she is minor, to justify, without undue delay, the pupil's absence. At the same time he/she shall note that otherwise the pupil in question shall be considered to be a pupil

who has discontinued his/her education. A pupil who does not start to attend school lessons within ten (10) days of the delivery of the request or who does not justify the reasons for his/her absence shall be considered to be a pupil who has discontinued his/her education on the last date of the time limit specified. He/she shall cease to be a pupil of the school on that day.

(3) A pupil who after completing his/her compulsory school attendance has not proceeded to a higher grade shall cease to be a pupil of the school on the last day of the relevant school year or after such a date on the day following the date when he/she failed a repeat examination or failed the evaluation on the alternative date, or on the day following the date when the decision by which the pupil was not permitted to repeat the grade came into legal force.

#### Section 69

### **Evaluation of Educational Results of Pupils**

(1) A pupil shall be issued a school report each term. A pupil may be issued an extract from the school report for the first term instead of the school report.

(2) Evaluation of results of the education of a pupil included in a school report shall be expressed by a classifying grade (hereinafter referred to as “classification”), verbally or by a combination of both. The head teacher shall decide on the manner of evaluation with the consent of the School Board.

(3) The school shall transfer verbal evaluation into classification or classification into verbal evaluation in the event that the pupil transfers to a school which uses different evaluation. This shall be done upon the request of the school concerned or the request of the pupil of legal age or the pupil’s statutory representative in the case of a minor pupil.

(4) A pupil who at the end of the second term has succeeded in all compulsory subjects specified by the School Educational Programme with the exception of subjects from which pupils are not evaluated shall proceed to a higher grade. A pupil shall be evaluated in vocational subjects specified in the Framework Educational Programme in artistic branches after passing an examination in front of an Examination Board.

(5) If a pupil cannot be evaluated at the end of the first term the head teacher shall determine for his/her evaluation an alternative date so that the evaluation of the first term is completed not later than within two months of completion of the first term. If it is not possible to carry out evaluation on the alternative date the pupil shall not be evaluated for the first term.

(6) If a pupil cannot be evaluated at the end of the second term the head teacher shall determine for his/her evaluation an alternative date so that the evaluation of the second term is completed not later than by the end of September of the following school year. Until the pupil is evaluated he/she shall attend the next higher grade. If the pupil is not evaluated within this term he/she shall have failed.

(7) A pupil who at the end of the second grade failed a maximum of two (2) compulsory subjects or a pupil who failed at the end of the first term a maximum of two (2) compulsory subjects taught only during the first term shall resit examination from such

subjects no later than by the end of the relevant school year on a date specified by the head teacher. Repeat examinations shall be examined by an Examination Board

(8) A pupil who has not passed the repeat examination successfully or who has not taken such examination at all shall have failed. For serious reasons the head teacher may determine for a pupil an alternative date for a repeat examination, however not later than by the end of September of the following school year.

(9) If a pupil of legal age or, in the case of a minor, the pupil's statutory representative is in doubt about the correctness of the pupil's evaluation at the end of the first or second term he/she may within three (3) working days of the date on which he/she was provably informed of the results of the evaluation, may, however not later than within three (3) working days of the date of school report issuance, request the head teacher to have the pupil re-examined by an Examination Board. If the relevant subject was taught by the head teacher him/herself the pupil or in the case of a minor the pupil's statutory representative may contact the Regional Authority. The re-examination by the Examination Board shall take place not later than within fourteen (14) days of the delivery of the request or on the date agreed with the pupil or minor pupil's statutory representative

(10) In well-justified cases the Regional Authority may decide on the taking of a repeat examination and an examination by the Examination Board under sub-section 9 at another secondary school. A school inspector shall be present at such examination upon the request of the relevant Regional Authority.

(11) The provisions of this Section shall also apply accordingly to the evaluation of education included in other comprehensive parts of the curricula.

## Section 70

### **Recognition of Education Achieved**

A head teacher shall recognise comprehensive education achieved by a pupil under Section 66 if it is justified by a document on such education or by any other provable manner. The head teacher may recognise the partial education of a pupil if it is justified by a document confirming such education or by any other provable manner and not more than ten (10) years have elapsed since its finish; or if a pupil proves the knowledge achieved through such education in an examination specified by the head teacher. If the head teacher recognises the education achieved by a pupil he/she shall excuse such a pupil from school lessons and evaluation within the scope of the recognised education.

## Section 71

The Ministry shall lay down in the implementing legal regulation details on organisation and the course of secondary education, theoretical and practical education and education outside school lessons, as well as details of the agreement on the content, scope and conditions of vocational training, details on evaluation of educational results of pupils and its procedures and conditions upon which previous education shall be recognised.

TITLE II  
ACCOMPLISHMENT OF SECONDARY EDUCATION

**Manners of Completing Secondary Education**

Section 72

(1) Education in educational programmes pertaining to areas of education through which secondary education may be achieved shall be completed by a final examination. The document proving that secondary education has been achieved shall be the report on the final examination.

(2) Education in educational programmes pertaining to areas of education through which secondary education is completed by attaining an apprenticeship certificate shall be completed by a final examination. The documents proving that secondary education accomplished by attaining apprenticeship certificate has been achieved shall be the report on the final examination and the apprenticeship certificate.

(3) Education in educational programmes pertaining to areas of education through which secondary education is completed by a school leaving examination shall be completed by a school leaving examination. The document proving that secondary education completed by the school-leaving examination has been achieved shall be the report on the school-leaving examination.

(4) A report on a final examination and a report on a school leaving examination shall be issued with certification on acquiring the relevant level of education

Section 73

The purpose of a final examination and a school-leaving examination is to verify how pupils have achieved educational goals laid down in the Framework and School Educational Programmes in the relevant area of education, in particular to verify the level of key knowledge and skills of a pupil which are important for his/her further education or the carrying out of a profession or professional activities.

**Final Examination**

Section 74

- (1) The final examination shall consist,
- a) in areas of education in which secondary education is completed by attaining an apprenticeship certificate, of a written examination and an oral examination as well as a practical examination on the basis of practicum and vocational training;
  - b) in areas of education in which secondary education is completed by a practical examination of vocational subjects, of a theoretical examination taken in vocational subjects

(2) A pupil may take a final examination if he/she has successfully completed the last grade of secondary education.

(3) The head teacher shall lay down in compliance with the Framework and School Educational Programmes topics, the content, form, and concept of examinations and dates when they are to be held.

(4) Prior to the commencement of an oral examination or a practical examination pupils shall not attend school lessons for a period of four (4) days before the date specified by the head teacher of the relevant school.

(5) Final examinations shall be public with the exception of written examinations and meetings of the Examination Board on the evaluation of a pupil. Practical examinations shall not be public in cases where it is necessary because of health protection, labour safety and, in the case of medical examinations, patient's privacy.

(6) Final examinations shall be held in front of an Examination Board. In the event that the organisation or length of a written or practical examination excludes the permanent presence of the Examination Board during the examination itself the Board's Chair shall assign a member of the Examination Board who shall be responsible for the due running of the examination in question.

(7) A Regional Authority shall appoint the Chair of the Examination Board until the end of February of the relevant school year. Such appointment shall be valid also for repeat examinations and substitute examinations. The head teacher shall appoint the other members of the Examination Board. With regard to areas of education completed by attaining an apprenticeship certificate the head teacher shall appoint a member of the Examination Board a practical expert.

(8) The Chair of an Examination Board

- a) shall be qualified in the relevant or similar area and has carried out direct pedagogical activity for at least five (5) years;
- b) may not be in a labour-law or similar relation with the school where he/she will chair the Examination Board;
- c) shall not have been in the course of secondary education a teacher of any pupils who are to take the final examination.

(9) The Chair of an Examination Board

- a) shall manage the work carried out by the Examination Board and shall be responsible for its activities;
- b) shall be responsible for the due running of examinations and classification;
- c) shall be authorised to exclude a pupil from an examination if the pupil has used prohibited aids or otherwise grossly disturbed the course of the examination; the Chair of the Examination Board shall decide on the expulsion of the relevant pupil forthwith;
- d) shall notify pupils on evaluation in individual examinations of the final examination.



(10) The Examination Board shall decide on classification of pupils in individual examinations on the proposal of members of the Examination Board by voting. In the event of equality of votes the vote of the Chair of the Examination Board shall be decisive.

#### Section 75

(1) A pupil shall pass a final examination successfully if he/she successfully passes all examinations which the final examination consists of.

(2) In the event that a pupil failed an examination which was a part of the final examination he/she may resit the examination, however not more than twice in the case of each examination. If a pupil who does not sit the examination and duly justifies his/her absence not later than within three (3) working days from the date of the examination to the Chair of the Examination Board or does not sit the examination since he/she has not yet completed the last grade of education he/she shall be entitled to take a substitute examination within the term specified by the Examination Board. The Chair of the Examination Board may, in serious cases, waive the fact that the specified term has not been respected. The right of the pupil to resit an examination shall not be prejudiced by participating in a substitute examination.

(3) A pupil shall cease to be a pupil of the school on the day following the date when he/she successfully passed the final examination. If a pupil does not pass the final examination in the due term he/she shall cease to be a pupil of the school on 30<sup>th</sup> June of the school year when he/she should have completed his/her education. If a pupil has not taken the examination without there being due justification, or his/her excuse has not been acknowledged, or he/she was expelled from the examination, such a pupil shall be considered to be a pupil who has failed.

(4) A final examination may be taken not later than within five (5) years of completion of the last grade of education.

#### Section 76

The Ministry shall lay down in an implementing legal regulation details on the concept, content and course of final examinations, their dates, the subjects which the final examination shall consist of, the composition of the Examination Board, the manner in which pupils shall be evaluated, and repeat examinations and examinations to be taken on alternative dates.

### **School-leaving Examination**

#### Section 77

A school-leaving examination shall consist of common and profile parts. A pupil shall acquire secondary education completed by a school-leaving examination if he/she has successfully passed both parts of the school-leaving examination.

#### Section 78

### **Common Part of a School-leaving Examination**

(1) The examination subjects shall be as follows:

- a) the Czech language and literature;
- b) a foreign language, which a pupil shall select from the selection specified by the implementing legal regulation. A pupil may select only a foreign language which has been taught at the school where he/she is a pupil;
- c) mathematics;
- d) civic education and social sciences;
- e) information technology; and
- f) subjects laid down in the implementing legal regulation as examination subjects for optional examinations.

(2) The common part of a school-leaving examination shall consist of three (3) compulsory examinations stipulated in sub-section 1 (c) through (e). A pupil may further take, within the common part of a school-leaving examination, a maximum of three (3) non-compulsory examinations and shall select such examination subjects under sub-section 1 (f). A pupil may take a non-compulsory examination only in the subject which is not the same as compulsory subject.

(3) With regard to each compulsory examination a pupil may select, within the time limit stipulated by the implementing legal regulation, either a basic level of difficulty or a higher level of difficulty for the relevant examination subject. The selected level of difficulty of examination subjects for the compulsory examination as well as selected examination subjects of the non-compulsory examination shall be listed in the application under Section 81 (1). The school is responsible for preparing pupils for the examination to be taken at least at the basic level of difficulty in all examination subjects which may be selected for the compulsory examination.

(4) The examination in the Czech language and literature and the examination in a foreign language shall be composed of sub-examinations taken in the form of

- a) an instructional test;
- b) a written thesis; and
- c) an oral examination before the School-Leaving Examination Board.

(5) Examinations in subjects listed in sub-section 1 (c) through (f) shall be taken in the form of an instructional test. An instructional test shall mean herein a written examination which is unified and evaluated centrally in a manner and in compliance with criteria laid down in the implementing legal regulation.

(6) The head teacher may, in accordance with the Framework Educational Programme and the School Educational Programme of the relevant branch of education,

- a) decide which compulsory subject listed in sub-section 1 (c) through (e) shall be selected for the compulsory examination of pupils of the school in question, or
- b) determine examination subjects listed in sub-section 1 (c) through (e) from which pupils may select their examination subject for the compulsory examination.

(7) The head teacher shall be obliged to publish the decision taken under sub-section 6 at the publicly accessible place in school and at the same time also online not later than three (3) months prior to the date for filing applications for education at the secondary school under

Section 60 (3) by the applicants concerned. If the head teacher does not publish his/her decision in the manner prescribed and within the time limit under the first sentence a pupil may select any examination subject listed in sub-section 1 (c) through (e).

#### Section 78a

(1) The Ministry shall specify in the catalogues of requirements for examinations of the common part of a school-leaving examination (hereinafter referred to as the “Catalogue”) for the relevant subject and level of difficulty and the scope of knowledge and skills which may be verified through examinations consisting of the common part of a school-leaving examination. The Ministry shall always publish the Catalogues online not later than twenty four (24) months prior to the date of the examinations

(2) Examinations and sub-examinations of the common part of a school-leaving examination taken in the form of an instructional test and a written thesis shall not be public. Participation shall be restricted to pupils taking the examination and the pedagogical worker authorised to set this part of the examinations (hereinafter referred to as the “authorised teacher”), to the school examination commissioner (hereinafter referred to as the “commissioner”), to the head teacher of the school, and to school inspectors of the Czech School Inspectorate.

(3) Sub-examinations of the common part of a school-leaving examination taken in the form of an oral examination shall be public.

(4) A pupil shall take the common part of the school-leaving examination on the duly determined date at the school where he/she is a pupil. A pupil shall take a substitute examination or a repeat examination at the school specified by the Centre for Gathering Educational Results (hereinafter referred to as the “Centre”) with the exception of a sub-examination taken as an oral examination which the pupil concerned shall take at the school where he/she should have taken or has taken the school-leaving examination on the duly determined date.

(5) Prior to taking any examination of the common part of a school-leaving examination a pupil shall be obliged to submit to the authorised teacher or the Chair of the School-Leaving Examination Board his/her personal identity card furnished with his/her photograph. Not submitting a personal identity card or reasonable doubts about the identity of the pupil who has submitted such identity card may be the reason for not permitting the pupil to take the examination. Such reasons shall be recorded by the authorised teacher or the Chair of the School-Leaving Examination Board in the protocol on the school-leaving examination in question.

(6) A pupil shall successfully pass the common part of the school-leaving examination if he/she successfully passes all compulsory examinations which the common part of a school-leaving examination consists of.

#### Section 79

### **Profile Part of a School-leaving Examination**

(1) The profile part of a school-leaving examination shall consist of two (2) or three (3) compulsory examinations. The number of compulsory examinations shall be specified in the Framework Educational Programme. With regard to schools and classes with the language of a national minority as the language of instruction one of the compulsory examinations shall be an examination of the language of the relevant national minority.

(2) Furthermore, a pupil may take, within a profile part of a school-leaving examination maximum of two (2) non-compulsory examinations. A pupil may select non-compulsory examinations from the list set out by the head teacher. The selected non-compulsory subjects shall be listed in the application under section 81 (1).

(3) In compliance with the implementing legal regulation the head teacher shall specify the list of compulsory and non-compulsory examinations in accordance with the framework and School Educational Programmes, including the form, topics and dates of such examinations and shall publish his/her decision at a public place in the school and at the same time online not later than twelve (12) months prior to the first examination of the profile part of a school-leaving examination.

(4) Examinations of the profile part of a school-leaving examination shall be taken by

- a) writing a school-leaving thesis and its defence in front of a School-leaving Examination Board;
- b) oral examinations in front of the School-leaving Examination Board;
- c) written examinations;
- d) practical examinations; or
- e) a combination of two or more forms under letters a) through d).

(5) A pupil shall defend his/her school-leaving thesis under sub-section 4 (a) and take an oral examination under sub-section 4 (b) after he/she has successfully completed the last grade of their particular education. A pupil may take the profile part of the school-leaving examination also in the event that he/she has not been successful in the common part of the school-leaving examination.

(6) The profile part of the school-leaving examination shall be public with the exception of written examinations and meetings of the School-leaving Examination Board concerning evaluation of the pupil. Examinations proving the pupil's skills in practice shall not be public in cases where this is necessary due to health protection, labour safety and, in the case of medical examinations, also due to patient privacy.

(7) A pupil shall take the profile part of the school-leaving examination at the school at which he/she is a pupil.

(8) A pupil shall successfully pass the profile part of a school-leaving examination if he/she passes all compulsory examinations which are part of it.

## Section 80

### **Bodies Ensuring School-leaving Examinations**

(1) The Ministry shall be responsible for preparing and managing the common part of school-leaving examinations in terms of methodology, and for maintaining files, applications

and records of results of school-leaving examinations. The Ministry shall specify the content of the common part of school-leaving examinations and shall publish the Catalogues. The Ministry shall be the administrator<sup>25</sup> of a Register of Pupils registered for school-leaving examinations and results of school-leaving examinations. The Register shall include pupils' birth identification numbers and, if a birth number has not been assigned, then the name and surname of the pupil and his/her date and place of birth for the purpose of their identification.

(2) The Ministry shall establish the Centre as an organisational unit of the state. The Centre shall be an accounting unit.

(3) The Centre shall:

- a) prepare the Catalogues and the content of examinations of the common part of school leaving examinations;
- b) ensure the production of tests of examinations of the common part of school-leaving examinations and their distribution to schools;
- c) mark tests of the common part of school-leaving examinations or their parts as information not publicly accessible;
- d) ensure the processing and central evaluation of results of examinations of the common part of school-leaving examinations with the exception of sub-examinations taken in the form of a written thesis or as oral examinations;
- e) provide professional preparation of teachers assigned by the head teacher as authorised teachers, commissionaires, or assessors;
- f) organise examinations verifying the knowledge of legal provisions regulating the organisation, content and course of school-leaving examinations;
- g) issue to teachers who have successfully passed the examination under letter f) a certificate on eligibility to perform as an authorised teacher, commissionaire, or assessor;
- h) appoint a commissionaire;
- i) maintain the Register<sup>25a</sup> under sub-section 1;
- j) be an administrator<sup>25</sup> of the Register of Teachers authorised to perform activities of a commissionaire, authorised teacher and assessor; the Register shall also include the birth numbers of teachers or if a birth number has not been assigned then the name and surname and the date and place of birth.

(4) The relevant Regional Authority shall appoint, in compliance with the proposal of head teachers, the Chairs of School-Leaving Examination Boards.

(5) Head teachers shall be responsible in particular for:

- a) creating conditions enabling the due course of school-leaving examinations at the relevant school;
- b) appointing an authorised teacher and assessor for the common part of a school leaving examination;
- c) appointing other members of the School-Leaving Examination Board, with the exception of its Chair; and
- d) proposing teachers who should be professionally trained for performing the activities of authorised teachers, commissioners or assessors under sub-section 3 (e).

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<sup>25</sup> Section 4 (1) of Act No. 1001/2000 Coll.

## Section 80a

(1) A sub-examination taken as an oral examination and examinations of the profile part of a school leaving examination shall be examined by the School-leaving Examination Board. School-leaving Examination Boards shall be appointed for each class and branch of education or for more classes should pupils be educated within the same branch of education. An assessor shall be a member of a School-Leaving Examination Board in the case of a sub-examination of the common part of a school-leaving examination. A practical expert from a university or tertiary professional school may be appointed a member of a School-leaving Examination Board. The provisions of Section 7 (6) through (10) shall apply to School-leaving Examination Boards accordingly.

(2) Chairs of School-leaving Examination Boards shall be accountable for the due course of the relevant part of school-leaving examinations examined by the School-leaving Examination Board.

(3) Commissionaires shall be accountable at schools for the due course of the common part of a school-leaving examination at the school, with the exception of sub-examinations taken as oral examinations.

(4) Authorised teachers shall be accountable for the due course of the common part of a school-leaving examination in school classrooms, with the exception of sub-examinations taken as oral examinations. Authorised teachers shall examine the common part of a school-leaving examination, with the exception of sub-examinations taken as oral examinations. An authorised teacher shall be entitled to exclude a pupil from an examination if the pupil has grossly or repeatedly disturbed the rules adopted for such examinations or if the pupil otherwise grossly disturbed the course of the examinations. An authorised teacher shall decide on the expulsion of the relevant pupil forthwith. The authorised teacher shall record the reasons for excluding the pupil in the protocol on the school-leaving examination.

(5) Assessors shall evaluate sub-examinations of the common part of a school-leaving examination taken as written examinations.

(5) Only a person who, in compliance with the Act on Pedagogical Staff,<sup>2</sup> satisfies the prerequisites for working as a teacher, conforms to the professional qualifications stipulated for performing teaching activities in an implementing legal regulation and who is a holder of a valid certificate to carry out such a role issued by the Centre may perform the duties of a commissionaire, assessor or authorised teacher.

## Section 80b

### Not Publicly Accessible Information and Confidentiality

(1) Tests of the common part of school-leaving examinations as well as any part thereof are not publicly accessible information from the time the Centre marks the tests as confidential until the time that they are made public through the procedure stipulated by the implementing legal regulation.

(2) The Centre shall adopt measures necessary to ensure that information marked as non-publicly accessible shall be available solely to the persons authorised to learn from and/or work with it.

(3) Employees of the Centre as well as other individuals who work with such confidential information are obliged to maintain confidentiality regarding such information and not to allow access to such information to unauthorised persons.

(4) Any employee of the Centre may be released from the obligation to maintain confidentiality only by the head of the Centre; or in the case of the head of the Centre and any other individual only by the Minister.

## Section 81

### **Other Conditions for Organising School-leaving Examinations**

(1) A pupil shall take a substitute school-leaving examination or resit an examination upon an application submitted to the head teacher. The head teacher shall deliver data provided in applications to the Centre including the birth numbers of pupils or if birth numbers were not assigned then the names and surnames and dates and places of birth of pupils.

(2) If a pupil has failed the compulsory part of the common or profile part of the school-leaving examination he/she may take a resit examination however not more than twice in the case of each examination. If a pupil has failed a non-compulsory examination, he/she shall not resit an examination. The pupil may resit an examination of the common part of the school-leaving examination at a different level of difficulty than that of the due date. If a pupil does not resit the examination but duly justifies his/her absence to the head teacher not later than within three (3) working days of the date of the examination, he/she shall be entitled to take a substitute examination on the date specified by the implementing legal regulation. The head teacher may, in serious cases, waive the fact that the specified term has not been respected. The right of the pupil to resit examination shall not be prejudiced by participating in the substitute examination

(3) If a pupil has not taken the examination without due justification, if his/her excuse has not been acknowledged, or if he/she has been expelled from the examination, such a pupil shall be considered to be a pupil who has failed.

(4) The head teacher shall issue to a pupil who has passed successfully both parts of the school-leaving examination a School-leaving Examination Report.

(5) A school-leaving examination may be taken not later than within five (5) years of accomplishment of the last grade of secondary school.

(6) A pupil who has already achieved secondary education completed by a school-leaving examination by passing it hereunder or under previous legal regulations shall not take the common part of the school-leaving examination.

(7) Pupils shall be provided five (5) days off, in the term specified by the head teacher of the relevant school, in order to prepare for their school-leaving examination.

(8) Pupils of schools and classes taught in the language of a national minority shall be entitled to take the common as well as the profile part of the school-leaving examination either in the Czech language or the language of the relevant national minority, with the exception of the examination of the Czech language and literature which must be taken in Czech.

(9) With the consent of the Ministry, education carried out under educational programmes in selected classes of eight-year or six-year secondary general schools (gymnazium) where some subjects are taught in a foreign language, or at schools established pursuant to an international agreement or with the consent of the Ministry, also in other educational branches, may be completed in a different manner. Such a school-leaving examination shall be considered to be a school-leaving examination hereunder if a pupil also takes an examination in the Czech language and literature within the common part of the school-leaving examination.

(10) A pupil shall cease to be a pupil of the school on the day following the date when he/she successfully passed the school-leaving examination. If a pupil has not passed one or both parts of the school-leaving examination in the due term he/she shall cease to be a pupil of the school on 30<sup>th</sup> June of the school year when he/she should have completed his/her education.

(11) The Ministry shall lay down in the implementing legal regulation:

- a) terms, forms, rules of the course, the manner and the criteria of evaluation of examinations in the common part of school-leaving examinations; rules of the course, the manner and the criteria of evaluation of examinations within the profile part of school-leaving examinations; rules for taking and assessing instructional tests; the list of foreign languages and the list of subjects to be selected for non-compulsory examinations of the common part of the school-leaving examination; rules for selecting examinations of the profile part of the school-leaving examination, including the form, topics and dates of such examinations; deadlines for selecting the level of difficulty of the common part of the school-leaving examination, dates and rules for taking repeat and substitute examinations; and dates and rules for resitting a sub-examination of the common part of the school-leaving examination taken as a written examination;
- b) the procedure and dates for preparing tests of the common part of the school-leaving examination; the manner in which examinations of the common part of the school-leaving examination or its parts shall be marked as confidential information not publicly accessible and the procedure of disclosure of such information, persons authorised to learn such confidential information; rules for preparing, organising and managing common and profile parts of school-leaving examinations, conditions for their course and the evaluation of results and more detailed definition of activities to be carried out by bodies and individuals involved in school-leaving examinations; specifying the subjects which must be examined and/or assessed by a professionally qualified authorised teacher, assessor or commissionaire; the content and form of the certificate necessary for carrying out the duties of authorised teachers, assessors or commissionaires, and details on activities to be performed by School-leaving



Examination Boards and the number, the selection and appointment of their members; and rules and deadlines for appointing Chairs of School-Leaving Examination Boards, commissionaires, authorised teachers, and assessors;

- c) more detailed rules on the content, form, manner and deadlines for filing applications for school-leaving, substitute or repeat examinations; rules on the content, deadlines, form, and manner for delivering data from such applications; rules on the scope, content, manner and form of maintaining records under Section 80 (1) and (3); on the manner of delivering the data to be recorded; on the manner of the protection of data contained in the Registers; on the details to be included in the protocols of school-leaving examinations; and on the manner in which such protocols shall be processed and issued.
- d) conditions and the manner in which school-leaving examinations of disabled pupils, pupils disadvantaged in terms of health, and foreign nationals shall be held and conditions on school-leaving examinations to be taken in a language of a national minority.

### **Review of the Course and Results of Final and School-Leaving Examinations**

#### Section 82

- (1) Every pupil who has taken
  - a) a final examination;
  - b) an examination of the profile part of a school leaving examination; or
  - c) a sub-examination of the common part of a school-leaving examination either as a written or oral examination

or has been excluded from such examinations may, within eight (8) days of the date he/she was informed of the result of the examination or of the date he/she was informed of the decision on his/her exclusion from the examination, request in writing the relevant Regional Authority to review the course and results of such examination or the reasons for having been excluded.

(2) The Regional Authority shall decide on the request under sub-section 1 within thirty (30) days of the date of its delivery and shall either change the result of the examination or abolish it and order to repeat the examination if it ascertains that legal regulations were breached, or that there were other serious deficiencies which could have affected the due course or result of the examination. It shall confirm the result of the examination in the opposite case. The Czech School Inspectorate and the Centre whilst meeting tasks under Section 80 (3) shall cooperate with the Regional Authority when assessing such application. The examination must be repeated, with the exception of the sub-examination of the common part of a school-leaving examination taken as a written examination, not later than fifteen (15) days from the date when the decision was issued and must be taken in front of the Examination Board appointed by the Regional Authority. The sub-examination of the common part of a school-leaving examination taken as a written examination shall be repeated on the nearest possible date stipulated by the implementing legal regulation.

(3) Every pupil who has taken an examination of the common part of a school-leaving examination, with the exception of the sub-examination of the common part of a school-leaving examination taken as a written examination, may request the Ministry in writing

within five (5) days of the date on which he/she was provided information on the result of such examination or of the date he/she was informed of the decision on his/her exclusion from the examination to review the result of such examination or the reasons for having been excluded. The Ministry shall inform the applicant in writing on the result of the review not later than within ten (10) days of the delivery of the request in question.

(4) Every pupil shall be entitled to get acquainted with all documents concerning them which are decisive to the results of the examination.

TITLE III  
FOLLOW-UP COURSES AND SHORTENED STUDIES FOR ACQUIRING  
SECONDARY EDUCATION COMPLETED BY ATTAINING AN APPRENTICESHIP  
CERTIFICATE AND SECONDARY EDUCATION COMPLETED BY A SCHOOL-  
LEAVING EXAMINATION

Section 83  
**Follow-up Courses**

(1) Secondary schools providing secondary education completed by a school-leaving examination in a given area of education may in such an area organise follow-up courses for applicants who have acquired secondary education completed by attaining an apprenticeship certificate in the area similar to the education in question which was studied as a day form of education for three (3) years. Education shall be organised under an adjusted Framework Educational Programme for the relevant area of education. The Government shall lay down in a Regulation how the relevant educational areas link together.

(2) Education within follow-up courses shall last for two (2) years and will be taught in the day form.

(3) The head teacher may, within enrolment proceedings for follow-up courses, decide on a compulsory admission examination, the content and form of which shall be specified in compliance with the common part of the Framework Educational Programmes of those areas of education which may be followed up by special courses.

(4) Follow-up courses shall be completed by a school-leaving examination and shall be certified by a School-leaving Examination Report. A pupil who has successfully completed a follow-up course shall acquire secondary education accomplished by a school-leaving examination.

(5) The Ministry shall lay down in an implementing legal regulation detailed conditions according to which follow-up courses shall be organised.

Section 84

**Shortened Courses for Acquiring Secondary Education Accomplished by Attaining an  
Apprenticeship Certificate**

(1) Secondary schools providing secondary education completed by attaining an apprenticeship certificate in a given area of education may in such area organise shortened courses for acquiring an apprenticeship certificate for applicants who have acquired secondary education completed by a school leaving examination. Shortened courses shall last from one (1) up to one and a half (1.5) years and shall be taught in the day form. The Framework Educational Programme shall specify the length of the relevant area of education.

(2) The head teacher may, within enrolment proceedings, decide on a compulsory admission examination, the content and form of which shall be specified in compliance with the Framework Educational Programme of that area of education in which the applicant wishes to study.

(3) The Ministry shall lay down in an implementing legal regulation details and conditions upon which shortened courses for acquiring education completed by attaining an apprenticeship certificate shall be organised.

#### Section 85

### **Shortened Courses for Acquiring Secondary Education Accomplished by a School Leaving Examination**

(1) Secondary schools providing secondary education completed by a school-leaving examination in a given area of education may in such area organise shortened courses for acquiring secondary education completed by a school-leaving examination. Shortened courses shall last for from one (1) up to two (2) years and shall be taught in the day form. The Framework Educational Programme shall specify the length of the relevant area of education.

(2) Shortened courses for acquiring secondary education completed by a school-leaving examination may be applied for by applicants who have already acquired secondary education accomplished by a school-leaving examination, however in a different area of education. The head teacher may, within enrolment proceedings, decide on a compulsory admission examination the content and form of which shall be specified in compliance with the Framework Educational Programme of the area of education in which the applicant wishes to study

(3) The Ministry shall lay down in an implementing legal regulation details and conditions upon which shortened courses for acquiring education completed by a school-leaving examination shall be organised.

## PART FIVE EDUCATION AT CONSERVATORIES

#### Section 86

### **Goals of Education at Conservatories**

Education at conservatories shall develop knowledge, skills and other abilities of a pupil acquired at basic education and basic artistic education, provide general education, and prepare pupils for the performance of demanding artistic or artistic together with artistic-pedagogical activities in such branches as music, dance, singing, and music and drama. Education at conservatories shall further create preconditions for quality personal and civil life and the continuation of education and preparation for the carrying out of work activities

#### Section 87

### **Levels of Education at Conservatories**

(1) The following levels of education shall be achieved by successful completion of the educational programme at conservatories:

- a) secondary education completed by a school-leaving examination;
- b) tertiary professional education for conservatories;

(2) A pupil shall acquire secondary education completed by a school-leaving examination by successful completion of a corresponding part of the educational programme for conservatories, however not earlier than after four (4) years of attending a day form of education within a six-year educational programme or after eight (8) years of attending a day form of education within an eight-year educational programme.

(3) A pupil shall acquire tertiary professional education by successful completion of a six-year or eight-year educational programme.

#### Section 88

### **Admission to Education at Conservatories**

(1) Applicants who have completed compulsory school attendance or successfully completed basic education prior to finishing compulsory school attendance may be admitted to the first grade of six-year conservatories, whilst applicants who have successfully completed the fifth grade of basic school and who have met within the enrolment proceedings conditions for admission by proving adequate abilities, knowledge, interests, and health condition, may be admitted to the first grade of eight-year conservatories.

(2) The enrolment proceedings for education at conservatories shall be held in the form of an examination proving particular abilities of an applicant. Section 62 shall apply to organisation of such examinations and the head teacher of the conservatory shall send, to the applicant him/herself or, in the case of a minor applicant, to his/her statutory representative, after the evaluation of the results of the examination proving the particular abilities, a decision on admission or non-admission to education at the conservatory, not later than on 10<sup>th</sup> February.

#### Section 89

### **Completion of Education at Conservatories**

(1) Education at conservatories shall be usually completed by passing a graduation examination (hereinafter referred to as “absolutorium”) certified by a certificate of completion and a diploma of a conservatory graduate. Conservatory graduates shall be awarded a degree

“diplomovaný specialista” (“a qualified specialist”) stated after the name and abbreviated as “DiS”. Students may complete education also by a school-leaving examination, however not earlier than after the fourth grade, and in dance after the eighth grade.

(2) A school-leaving examination report and certificate of completion at conservatory shall state, in a special clause, the relevant level of education.

## Section 90 **Absolutorium at Conservatories**

(1) The purpose of “absolutorium” at conservatories is to verify whether pupils have achieved the goals of education specified by the Framework and School Educational Programmes in the relevant area of education, in particular to verify the level of their key skills, knowledge and attitudes being important for their further education as a conservatory graduate and the carrying out of their profession.

(2) In order to achieve absolutorium at conservatories pupils must take a comprehensive professional examination consisting of a theoretical examination composed of vocational subjects specified by the Framework Educational Programme, an examination in a foreign language, a graduate thesis and its defence, and a graduate performance in one or two principal artistic branches, or an examination in artistic and pedagogical preparation if so stipulated by the Framework Educational Programme. In order to achieve absolutorium in dance a pupil shall take an examination consisting of a theoretical examination in vocational subjects specified by the Framework Educational Programme, write a graduate thesis and give its defence, give a graduate performance, and take an examination in artistic and pedagogical preparation. The head teacher shall specify the content and terms for holding such examinations.

(3) A pupil may take absolutorium examinations at a conservatory if he/she has successfully completed the last grade of education in the relevant area of education and

- a) successfully passed final examinations in the Czech language and literature, the history of the branch he/she has studied, or a school-leaving examination within a six-year educational programme;
- b) successfully passed final examinations in the Czech language and literature, the history of the branch he/she has studied, or a school-leaving examination within an eight-year educational programme.

(4) A pupil who completes education at conservatory through absolutorium without passing a school-leaving examination shall take within the time limit specified by the head teacher a final examination in front of an Examination Board in subjects under sub-section 3 in the school year during which school lessons of such subjects were finished, however not later than by the end of the first term of the following school year. If a pupil fails the final examination taken in front of the Examination Board, the Examination Board shall specify the date for a repeat examination. A pupil may take such a repeat examination in front of the Examination Board not more than twice. The head teacher shall appoint the Chair and members of the Examination Board for the final examination.

(5) An absolutorium examination shall be held in front of the Examination Board. The relevant Regional Authority shall appoint the Chair of the Examination Board. The Chair of the Examination Board must be a pedagogical worker from another conservatory or a university having adequate professional and pedagogical qualifications and at least five (5) years of artistic and pedagogical experience. The head teacher shall appoint the Vice-Chair and members of the Examination Board. A pedagogical worker employed at the school concerned having at least five (5) years of pedagogical experience shall be appointed Vice-Chair. Members of the Examination Board must be the supervisor of the graduate thesis, the supervisor of the graduate performance and an opponent. The Provisions of Section 74 (9) and (10) shall apply accordingly.

(6) Prior to commencement of the absolutorium examination pupils shall not attend school lessons for a period of five (5) days. This period is assigned for learning for the relevant examinations.

(7) The Examination Board may permit a pupil's postponement of a final examination taken in front of the Examination Board or absolutorium examination, or shall determine the date of a substitute examination provided that the pupil could not, due to serious reasons, take the final examination in front of the Examination Board or the absolutorium examination, and he/she has justified in writing his/her absence to the Chair of the Examination Board within three (3) working days of the date of the relevant examination. The Chair of the Examination Board may, in serious cases, waive the fact that the specified term has not been respected.

(8) If a pupil has not taken the final examination or the absolutorium examination without due justification, if his/her excuse has not been acknowledged, or if he/she has been expelled from the examination then such a pupil shall be considered to have failed.

(9) If a pupil has failed the absolutorium examination or if he/she has not successfully defended his/her graduate thesis such a pupil shall be permitted to resit the examination or repeat defence of his/her graduate thesis on a date specified by the Examination Board. A repeat examination and repeat defence may be taken twice.

(10) A pupil shall cease to be a pupil of the school on the day following the date when he/she passes the absolutorium examination. If a pupil has not passed the absolutorium examination at the conservatory in the due term and he/she has been permitted a repeat examination or postponement of such examination the pupil shall have all the rights and duties of a pupil of the conservatory until 30<sup>th</sup> June of the school year when he/she should have completed his/her education.

(11) A pupil may take an absolutorium examination not later than five (5) years from completing the last grade of education.

(12) Every pupil who has taken the absolutorium examination may, within eight (8) days from the date he/she was announced the result of the examination, request in writing the relevant Regional Authority to review the course and results of such examination. In reviewing the results the provisions of Section 82 (1), (2) and (4) shall apply accordingly.

(1) The Ministry shall lay down in an implementing legal regulation more detailed conditions on the course, organisation, and completion of education at conservatories.

(2) The provisions hereof concerning secondary education and secondary schools shall apply to education at conservatories unless stipulated otherwise.

## **PART SIX TERTIARY PROFESSIONAL EDUCATION**

### **TITLE I**

#### **GOALS AND THE LEVEL OF TERTIARY PROFESSIONAL EDUCATION, ITS ORGANISATION, COURSE AND MANNER OF ITS COMPLETION**

##### **Section 92**

#### **Goals of Tertiary Professional Education and the Level of Education**

(1) Tertiary professional education shall develop and broaden the knowledge and skills of a student acquired during secondary education and shall provide general and vocational education as well as vocational training for the execution of demanding activities.

(2) A level of tertiary professional education shall be achieved by successful completion of a relevant accredited educational programme.

(3) The length of tertiary professional education, in the day form, shall last for three (3) years including vocational training, and with regard to medical branches it shall last up to three and a half (3.5) years.

#### **Admission to Education at Tertiary Professional Schools**

##### **Section 93**

#### **Conditions for Admission to Education at Tertiary Professional Schools**

(1) Applicants who have completed secondary education completed by a school-leaving examination and who, within enrolment proceedings, have met all conditions upon which they may be admitted by proving adequate abilities, knowledge, interests, and health condition, may be admitted to education at tertiary professional schools.

(2) The head teacher of the tertiary professional school shall decide on the admission of an applicant to education at the tertiary professional school.

##### **Section 94**

#### **Admission to the First Grade of Education at Tertiary Professional Schools**

(1) An applicant shall file his/her application for education at a tertiary professional school with the head teacher for the first round of enrolment proceedings and within the time

limit specified by an implementing legal regulation. An application shall always contain the birth identification number of an applicant if such number has been assigned to him/her

(2) The head teacher may, within enrolment proceedings, decide on an admission examination the content and form of which shall be specified in compliance with the common part of Framework Educational Programmes providing secondary education completed by a school-leaving examination.

(3) The head teacher shall specify unified criteria of enrolment proceedings for all applicants to be admitted in individual rounds of enrolment proceedings to the relevant area of education as well as the forms of education for a given school year. The head teacher shall assess applicants within the enrolment proceedings according to:

- a) the knowledge of an applicant acquired during secondary education and expressed by evaluation on the school report from the secondary school;
- b) results of the admission examination, if applicable; and
- c) other facts proving adequate abilities, knowledge, and interests of an applicant.

(4) A prerequisite for admitting an applicant to education at a tertiary professional school shall be also to satisfy health conditions necessary for the selected area of education.

(5) If an admission examination is required, the head teacher shall publish the deadline for submitting applications for education a sufficient time in advance, however not later than two (2) months prior to the specified deadline, along with documents required to be submitted with the application, evaluating criteria of enrolment proceedings, the date of the admission examination and its form, as well as the framework content or other conditions upon which an applicant may be admitted. Such information must be disclosed at a place which is accessible in the school.

(6) If more applicants than the specified number of students to be admitted satisfy the conditions of the enrolment proceedings their order of results from the enrolment proceedings evaluation shall be decisive.

(7) The head teacher shall send the decision on admission or non-admission to tertiary professional education to an applicant within seven (7) days of the date of the admission examination or of the date on which the relevant decision was made if an admission examination has not been organised, however not earlier than on 21<sup>st</sup> June.

(8) The head teacher may, after closing the first round of the enrolment proceedings, announce another round of enrolment proceedings to reach the expected number of pupils.

## Section 95

(1) The head teacher may admit an applicant to a grade higher than the first grade of the tertiary professional school. After assessing the documents of the applicant proving his/her education to-date the head teacher may within the enrolment proceedings determine as a condition upon which an applicant may be admitted that he/she take an examination, and specify its content, date, form, and evaluation criteria in compliance with the Accredited



Educational Programme of the relevant area of education. Provided that the head teacher decides on the admission of the applicant he/she also shall specify the grade to which the applicant shall be assigned.

(2) With regard to medical branches the head teacher may admit an applicant to a grade higher than the first grade at the tertiary professional school only if the content of the previous education of an applicant corresponds to the content of education carried out in the grades which the student will not attend.

## **Organisation and Course of Tertiary Professional Education**

### **Section 96**

(1) The school year shall begin on 1<sup>st</sup> September and ends on 31<sup>st</sup> August of the following calendar year. The school year shall be divided into two terms. The winter term shall start on 1 September and end on 31<sup>st</sup> January, whilst the summer term shall run from 1<sup>st</sup> February to 31<sup>st</sup> August.

(2) Tertiary professional education shall contain theoretical education and vocational training. Vocational training shall be held in the form of practicum at school or in the form of in-service professional practice at the workplaces of natural and legal persons authorised to carry out activities relating to the given area of education and which have entered with the relevant school into an agreement on the content and scope of in-service professional practice and conditions upon which the professional practice shall be held.

(3) The provisions of the Labour Code regulating working hours, safety and protection of health at the working place, care for employees, working conditions for women and youngsters, and other regulations on the safety and protection of health during work activities shall apply to vocational training.

### **Section 97**

(1) An applicant shall become a student of a tertiary professional school on the date of his/her registration for education. Applicants shall register within a time limit specified by the relevant tertiary professional school, however not later than on 30<sup>th</sup> September.

(2) A document proving education at a tertiary professional school shall be a student's book proving his/her results. A student's book shall record subjects and other comprehensive parts of the syllabus of the selected area of education and results of student's evaluation.

(3) A student shall be able during his/her studies at the tertiary professional school to transfer to another tertiary professional school or to repeat the grade, and he/she shall be entitled to recognition of his/her previous education upon his/her request made in writing.

(4) The head teacher may permit a student to change his/her area of education. With regard to making a decision on the change of the area of education the head teacher may decide on an examination which might show the differences in education and shall specify its content, scope, date, and evaluation criteria.

(5) The head teacher of the school where a student wishes to be transferred shall decide on the transfer of the student concerned. With regard to such decision-making process, in particular if the transfer to a different area of education is considered, the head teacher may decide on an examination which might show the differences in education and shall specify its content, scope, date, and evaluation criteria.

(6) The head teacher may interrupt the education of a student for a period of not longer than two (2) years. For such a period the student shall cease to be a student of the relevant tertiary professional school. After the specified time limit of interruption of education elapses the student shall continue to study in the same grade in which he/she interrupted his/her school attendance. With the prior consent of the head teacher the student may continue his/her studies in an upper grade if he/she proves corresponding knowledge and practical skills and the manner how these have been achieved. Upon the request of the student the head teacher shall discontinue the interruption of education even before the period of interruption elapses unless such discontinuation is prevented by serious reasons.

(7) The head teacher shall be obliged to interrupt the education of a female-student if she is pregnant or on maternity leave if vocational training is organised at workplaces prohibited for pregnant women or work carried out is prohibited for pregnant women and mothers until the ninth month after giving birth, or if on the basis of a medical assessment school lessons may endanger the pregnancy of the female-student concerned.

(8) The head teacher may permit a student who has not met the conditions specified by the Accredited Educational Programme for a relevant school year to repeat the grade after assessing his/her current study results and reasons stated in the application.

#### Section 98

(1) A student may discontinue education on the basis of a written notification duly serviced to the head teacher of the relevant school. A student shall cease to be a student of the tertiary professional school on the day following the date of delivery of such notification to the head teacher of the relevant school or on the date stated in the notification on discontinuation of education if such a date is later.

(2) Should a student not attend school lessons for a period of at least twenty (20) days and his/her absence has not been duly justified the head teacher shall request him/her in writing to justify, without undue delay, his/her absence. At the same time he/she shall note that otherwise the student in question shall be considered to be a student who has discontinued his/her education. A student of a tertiary professional school who does not start to attend school lessons within three (3) weeks from the delivery of the request or does not justify the reasons for his/her absence shall be considered to be a student who has discontinued his/her education on the last date of the time limit specified. He/she shall cease to be a student of the tertiary professional school on that day.

#### Section 99

### **Evaluation of Educational Results of Students**

(1) Students shall be evaluated always for each relevant term. Subjects or other comprehensive parts of the syllabus on the basis of which a student will take an examination or will be evaluated in a different manner shall be specified by the Accredited Educational Programme. Examinations may be repeated twice. In the case that the content of evaluation is further broken down into different comprehensive parts, which are not subjects, students shall be issued confirmation of their attendance.

(2) A student who has successfully met the conditions specified by the Accredited Educational Programme for a relevant grade shall proceed to a higher grade.

(3) If a student cannot be evaluated due to serious reasons the head teacher shall determine the date by which the student's evaluation must be completed. Evaluation must be completed not later than by the end of the following term.

### Section 100 **Recognition of Achieved Education**

A head teacher shall recognise comprehensive education achieved by a student provided that it is justified by a document on such education or by any other provable manner. The head teacher may recognise the partial education of a student if it is justified by a document confirming such education or by any other provable manner and not more than ten (10) years have elapsed since its completion, or if the student proves the knowledge achieved by such education in an examination specified by the head teacher. If the head teacher recognises the education achieved by the student he/she shall excuse fully or partially such a student from school lessons and evaluation in the scope of the recognised education.

### **Accomplishment of Tertiary Professional Education**

#### Section 101

Education at tertiary professional schools shall be completed by an absolutorium examination. The document certifying achievement of tertiary professional education shall be the Absolutorium Report and the diploma of a graduate of a tertiary professional school. Tertiary professional school graduates shall be awarded a degree "diplomovaný specialista" ("a qualified specialist") written after his/her name and abbreviated as "DiS".

#### Section 102

(1) Absolutorium shall be conditional upon successful completion of the last grade of education. An absolutorium examination shall consist of vocational subjects, an examination in a foreign language and the defence of a graduate thesis. A graduate thesis may be elaborated and defended by several students, however each student shall be evaluated individually. A graduate thesis and its defence may also contain a part verifying practical skills.

(2) The head teacher shall announce at least one (1) date for absolutorium in the school year.

(3) An absolutorium examination shall be held in front of an Examination Board and shall be public with the exception of meetings of the Examination Board on evaluating a student.

(4) The Examination Board shall have permanent and other members with the Chair being a pedagogical worker from another tertiary professional school or university. Permanent members shall be the Chair, Vice-Chair and a supervising teacher of a study group. Other members shall be a teacher of the relevant subject, a teacher who also teaches the same subject but is not the teacher of the examined pupil, a supervisor of the graduate thesis, and a critical opponent. A practical expert may be also appointed a member of the Examination Board. The Regional Authority shall appoint the Chair of the Examination Board whilst the head teacher shall appoint all other members of the Examination Board. The Provisions of Section 74 (9) and (10) shall apply accordingly.

(5) If a student has failed an examination or has not defended his/her graduate thesis he may take a repeat examination or defend the graduate thesis within six (6) months of the date of the absolutorium examination. Repeat examinations or repeat defences of the graduate thesis may be taken not more than twice and always on the date determined by the Examination Board.

(6) If a student does not take the examination but he/she has duly justified his/her absence not later than within three (3) working days of the date of the examination to the Chair of the Examination Board or does not take the absolutorium examination since he/she has not yet completed the last grade of education, he/she shall be entitled to take a substitute examination. The Chair of the Examination Board may, in serious cases, waive the fact that the specified term has not been respected. The right of the pupil to take a repeat examination shall not be prejudiced by participating in the substitute examination.

(7) A student shall cease to be a pupil of the tertiary professional school on the day following the date when he/she passes the absolutorium examination. If a student has not passed the absolutorium examination he/she shall have all rights and duties of a student of the tertiary professional school until 30<sup>th</sup> June of the school year when he/she should have completed his/her education. If a student has not taken the examination without due justification, if his/her excuse has not been acknowledged or if he/she was expelled from the examination, such a student shall be considered to have failed.

(8) A student may take an absolutorium examination not later than five (5) years from completing the last grade of education.

(9) Each person who has taken an absolutorium examination or defended his/her graduate thesis may, within eight (8) days of the date he/she was informed of the result of the examination, request in writing the relevant Regional Authority to review the course and result of such examination. In reviewing the result the provisions of Section 82 (1), (2) and (4) shall apply accordingly.

### Section 103

The Ministry shall lay down in an implementing legal regulation details on organisation, procedures and the course of enrolment proceedings for education at tertiary professional

schools including dates of admission examinations and admission to grades higher than the first grade, details on organisation and the course of tertiary professional education, conditions for organising vocational training, rules for evaluating students and for recognising their previous education, and detailed conditions on the completion of tertiary professional education by the absolutorium examination.

## TITLE II EDUCATIONAL PROGRAMME ACCREDITATION

### Section 104

(1) An educational programme in the relevant area of education for individual tertiary professional school shall be subject to the granting of accreditation by the Ministry. In the event of a medical educational programme the consent of the Ministry of Health shall be required in advance and in the event of an educational programme relating to security services the consent of the Ministry of the Interior shall be required in advance. In the case of an educational programme aimed at preparing for a profession subject to regulation the approval of the relevant certifying authority as to whether the graduates will be prepared in a the manner adequate for performing such profession shall be required in advance.

(2) Should the educational programme be accredited and registered for the relevant tertiary professional school in the Register of School, applicants for this type of education may be admitted, school lessons and examinations organised, and the degree of a graduate of a tertiary professional school may be granted.

### Section 105

(1) Applications for educational programme accreditation shall be submitted to the Ministry. The Ministry shall, without undue delay, provide the application to the Accreditation Commission for tertiary professional schools (hereinafter referred to as the "Accreditation Commission"). The Accreditation Commission shall assess an educational programme in terms of its content and specialisation within 120 days of the date when the application was delivered and shall provide the Ministry with its opinion.

(2) The Ministry shall decided on accreditation of the relevant educational programme within thirty (30) days of the date of delivery of the opinion of the Accreditation Commission.

(3) The Ministry shall not grant accreditation if

- a) the educational programme does not satisfy details stipulated in Section 6(1);
- b) the educational programme is not in compliance in terms of its content with goals and principles stipulated herein;

(4) Furthermore, the Ministry shall not grant accreditation if the Accreditation Commission issues a dissenting opinion on the application for educational programme accreditation.

(5) The Ministry shall lay down in an implementing legal regulation the content of the written application for educational programme accreditation.

## Section 106

(1) Educational programme accreditation shall be granted for a limited time equalling not more than double the length of education in the day form. The validity of accreditation may be repeatedly renewed. The provisions of Section 105 shall apply to extension of the validity of accreditation and shall reasonably apply accordingly.

(2) Whilst carrying out the accredited educational programme the tertiary professional school may apply for modification of its educational programme.

(3) Educational programme accreditation shall cease to exist upon deleting the relevant record of education field from the Register of Educational Facilities.

## Section 107

### **Accreditation Commission**

(1) The Accreditation Commission shall issue its opinion on educational programmes within accreditation proceedings and further it shall also assess other matters concerning tertiary professional education submitted to it by the Minister of Education, Youth and Sports.

(2) The Accreditation Commission shall consist of twenty-one (21) members. The Minister of Education, Youth and Sports shall appoint members of the Accreditation Commission from among experts from universities, tertiary professional schools and practitioners with relevant expertise.

(3) Members of the Accreditation Commission shall be appointed for a period of six (6) years and may be appointed for no more than two subsequent periods.

(4) In carrying out their activities members of the Accreditation Commission shall act independently.

(5) The internal organisation and sessions of the Accreditation Commission and reasons for discharging its members shall be regulated by the Accreditation Commission Statute issued by the Ministry. The Ministry may alter the Accreditation Commission Statute after discussion with the Accreditation Commission itself. The Ministry shall publish the Accreditation Commission Statute and its modifications in the Journal.

(6) The Ministry shall support activities carried out by the Accreditation Commission materially, financially and in terms of organisation.

## PART SEVEN RECOGNITION OF FOREIGN EDUCATION

### Section 108

(1) A school-leaver of a foreign school who holds a document certifying that he/she has achieved basic, secondary or tertiary professional education (hereinafter referred to as

“foreign school report”) may request the Regional Authority relevant with respect to the place of residence of the applicant

- a) to issue a certificate of recognition of the equality of the foreign school report in the Czech Republic, or
- b) for a decision on recognition of the validity of the foreign school report issued in the Czech Republic (hereinafter referred to as “education recognition”)

(2) The Regional Authority shall also issue a certificate recognising the equality of a foreign school report in cases where the Czech Republic is bound by an international agreement on recognising the equality of certificates of education with the country where the foreign school has been established and registered. If the foreign school report does not provably demonstrate the content and scope of the subject taught the applicant shall also submit the Framework Educational Programme of the area in which he/she has achieved his/her education.

(3) If the Czech Republic is not bound by an international agreement on recognising the equality of certificates of education with the country where the foreign school has been established and registered, the Regional Authority shall decide on recognition of education upon the submission of the original of foreign school report or its officially verified copy. If a foreign school report does not provably demonstrate the content and scope of subject taught the applicant shall also submit the Framework Educational Programme of the area in which he/she has achieved his/her education.

(4) Unless an international agreement states otherwise the authenticity of signatures and seals on originals of foreign school reports and the fact that school has been registered in the country where the foreign school report was issued must be verified by a relevant embassy or a consulate of the Czech Republic and the Ministry of Foreign Affairs of the country where there is the seat of the foreign school which issued the foreign school report or by a notary in the country concerned. An officially verified translation of the documents stipulated in sub-sections 2 and 3 into the Czech language shall be attached to the application. In the event of a certificate of education issued in the Slovak language its translation into the Czech language shall not be required.

(5) If the Regional Authority, within the procedure of recognition of education, finds out that the content and scope of education at foreign school substantially differs when compared with a similar Framework Educational Programme in the Czech Republic, it shall reject the application. If the content and scope of education at the foreign school differs only partially or the applicant does not submit the Framework Educational Programme stipulated in sub-section 3 or he/she does not satisfy requirements stipulated in sub-section 4, the Regional Authority shall order the recognition of education examination. The Regional Authority shall also reject an application for recognition of education if the applicant fails the recognition of education examination. An applicant who is not a Czech national shall not take an examination in the Czech language and literature.

(6) The Ministry shall decide on the recognition of education with regard to a foreign school report issued by a foreign school with an educational programme which is carried out with the agreement of the Ministry. The provisions of sub-section 3 through 5 shall apply accordingly.

(7) The Ministry of the Interior shall issue a certificate on the recognition of equality and shall decide on recognition of education of a foreign school report with respect to the activities of the police and fire rescue brigades.

(8) The Ministry shall lay down in an implementing legal regulation conditions for recognising the equality of education and education recognition with regard to foreign school reports issued by foreign schools, conditions for organising recognition of education examinations, the composition of the Examination Board for recognition of education examinations, and the manner of making decisions thereof.

(9) With regard to a person who was provided in the Czech Republic or in any other Member State of the European Union international protection in the form of asylum or supplementary protection <sup>26a)</sup> or who must be considered in accordance with international obligations of the Czech Republic as a refugee or displaced person, or a person finding him/herself in a similar situation as that of a refugee, submission of a document specified in sub-sections 1 through 3 and verification under sub-section 4 may be replaced by the submission of an affidavit of such person confirming facts otherwise proven by the aforementioned document or verification. In the case of doubt arising with regard to the attained education a Regional Authority shall order the applicant to take a recognition examination

## PART EIGHT BASIC ARTISTIC AND LANGUAGE EDUCATION AND EDUCATION DEVELOPING PERSONAL INTERESTS

### Section 109 **Basic Artistic Education**

(1) Basic artistic education shall provide basic education in individual artistic areas of education. Basic artistic education shall be carried out at basic artistic schools. Basic artistic schools shall also prepare for education at secondary artistic schools and at conservatories or for studies at universities focusing on artistic pedagogical activities.

(2) Basic artistic schools shall organise preparatory school lessons, basic studies of the 1<sup>st</sup> and 2<sup>nd</sup> levels, studies with an extended number of school lessons, and adult education.

### Section 110 **Language Education**

(1) Language education shall provide language education in foreign languages. Language education hereunder shall be carried out at language schools authorised to organise state language examinations.

(2) Education at language schools authorised to organise state language examinations may be completed by a state language examination, a general state language examination and a special state language examination. A state language examination may be taken even without previous education at a language school authorised to organise state language



examinations. A certificate on the state language examination shall certify that the relevant examination has been passed.

(3) A state language examination shall consist of oral and written parts. The Ministry shall specify the written part of the examination and shall set out the dates on which such examinations shall be taken.

(4) State language examinations in individual languages shall be taken in front of an Examination Board. The Ministry shall appoint the Chair of the Board for state language examinations and Chairs for Examination Boards for individual languages. The head teacher shall appoint other members of the Examination Board. The Chair of the Examination Board for state language examinations and Examination Boards for individual languages must be a person having relevant professional qualifications and who has performed direct pedagogical activity for at least five (5) years.

#### Section 111

### **Education Developing Personal Interests**

(1) Education developing personal interests shall be provided to learners in their leisure time and shall focus on various areas. Education developing personal interests shall be carried out at school facilities for developing interests, in particular in leisure time centres, school play-centres, and school clubs.

(2) Leisure time centres shall further participate in care for gifted children, pupils, and students and in cooperation with schools and other institutions in organising competitions and performances of children and pupils.

#### Section 112

The Ministry shall lay down in an implementing legal regulation detailed conditions and procedures for admission to basic artistic education, language education and education developing personal interests, their content, scope, organisation, evaluation, and completion, conditions for completing language education by a state language examination, the content and scope of state language examinations and the Rules of Organisation of such examinations, recognition of previous education for the purpose of taking state language examinations, and the fees to be charged for such examinations; it shall also specify organisation of education according to interests at school facilities for development of personal interests and conditions for organising and funding competitions and performances arising from education developing personal interests.

## PART NINE FURTHER EDUCATION AT SCHOOLS

#### Section 113

### **Individual Examinations**

(1) With regard to further education, every person who has acquired at least basic education and who is not a pupil of a secondary school may take, under the conditions stipulated in sub-section (2) through (7), at secondary or tertiary professional schools an individual examination which by its content and form corresponds to a final examination, absolutorium examination, an examination of the profile part of a school-leaving examination or to the relevant subject or an examination of the common part of a school-leaving examination typically organised in the given school.

(2) The individual examination may be taken upon an application submitted to

- a) the head of the Centre if the applicant wishes to take an individual examination which corresponds as to its content and form to the examination of the common part of a school-leaving examination;
- b) and in all other cases to the head teacher of the school under sub-section 1; the head teacher shall inform the applicant in writing not later than within twenty (20) days after delivery of the application whether he/she may take the requested examination. Such application shall include the birth number of the applicant or if such birth number has not been assigned then the applicant's date and place of birth.

(3) An individual examination

- a) the content and form of which corresponds to final examinations shall be taken, organised and assessed in accordance with the provisions regulating final examinations herein;
- b) the content and form of which corresponds to absolutorium examinations shall be taken, organised and assessed in accordance with the provisions regulating absolutorium examinations herein;
- c) the content and form of which corresponds to school-leaving examinations shall be taken, organised and assessed in accordance with the provisions regulating school-leaving examinations herein with the following exceptions;
  1. appointing the Chair of the School-Leaving Examination Board, as the Chair shall be appointed in the cases listed in sub-section 2 (a) the head of the Centre, and in cases listed in sub-section 2 (b) the Chair shall be the head teacher of the relevant school or an authorised teacher appointed by the head teacher;
  2. dates for taking individual examinations which shall be, in compliance with the implementing legal regulation, determined and published in those cases listed in sub-section 2 (a) by the Centre and in those cases listed in sub-section 2 (b) by the head teacher.

(4) An individual examination under sub-section 2 (a) shall be held at the school specified by the Centre. Prior to taking an individual examination an applicant is obliged to prove his/her identity to the head teacher by a personal identity card furnished with his/her photograph. Not submitting a personal identity card or reasonable doubts about the identity of an applicant who has submitted such identity card may be a reason for not permitting the applicant to take the examination.

(5) With regard to a practical examination on the basis of vocational training or in vocational subjects with regard to a final examination or an examination of a school leaving examination taken in the form of a practical examination attendance, such examination under

sub-section 1 is conditional upon attendance during vocational training in the scope specified by the Framework Educational Programme. The head teacher may partially or fully waive attendance during vocational training if the applicant proves corresponding practical experience which is subject to vocational training.

(6) The Centre, and in those cases listed in sub-section 2 (b) the head teacher, shall inform the applicant of the results of an individual examination within twenty (20) days of the date on which the respective examination was taken.

(7) If an applicant has failed the individual examination he/she may resit the examination, however, not more than twice in the case of each examination and not earlier than one (1) year after the unsuccessful examination. The resit examination is conditional upon filing an application under sub-section 2.

(8) A certificate from the individual examination shall certify that such individual examination has been passed. Such certificate shall be issued in those cases listed in sub-section 2 (a) by the centre and in those cases listed in sub-section 2 (b) by the respective school. However the respective level of education shall not be acquired through an individual examination. Qualifications required for performing a medical profession may not be acquired through an individual medical examination.

### **Section 113a**

(1) Individual examinations may be taken for pecuniary consideration, which shall be considered, in the case of Section 113 (2) (a) the revenue of the state budget, and in all other cases it shall be considered the revenue of the legal entity carrying out the activities of a school. The legal entity carrying out activities of a school where the respective individual examination has been taken under Section 113 (2) (a) shall be entitled to receive funds from the state budget amounting to the fee for the respective examination stipulated by the implementing legal regulation.

(2) The Ministry shall lay down in the implementing legal regulation the rules for specifying and publishing dates for taking individual examinations, the forms, content and deadlines for submitting applications for taking an individual examination, the form and content of the required documentation and the certificate on passing an individual examination, as well as the maximum fee for an examination under Section 113 (2) (a), the maximum fee for an examination under Section 113 (2) (b) taken at a school established by the state, a region, a municipality or a union of municipalities, and the proportion of such fee for the examination for the purpose providing funds from the state budget to the legal entity carrying out activities of the school under sub-section 1, the second sentence.

### **Section 113b**

## **Recognition of Further Education and Partial Education**

(1) A certificate on acquiring partial qualification issued under the special legal regulation <sup>26a)</sup> shall be, for the purposes of Section 63, considered a certificate on previous education of an applicant.

(2) A certificate on acquiring partial qualification issued under the special legal regulation <sup>26a)</sup> shall be, for the purposes of Section 70, considered a certificate on partial education of a pupil.

### **Section 113c**

#### **Taking a Final Examination, School-Leaving Examination or Examination on Completing Education at a Conservatory**

(1) A person having at least basic education who, under a special legal regulation <sup>26a)</sup>, has acquired partial qualifications confirming all professional qualifications laid down in the National Qualification System for Due Performance of all Working Activities Carried Out within a Certain Profession may, even without previous education at a secondary school or conservatory and without previous successful passing of examinations in all subjects or other comprehensive parts of a core curriculum laid down by a framework or school educational programme in a relevant field of education, acquire a level of education by successfully passing a final examination, school-leaving examination or examination on completing education at a conservatory in a relevant field of education. The head teacher of a school in the respective field of education shall, upon the application of such person stated in the first sentence, enable that person to take a final examination, school-leaving examination or examination on completing a conservatory on the date specified by the head teacher. In the case of a sub-examination taken as an oral examination and examinations of the common part of a school leaving examination, the pupil shall take his/her examination on the dates stipulated by the implementing legal regulation.

(2) The person specified in sub-section 1 may take a final examination, school-leaving examination or examination on completing education at a conservatory even though he/she is not a pupil of the relevant school. In such a case the person shall take the examination under similar conditions as if he/she were a pupil of the school. Unless the school has been established by the state, a region, a union of municipalities or a municipality, the head teacher of the school may make the option of taking a final examination, school-leaving examination or examination on completing education at a conservatory conditional upon payment of a fee in the amount specified by the head teacher; such fee shall be the income of the legal person carrying out the activities of the school in question.

(3) Sub-sections 1 and 2 shall not apply to the fields of education within which qualifications for performing medical professions under a special legal regulation <sup>26b)</sup> are acquired.

### **Section 113d**

A degree of education may be, without previous attendance at a secondary school or a professional tertiary school, attained after examinations in all subjects or other comprehensive parts of curricula specified by the Framework and School Educational Programme or the

relevant Accredited Educational Programme for the relevant branch of education covering all grades of the relevant school have been successfully passed and final examinations or school-leaving examinations or absolutorium examinations hereunder have been successfully passed.

#### Section 114

### **Specialised Courses, Courses of Individual Subjects, Post-Secondary Specialised Courses**

(1) Legal persons carrying out activities of secondary or tertiary professional schools may, in addition to education provided in accordance with the educational programmes stipulated in Section 3, organise specialised courses, courses in individual subjects, or other comprehensive parts of the syllabus or post-secondary specialised courses.

(2) Specialised courses and courses of individual subjects or other comprehensive parts of the syllabus at secondary or post secondary school shall be determined to supplement general as well as a special knowledge and skills required for performing professions or work activities.

(3) A post-secondary specialised course shall be determined for acquiring special theoretical as well as practical knowledge and skills which shall follow up, with respect to their special objectives, previously completed education and shall extend qualifications for performing professions or working activities.

(4) Courses under sub-section 1 shall not provide a level of education and may be charged for. A certificate shall certify that a course under sub-section 1 has been successfully completed.

(5) Parties to education under sub-section 1 shall not be pupils or students of the given school.

(6) Re-qualification not organised within the official educational system shall be organised under special legal regulations<sup>26</sup>, further education for performing medical professions shall be carried out under special legal regulations within the scope of activities of the Ministry of Health.<sup>27</sup>

## **PART TEN SCHOOL FACILITIES AND SCHOOL SERVICES**

#### Section 115

### **Facilities for Further Education of Pedagogical Staff**

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<sup>26</sup> For example Act No. 1/1991 Coll., on Employment, as amended, Act No. 9/1991 Coll., on Employment and Scope of Competencies of the Bodies of the Czech Republic with Regard to Employment, as amended, Decree No. 21/1991 Coll., on More Detailed Conditions for the Re-qualification of Job-Seekers and Employees, as amended by Decree no. 324/1992 Coll.

<sup>27</sup> Decree no. 77/1981 Coll., on Medical Workers and Other Professional Workers in Medical Care

Facilities for further education of pedagogical staff shall provide the further education of pedagogical staff of schools and school facilities, provide to schools and school facilities advisory services in methodological issues and management of schools and school facilities, and further they shall intermediate information on directions and procedures in education and coordinate supporting activities for schools and school facilities, development programmes, and other events.

Section 116  
**School Advisory Facilities**

School advisory facilities shall provide for children, pupils, and students and their statutory representatives and for schools and school facilities, information and diagnostic, advisory and methodological services, and shall provide pedagogical and specialised pedagogical and psychological services and preventative educational care, and shall assist in selecting a suitable future profession. School advisory facilities shall cooperate with authorities in providing social and legal care for children, and also with bodies providing care for youth and families, medical facilities, or other bodies and institutions.

Section 117  
**School Educational and Lodging and Boarding Facilities**

(1) School educational facilities and lodging and boarding facilities shall provide, in accordance with the purpose of their establishment, children, pupils, and students with

- a) education, sports, and interest activities in their leisure time;
- b) all-day education, lodging and boarding, or
- c) recovery stays for children and pupils in a healthy environment without the necessity of interrupting their education.

(2) School educational facilities and lodging and boarding facilities may operate during weekends, national holidays as well as during school holidays.

Section 118  
**School Facilities for Developing Personal Interests**

School facilities for developing personal interests shall provide, in accordance with the purpose of their establishment, educational, training, interest or recreational services and events, and shall ensure cultural activities for pupils, students and pedagogical staff or other persons.

Section 119  
**Facilities for School Catering (School Canteens)**

The catering of children, pupils, and students during their stay at schools, school facilities under Section 117 (1) (b) and (c) and school facilities for executing institutional education, protective education and preventative educational care shall be provided in school

canteens. School canteens may provide food also to the employees of schools and school facilities and food services to other persons, charging a fee.

#### Section 120

### **School Facilities Established for a Special Purpose**

School facilities established for a special purpose and in accordance with their purpose shall assist schools and school facilities in their activities, provide material and technical services, advisory, information or economic and administrative services; they shall provide professional, study and work, library and information services for pupils, students, or employees; and they shall ensure vocational training and education outside regular school lessons or create conditions for vocational training of pupils and the development of activities they are interested in.

#### Section 121

(1) The Ministry shall lay down in an implementing legal regulation types of school facilities and details on their content and the scope of their activities, organisation and conditions of operation, criteria for inclusion and placing children, pupils, and students or other users of services, or on the termination of placement, also on conditions upon which school services may be provided to the general public and on charges for school services and providing advisory services at schools and school advisory facilities.

(2) The Ministry shall lay down, acting in accordance with the Ministry of Health, in an implementing legal regulation, detailed conditions of organisation of school catering, operations of school canteens and the scope of provided services, nutrition standards according to age groups of those having meals at school canteens, and the range of financial rates for the purchase of food.

## PART ELEVEN

### MATERIAL SECURITY, COMPENSATION FOR PRODUCTIVE ACTIVITIES AND CHARGES FOR EDUCATION AND SCHOOL SERVICES

#### Section 122

### **Material Security and Charges for Productive Activities**

(1) A legal person carrying out activities of a school shall provide pupils of a secondary school and students of a tertiary professional school compensation for productive activities from funds acquired through such productive activities. The head teacher shall determine the amount of such compensation in compliance with the scope and quality of productive activities. If pupils carry out vocational training or student professional practice on the premises of another legal person, such a person shall provide them compensation for the productive activities concerned. For the purpose hereof, productive activities shall be activities bringing an income. The minimal amount of monthly compensation for productive activities for a specified 40 working hour week shall be 30 per cent of the minimum salary. With regard to a different number of working hours per week or if a pupil has not carried out productive activities for the whole month, the amount of monthly compensation for productive activities shall be adjusted accordingly.

(2) Children at nursery schools, pupils of basic schools and minor pupils of secondary schools shall be provided material security including school meals for the time of their stay at the school or school facility under Section 117 (1) (b) and (c) and if necessary, they shall be provided lodging. Pupils of secondary schools who are of legal age and students of tertiary professional schools may be provided material security under the first sentence.

(3) The legal person carrying out activities of a school or school facility shall provide material security under sub-section 2 for children, pupils and students attending it. A legal person established by the state, a region, a municipality or a union of municipalities may provide material security in cooperation with the founder. Material security under sub-section 2 may be charged.

(4) School meals shall be provided preferably in school canteens defined herein. Legal persons carrying out activities of schools or school facilities may provide school meals on a contractual basis with another person providing catering services. In the case of legal persons established by the state or registered churches or religious societies who have been authorised to exercise a special right to set up church schools<sup>6</sup>, they may provide meals with the consent of the Ministry in advance. School meals shall be regulated by nutrition standards.

(5) The Ministry shall lay down in an implementing regulation detailed conditions on providing material security.

#### Section 123

### **Charges for Education and School Services**

(1) Education at basic and secondary schools which have not been established by the state, a region, a municipality or a union of municipalities and education at tertiary professional schools may be charged for, with such charges becoming the income of the legal person carrying out the activities of the school concerned.

(2) Education not providing a level of education may be charged for, with such charge becoming the income of the legal person carrying out the activities of the school concerned. Education in the last grade of nursery school established by the state, a region, a municipality or a union of municipalities and in preparatory classes of a basic school shall be provided free of charge.

(3) School services may be charged for, with such charges becoming the income of the legal person carrying out the activities of the school facility concerned.

(4) In the case of schools and school facilities established by the state, a region, a municipality or a union of municipalities, head teachers or directors of school facilities shall set out charges under sub-sections 1 through 3. In the case of schools and school facilities established by other legal or natural persons the legal persons carrying out the activities of such schools and school facilities shall set out the amount of charges under sub-sections 1 through 3. The head teacher of the relevant school or director of the school facility shall decide on decreasing or waiving charges, in particular in the case of children coming from socially disadvantaged families.



(5) The Ministry shall lay down in an implementing legal regulation conditions, due dates of charges, an option on how to decrease such charges or on waiving the charges, and the highest possible fees to be charged for tertiary professional education, for education not providing a level of education regulated herein, and for individual school services at schools and school facilities established by the state, a region, a municipality or a union of municipalities.

## PART TWELVE

### SCHOOL LEGAL ENTITY

#### Section 124

##### **Principal Activities and a Founder of a School Legal Entity**

(1) A school legal entity shall be a legal person established hereunder whose principal activity shall be the provision of education in compliance with educational programmes stipulated in Section 3 and school services hereunder.

(2) A founder of a school legal entity may be

- a) the Ministry, a region, a municipality or a union of municipalities;
- b) another legal person or natural person.

(3) A school legal entity may be established jointly by more founders stipulated in sub-section 2 (a) or more founders stipulated in sub-section 2 (b).

(4) Unless stipulated herein otherwise, the provisions on establishment and forming, dissolution and cessation of existence of commercial companies of the Commercial Code shall apply accordingly on establishment and forming, dissolution and cessation of existence of school legal persons.

(5) Unless stipulated herein otherwise, the provisions on domestic merges and divisions stipulated in the Act on Conversions of Commercial Companies and Cooperatives shall apply accordingly to the division, consolidation. or merger of school legal persons.

and

#### Section 125

##### **Establishment and Formation of a School Legal Entity**

(1) A school legal entity established by one founder shall be set up by a Charter of Foundation.

(2) A school legal entity established jointly by more than one founder shall be set up by an Agreement of foundation.

(3) A Charter of Foundation or an Agreement of Foundation (hereinafter referred to as the “Deed of Foundation”) shall contain the following:

- a) the name and registered seat of the school legal entity;
- b) the name, the registered seat and identification number of the founder, if such number has been assigned, in case the of a legal person, or the name, surname, the date of birth and the place of permanent residence of the founder or an address of temporary residence if the founder does not have permanent residence in the Czech Republic, in the case of a natural person;
- c) denotation of the statutory body under Section 131 and the manner of how they represent the school legal entity;
- d) the kind and type of school and school facility whose activities are carried out by the school legal entity;
- e) the subject, conditions and the scope of additional activities in the case of a school legal entity established by the Ministry, a region, a municipality or a union of municipalities if such additional activities have been permitted;
- f) a definition of how assets for carrying out activities of the school legal entity are safeguarded;
- g) the number of members of the Board in the case of a school legal entity established by another legal person or natural person under Section 124 (2) (b);
- h) in the case of more founders the manner in which rights and duties of the founder shall be performed hereunder;
- i) a definition of the time limit for which the school legal entity has been established.

(4) The Deed of Foundation of a school legal entity established by another legal or natural person under Section 124 (2) (b) may also define a school legal entity authorised to accept surplus assets provided that the school legal entity has been dissolved by winding up. It may also define that such a school legal entity shall be specified by a body defined in the decision taken on dissolving the school legal entity concerned.

(5) A school legal entity shall come into existence on the date of its registration in the Register of School Legal Entities under conditions stipulated herein.

## Section 126

### **Dissolution and Cessation of Existence of a School Legal Entity**

(1) A school legal entity shall cease its existence on the date on which it is removed from the Register of School Legal Entities.

(2) The cessation of existence of a school legal entity shall be preceded by its dissolution with winding up or without winding up. Winding up shall not be made in cases stipulated in sub-section 3 (b) and (e) and in the event of dissolution of a school legal entity established by the Ministry, a region, a municipality or a union of municipalities.

(3) A school legal entity shall be dissolved

- a) on the date stated in the decision on dissolution of the school legal entities, otherwise on the date when such decision was adopted;
- b) on the date stated in the decision or in the agreement on merger, consolidation or division if the school legal entity is to cease its existence as a consequence of its merger,

- consolidation or division, otherwise on the date when such decision was adopted or the agreement concluded;
- c) by the elapse of the period of time for which it has been established;
  - d) on the date when the decision removing the last school or school facility operated by the school legal entity concerned from the Register of Schools and School Facilities came into effect;
  - e) by rejecting an insolvency motion because the assets of the school legal entity will not cover the costs of the insolvency proceedings, or by cancelling bankruptcy because the assets of the school legal entity are absolutely insufficient, or after the resolution to distribute the assets has been satisfied;
  - f) on the date stated in the decision on dissolving the school legal entity issued by the court, otherwise on the date when such decision comes into effect.

(4) If a school legal entity is not dissolved due to reasons stated in sub-section 3 (b), the rights and duties of such a school legal entity established by the Ministry, a region, a municipality or a union of municipalities, including rights and duties arising from employment contracts, shall be transferred to its founder.

(5) The court may decide on the dissolution of a school legal entity and in the case of a school legal entity established by another legal or natural person under Section 124 (2) (b) may decide on its winding up upon the proposal of a state administration body or a person who justifies its legal interest, if

- a) the bodies of the school legal entity have not been appointed and current bodies terminated their operations more than a year ago;
- b) no meeting of the Board of the school legal entity established by another legal or natural person under Section 124 (2) (b) was held in the past year;
- c) due to operations of additional activities, within a period of six months, the quality, the scope and availability of the principal activity for which the school legal entity was established was repeatedly endangered;
- d) the school legal entity uses the income of its activities or its assets contrary to this Act;  
or
- e) the school legal entity otherwise grossly violates law or does not satisfy conditions stipulated by legal regulations.

(6) The court, prior to issuing its decision on dissolving the school legal entity, shall specify a time limit for remedying the reason for which such dissolution was proposed, if such remedy is possible.

## Section 126

### **Dissolution and Cessation of Existence of a School Legal Entity**

(1) A school legal entity shall cease its existence on the date on which it is removed from the Register of School Legal Entities.

(2) The cessation of existence of a school legal entity shall be preceded by its dissolution with winding up or without winding up. Winding up shall not be made in cases stipulated in sub-section 3 (b) and (e) and in the event of dissolution of a school legal entity established by the Ministry, a region, a municipality or a union of municipalities.

(3) A school legal entity shall be dissolved

- g) on the date stated in the decision on dissolution of the school legal entities, otherwise on the date when such decision was adopted;
- h) on the date stated in the decision or in the agreement on merger, consolidation or division if the school legal entity is to cease its existence as a consequence of its merger, consolidation or division, otherwise on the date when such decision was adopted or the agreement concluded;
- i) by the elapse of the period of time for which it has been established;
- j) on the date when the decision removing the last school or school facility operated by the school legal entity concerned from the Register of Schools and School Facilities came into effect;
- k) by rejecting a proposal for adjudication of bankruptcy proceedings for insufficient assets, cancellation of bankruptcy proceedings as a result of compliance with the resolution to distribute the assets or cancellation of bankruptcy proceedings because the assets of the school legal entity cannot cover the costs of the bankruptcy proceedings;
- l) on the date stated in the decision on dissolving the school legal entity issued by the court, otherwise on the date when such decision comes into effect.

(4) If a school legal entity is not dissolved due to reasons stated in sub-section 3 (b), the rights and duties of such school legal entity established by the Ministry, a region, a municipality or a union of municipalities, including rights and duties arising from employment contracts, shall be transferred to its founder.

(5) The court may decide on the dissolution of a school legal entity and in the case of a school legal entity established by another legal or natural person under Section 124 (2) (b) may decide on its winding up upon the proposal of a state administration body or a person who justifies its legal interest, if

- f) the bodies of the school legal entity have not been appointed and current bodies terminated their operations more than a year ago;
- g) no meeting of the Board of the school legal entity established by another legal or natural person under Section 124 (2) (b) was held in the past year;
- h) due to operations of additional activities, within a period of six months, the quality, the scope and availability of the principal activity for which the school legal entity was established was repeatedly endangered;
- i) the school legal entity uses the income of its activities or its assets contrary to this Act;  
or
- j) the school legal entity otherwise grossly violates law or does not satisfy conditions stipulated by legal regulations.

(6) The court, prior to issuing its decision on dissolving the school legal entity, shall specify a time limit for remedying the reason for which such dissolution was proposed, if such remedy is possible.

#### Section 127

### **Division, Merger and Consolidation of a School legal entity**

(1) A school legal entity may be merged or consolidated with another school legal entity and divided into other school legal entities. The legal effects of such changes shall come into force on the date of their entry into the Register of School Legal Entities.

(2) A division shall cease the existence of a school legal entity which was previously dissolved without winding up. Its rights and duties, including rights and duties arising from employment contracts, shall be transferred to other school legal entities. The decision or the agreement on division must specify to what extent rights and duties, including rights and duties arising from employment contracts, shall be transferred to individual school legal entities.

(3) A consolidation shall cease the existence of a school legal entity which was previously dissolved without winding up. Its rights and duties, including rights and duties arising from employment contracts, shall be transferred to another school legal entity.

(4) A merger shall cease the existence of two or more school legal entities which were previously dissolved without winding up. Their rights and duties, including rights and duties arising from employment contracts, shall be transferred to a newly established school legal entity.

(5) In the case of school legal entities established by the Ministry, a region, a municipality or a union of municipalities, merger, consolidation and division are possible only if such school legal entities have been established by a common founder.

(6) In order to merge, consolidate and divide school legal entities established by different founders stipulated in Section 124 (2) (b), the founder of the school legal entities concerned or the Board in cases stipulated in Section 129 (4) and (5) shall be obliged to issue a decision and enter into an agreement between the school legal entities concerned. The founders of the school legal entities which shall cease their existence shall become founders of a succession school legal entity or succession school legal entities.

## Section 128

### **Winding Up a School Legal Entity**

(1) The provisions of Sections 70 through 75b of the Commercial Code shall apply accordingly to the winding up of a school legal entity unless stipulated otherwise herein.

(2) The commencement of winding up of a school legal entity and data on a liquidator stipulated in Section 154 (1) (i) shall be entered into the Register of School legal entities.

(3) A liquidator shall be appointed by the head teacher of the school legal entity. Should the head teacher of the school legal entity not appoint the liquidator without undue delay he/she shall be appointed by a court. The remuneration of the liquidator shall be determined by the person who has appointed him/her. The liquidator's compensation shall be covered from the funds of the school legal entity.

(4) The report on the winding up proceedings of a school legal entity shall be approved by the founder. If the founder has ceased its existence or died without a legal successor the report shall be approved by the court.

(5) With the exception of the case stipulated in Section 125 (4) the liquidator shall offer the net assets balance resulting from winding up proceedings to free transfer to the region where the school legal entity being winded up has its registered seat. An agreement on free transfer of a winding up balance to the region may be entered into only if the region undertakes to use the total amount of such winding up balance for the provision of education or school services hereunder. If the region, within thirty (30) days of the delivery of the aforementioned offer, does not confirm its intention to take the amount of the winding up balance, the amount in question shall be devolved upon the Czech Republic. The liquidator shall ensure that the amount of the winding up balance is delivered to the Office for Representation of the State in Property Matters.

#### Section 129

### **The Scope of Powers of the Founder of a School Legal Entity**

(1) The founder of a school legal entity shall

- a) issue a Deed of Foundation of the school legal entity;
- b) decide on alterations and amendments to the Deed of Foundation of the school legal entity;
- c) decide on merger, consolidation, division and dissolution of the school legal entity;
- d) appoint and dismiss the head teacher of the school legal entity; and shall determine his/her salary and/or wage.

(2) The founder of the school legal entity, if it is the Ministry, a region, a municipality or a union of municipalities, shall further

- a) approve the budget of a school legal entity;
- b) approve an improved economic result of the school legal entity;
- c) approve the creation of other funds of the school legal entity not stipulated in Section 137 (2) and the manner of their use;

(3) The founder of the school legal entity, if it is another legal or natural person under Section 124 (2) (b), shall further appoint and dismiss members of the Board of the school legal entity or shall specify in the Deed of Foundation a different manner of their appointment or dismissal.

(4) The founder of the school legal entity, if it is another legal or natural person under Section 124 (2) (b), may in the Deed of Foundation delegate his/her powers stipulated in sub-section 1 (b), (c) and (d) to the Board of the school legal entity.

(5) If the founder of the school legal entity ceases its existence or dies, and if such a founder is another legal or natural person under Section 124 (2) (b) without a legal successor, the powers of the founder stipulated in sub-section 1 shall be devolved upon the Board of the school legal entity.

#### Section 130

### **Bodies of a School Legal Entity**

(1) The head teacher shall be the authorised body of a school legal entity established by the Ministry, a region, a municipality or a union of municipalities.

(2) The head teacher and the Board shall be the authorised bodies of a school legal entity established by another legal or natural person under Section 124 (2) (b).

### Section 131 **Head Teacher**

(1) The head teacher shall be a statutory body of a school legal entity. The head teacher shall decide on matters concerning the school legal entity unless stipulated otherwise herein.

(2) The head teacher of a school legal entity established by the Ministry, a region, a municipality or a union of municipalities shall be appointed and dismissed by the founder upon conditions and according to the procedure stipulated in Section 166.

(3) The head teacher of the school legal entity established by another legal or natural person under Section 124 (2) (b) shall be appointed and dismissed by the founder on the proposal of the Board or by the Board in cases stipulated in Section 129 (4) and (5) upon conditions and according to the procedure stipulated in Section 166.

(4) The head teacher of the school legal entity established by another legal or natural person under Section 124 (2) (b) shall be accountable for his/her activities to the Board.

(5) The head teacher of the school legal entity established by another legal or natural person under Section 124 (2) (b) shall

- a) submit to the Board the draft budget of the school legal entity and its alterations, the draft mid-term forecast of its funding, and draft annual financial statements;
- b) submit to the Board the draft internal compensation regulation and the Rules of Organisation of the school legal entity;
- c) submit to the Board proposals for alterations of the Deed of Foundation and after these have been discussed by the Board they shall be submitted to the Founder;
- d) submit to the Board, for its approval, proposals of legal acts which, in compliance with Section 132 (2), must be approved by the Board;
- e) participate in sessions of the Board, having an advisory vote.

### Section 132 **Board**

(1) The Board shall

- a) ensure that the purpose for which the school legal entity has been established is maintained and shall take care of due assets management, including financial means;
- b) approve actions taken on behalf of the school legal entity prior to its establishment and registration;
- c) approve the budget of the school legal entity and its alterations, the mid-term forecast of its funding, and annual financial statements;
- d) approve the Rules of Procedure, the internal compensation regulation and the Rules of Organisation of the school legal entity;

- e) discuss amendments to the Deed of Foundation;
- f) propose to the Founder a merger, consolidation or division of the school legal entity and give its opinion on the intention of the founder to merge, consolidate, divide or dissolve the school legal entity;
- g) decide on the subject, conditions and scope of additional activities of the school legal entity;
- h) approve the creation of other funds of the school legal entity not stipulated in Section 137 (2) and the manner in which these shall be managed;
- i) approve an improved economic result of the school legal entity.

(2) Furthermore, the advance consent of the Board shall be required for legal acts through which the school legal entity shall

- a) acquire or transfer title to real estate;
- b) acquire or transfer title to intangible assets the price of which exceeds more than twenty-five times the amount which is considered, in accordance with a special legal regulation<sup>28</sup>, to be a basic price for tangible assets;
- c) encumber the assets with debts, in particular establish an easement or the pre-emptive right;
- d) establish another legal person or acquire an interest in an existing legal person, unless excluded herein; and
- e) provide a cash or non-cash contribution to the legal person established by the school legal entity or to any other legal person, unless excluded herein.

(3) The Board shall not approve a legal act stipulated in sub-section 2 if it contradicts the requirement of the due use of assets of the school legal entity or if such a legal act could endanger the due operation of the principal activity of the school legal entity . A legal act stipulated in sub-section 2 shall not be valid without a prior consent of the Board.

(4) The Board shall have a minimum of three (3) and a maximum of fifteen (15) members. The number of Board members shall be specified by the founder in the Deed of Foundation of the school legal entity.

(5) The founder shall appoint and dismiss the Board members unless stipulated otherwise in the Deed of Foundation. In the case that the founder ceases its existence or dies without a legal successor the Ministry shall appoint and dismiss Board members, unless stipulated otherwise in the Deed of Foundation.

(6) The member of the Board may be a natural person who is fully competent for legal acts, has not been sentenced by final and conclusive judgement for a wilful criminal offence, and is neither an employee nor in any other similar relation to the school legal entity.

(7) The Board members shall hold the office for a period of five (5) years.

(8) Membership in the Board shall terminate by

- a) the elapse of the time limit specified;
- b) resignation;

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<sup>28</sup> Section 26 (2) of Act No. 586/1992 Coll., on Income Taxes



- c) the prerequisites for Board membership under sub-section 6 being no longer satisfied;
- d) dismissal, or
- e) the death of the member.

(9) A Board member can be dismissed from his/her office if for a period longer than six (6) months he/she is not be able to hold an office in the Board or he/she repeatedly has not participated in the Board's meetings.

(10) The Board shall elect from among its members the Chair who shall call and manage the Board's meetings.

(11) The Board may from among its members elect the Vice-Chair who shall be a deputy of the Chair in his/her absence.

(12) In decision-making the voting rights of Board members shall be equal. Unless the Deed of Foundation states otherwise, the Board shall have a quorum if a majority of its members is present and then the Board shall make its decision with a majority of votes of the present members.

(13) The Board shall hold its session at least twice a year. If the Chair of the Board does not call the meeting of the Board for a period of one year the meeting may be called by any other member of the Board. Upon the request of the head teacher the Chair of the Board shall be obliged to call an extraordinary meeting of the Board. If the Chair of the Board does not call an extraordinary meeting of the Board within thirty (30) days of the request of the head teacher the head teacher may call it him/herself.

(14) The Rules of Procedure shall specify other details for activities to be carried out by the Board.

(15) The Board members may be compensated for holding their office in the Board from an improved economic result of the school legal entity. The amount of compensation shall be determined by the founder.

### Section 133

#### **Financial Management of a School Legal Entity**

(1) Revenues of a school legal entity are, in particular:

- a) funding from the state budget;
- b) funding from the budgets of territorial self-governing units;
- c) income from principal and additional activities;
- d) funds received from the founder;
- e) charges for education and school services;
- f) income from assets in the ownership of the school legal entities; and
- g) gifts and heritage.

(2) The budget of the founder shall intermediate relations between the school legal entity established by a region, a municipality or a union of municipalities and the state budget.

#### Section 134

### **Basic Rules for Financial Management of a School Legal Entity**

(1) School legal entities shall manage revenues under Section 133 (1), financial means from their funds, other assets, liabilities, and receivables. School legal entities shall use assets for the purpose of their principal activities unless stipulated otherwise herein. Financial management of school legal entities shall be, within their principal activities, governed by their budgets. The budget of the principal activity of a school legal entity may include only income and expenses relating to the principal activity of the school legal entity. Income received from the principal activity of the school legal entity may be used only for carrying out such principal activity.

(2) An improved economic result of a school legal entity shall be used by this school legal entity preferably to pay losses incurred from the principal activity of past years and then only to support and enhance the principal activity.

#### Section 135

### **Additional Activity**

(1) A school legal entity may in addition to its principal activity carry out additional activities.

(2) A school legal entity shall, within its additional activities, carry out activities relating to its principal activity and serving for the better use of expertise of its employees and assets. Additional activities may not be carried out in a manner which would limit the principal activity of the school legal entity or endanger its quality, scope, and availability.

(3) Additional activities may not be funded from the funds of the state budget allocated hereunder with the exception of funds temporarily used to pay the costs of additional activities which cannot be separated in advance from the costs of the principal activity and which the school legal entity shall be obliged to return to its budget in the relevant quarter, however not later than by the end of the relevant budgeting year. Funds received from additional activities may be, within the relevant calendar year, used only for the payment of costs of additional activities.

(4) If additional activities cause at the end of a calendar year a loss, the school legal entity shall be obliged to settle such loss by the end of the following calendar year or the school legal entity shall be obliged to take measures to terminate additional activities so that such activities shall not continue after the end of the next calendar year.

#### Section 136

### **Other Rules for Financial Management of a School Legal Entity**

(1) A school legal entity shall

- a) submit to the entity providing the funds a statement on the funds allocated from the state budget using the procedure set out by a special legal regulation<sup>29</sup>;
- b) depreciate its assets under a special legal regulation<sup>15</sup>;
- c) annually draw up an analysis of its financial management upon conditions stipulated herein or in a special legal regulation<sup>30</sup>
- d) make profit by consolidating the economic outcome of the principal activity and profits of additional activities after taxes; the economic result shall be created after settling all funds received from the state budget allocated under Sections 160 through 163;
- e) create financial funds from the improved economic result, whilst the improved economic results shall be created if real income resulting from the principal and additional activities of the school legal entity after taxes are, together with financial means received from the founder, higher than its operational costs.

(2) A school legal entity shall not be permitted to

- a) establish school legal entities, benevolent societies, or foundations;
- b) establish legal persons under the Commercial Code and participate in their working undertaking;
- c) guarantee the liabilities of other persons;
- d) provide gifts, with the exception of gifts provided from funds of cultural and social needs or other financial funds established for social purposes, scholarships for excellent school results under Section 30 (4), and awards under Section 31 (1).

(3) A school legal entity established by the Ministry, a region, a municipality or a union of municipalities shall be further prohibited to

- a) accept and provide loans without the prior consent of the founder, with the exception of providing loans from the fund for cultural and social needs, to enter into loan agreements or accept/issue notes;
- b) enter into a hire-purchase agreement without the prior consent of the founder;
- c) purchase or, without the prior consent of the founder, accept as a counter-value for its receivables shares or other securities.

## Section 137

### **Financial Funds of a School Legal Entity**

(1) A school legal entity may create financial funds.

(2) A school legal entity shall at all times create a reserve fund and investment fund; a school legal entity established by the Ministry, a region, a municipality or a union of municipalities shall also create a fund for cultural and social needs.

(3) The reserve fund shall preferentially serve to cover loss resulting from the principal activities of previous years and to support and enhance the principal activity.

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<sup>29</sup> Decree No. 531/2002 Coll. laying down rules and deadlines for financial clearing of funds from the state budget

<sup>30</sup> Act No. 306/1999 Coll. on Providing Subsidies to Private Schools, Pre-School and School Facilities, as amended

(4) The investment fund shall preferentially serve to fund the investment needs of the school legal entity. The investment fund shall be also created by the depreciation of assets under a special legal regulation<sup>15</sup>.

(5) Balances of financial funds shall be, after the end of a year, transferred to the next year.

### Section 138 **Fund for Cultural and Social Needs**

(1) The fund for cultural and social needs shall be created by basic contribution on the account of expenses of the school legal entity established by the Ministry, a region, a municipality or a union of municipalities from the year's volume of expenses for salaries and reimbursement of salaries or for wages and reimbursement of wages and for compensation for being on call, for special bonuses and other compensations for work performed.

(2) The money shall be added to the fund for cultural and social needs as advance deposits from the annually planned amount in compliance with its approved budget. Clearing of the real basic contributions shall be made within the final annual accounts.

(3) The fund for cultural and social needs shall be used for ensuring cultural, social and other needs of employees having employment contracts with the school legal entity and their family members, pensioners who, when retiring for the first time or becoming fully disabled, had employment contracts with the school legal entity or with the relevant District Office provided that they were assigned work at the school or school facility which was not a legal entity or a legal person prior to its change of form to become a school legal entity.

(4) School legal entities established by the Ministry, a region, a municipality or a union of municipalities may combine money from the fund for cultural and social needs upon an Agreement on the Combination of Funds.<sup>31</sup>

(5) The Agreement on the Combination of Funds must stipulate that each school legal entity shall be obliged to use combined funds adequately to its share of deposited finance.

(6) The Agreement on the Combination of Funds must also regulate who shall be authorised to use the account in which combined funds are deposited and the manner of how such combined funds will be settled in the case that some of the school legal entities merge, consolidate, divide or terminate their activities or are expelled from or cease to be a member of the association, and in the case that the Agreement on the Combination of Funds is terminated.

(7) If the Agreement on the Combination of Funds does not satisfy details stipulated in sub-sections 5 and 6 it shall be void from the very beginning.

(8) Combined funds shall be maintained in a special account to which unused balances shall be transferred and used in next years. Interest earned on this account shall be income charged to this account whilst bank charges shall be expenses of the account.

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<sup>31</sup> Section 826 and the following of Act No. 40/1964 Coll., the Civil Code, as amended

(9) Details on other income, amounts and the manner of financial management shall be governed by the Decree of the Ministry of Finance regulating the fund for cultural and social needs of organisations established by municipalities or regions and partially covered from the state budget.<sup>32</sup>

### Section 139 **Accounting**

(1) A school legal entity shall maintain accounting under special legal regulations<sup>33</sup>. A school legal entity shall be included, within accounting units under a special legal regulation<sup>34</sup>, among other legal persons whose principal activities are not working undertaking.

(2) A school legal entity shall consistently separate in its accounting the revenues and costs of its principal activity from the revenues and costs of its additional activities.

### Section 140 **Relation of a School Legal Entity to Assets**

A school legal entity shall use for its activities

- a) its own assets;
- b) assets borrowed or rented from the founder or any other person.

## PART THIRTEEN REGISTER OF EDUCATIONAL FACILITIES

### Section 141 **Content of the Register of Educational Facilities**

(1) The Register of Educational Facilities shall be a public list containing

- a) the Register of Schools and School Facilities;
- b) the Register of School Legal Entities.

(2) Every person shall be entitled to go through the data included in the Register of Schools and make extracts. Upon request the body maintaining the Register of Educational Facilities shall issue an official extract of the data included in the Register of Educational

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<sup>32</sup> Decree No. 114/2002 Coll. on the Fund for Cultural and Social Needs as amended by Decree No. 510/2002 Coll.

<sup>33</sup> Act No. 563/1991 Coll., as amended. Decree No. 504/2002 Coll. implementing some provisions of Act No. 563/1991 Coll. on Accounting, as amended, for accounting units whose principal subject of activities is not working undertaking, if such units use double-entry accounting.

<sup>34</sup> Section 14 of Act no. 563/1991 Coll. as amended by Act No. 353/2001 Coll.

Facilities. The provision of information under the Act on Free Access to Information shall not be prejudiced.

(3) The body maintaining the Register of Educational Facilities shall provide free of charge the data from the Register of Educational Facilities to the Czech Statistical Office.

(4) The Ministry shall also publish the Register of Educational Facilities in an electronic form on its web sites. Such form shall be for information purposes only.

## **Register of Schools and School Facilities**

### **Section 142**

#### **Effects of a Record in the Register of Schools and School Facilities**

(1) After the record of a school or a school facility in the Register of Schools and School Facilities has come into force the school legal entity carrying out the activities of a school or school facility shall be entitled to provide education and school services and shall have the right to issue documents on education stipulated herein and in the scope of this record.

(2) After the record of a school or a school facility in the Register of Schools and School Facilities has come into force the school legal entity carrying out the activities of a school or school facility shall be entitled to the allocation of funds from the state budget or the budget of the relevant territorial self-governing unit upon the conditions stipulated herein and in the scope of the record.

### **Section 143**

#### **Maintaining the Register of Schools and School Facilities**

(1) Regional Authorities shall maintain in the Register of Schools and School Facilities data on nursery schools and school facilities with the exception of nursery schools and school facilities listed in sub-section 2.

(2) The Ministry shall maintain in the Register of Schools and School Facilities data on nursery schools and school facilities established by the Ministry, on other schools, on school facilities for the further education of pedagogical staff, school facilities for the execution of institutional or protective education or for preventative educational care, and on school facilities established for special purposes, namely for organising vocational training.

(3) Regional Authorities shall supply the Ministry with the data from the Register to be maintained and published by the Ministry.

### **Section 144**

#### **Data from the Register of Schools and School Facilities**

(1) The following data shall be entered into the Register of Schools and School Facilities:

- a) the kind and type of school or school facility and their identifier within the Ministry;
- b) the name, seat, identification number, if such number has been assigned, legal form and identifier within the Ministry of the legal person carrying out the activities of a school or a school facility;
- c) if the founder is a legal person, the name, seat and identification number, if such number has been assigned, and the legal form of the founder of the school legal entity or an organisation partially covered from the state budget; if the founder is a natural person the name and surname, nationality, the place of permanent residence or an address of temporary residence if the founder does not have permanent residence in the Czech Republic, and the date of birth of the founder;
- d) the list of fields of education including the forms of education or the list of school services;
- e) the maximum permitted number of children, pupils, and students at the school and school facility including their branches, the number of beds, persons having meals at school canteens classes, groups or other similar units specified in the decision on entering a record in the Register of Schools and School Facilities;
- f) the maximum permitted number of pupils and students in individual fields of education and forms of education;
- g) a description of the place where education or school services shall be provided;
- h) the language of instruction, unless it is the Czech language;
- i) the name, surname and date of birth of the head teacher of the school or the school facility;
- j) the name and surname, the place of permanent residence or an address of temporary residence if the founder does not have permanent residence in the Czech Republic and the date of birth of a person or persons who is/are statutory body(ies) of the legal person carrying out activities of a school or a school facility;
- k) the time limit for which the school legal entity carrying out activities of a school or a school facility has been established; and
- l) the date of record and the date of commencement of activities of the school or the school facility.

(2) The sum of the maximum permitted number of pupils and student in individual fields of education registered in the Register of Schools and School Facilities may be higher than the maximum permitted number of pupils and students at the school. In providing education at school neither the maximum permitted number of pupils and students in individual fields of education nor the maximum permitted number of pupils and students may be exceeded.

#### Section 145

#### **Parties to the Proceedings**

(1) A party to proceedings relating to the Register of Schools and School Facilities shall be a movant. In the case of a school legal entity and an organisation partially covered from the state budget the movant shall be the founder. The movant shall be a legal person carrying out the activities of a school or a school facility. In the case of an organisation partially covered from the state budget the movant may also be the founder. If the movant is an organisation partially covered from the state budget the consent of its founder shall be a part of the proposal.

(2) If the legal person which will carry out the activities of a school or a school facility has not yet been established, its establisher, founder or any other person who in compliance with legal regulations shall act on behalf of the legal person prior to its establishment shall be a movant.

#### Section 146

### **Filing an Application for Registering a School or a School Facility**

(1) An application for registering a school or a school facility in the Register of Schools or School Facilities for the following school year shall be filed with the Regional Authority having local jurisdiction at the place of the seat of the legal person which will carry out the activities of a school or school facility not later than on 30 September. In the case of schools and school facilities the Register of which is maintained by the Ministry this shall be not later than on 30 November.

(2) The body maintaining the Register of Schools and School Facilities may, in exceptional cases deserving special consideration, waive a failure to file the application within the time limit stipulated in sub-section 1 or may decide on retrospective effect of the recording of the school or school facility in the Register.

#### Section 147

### **Details of the Application for Registering a School or a School Facility**

(1) The application for registering a school or a school facility in the Register shall contain the following data and documents:

- a) the kind and type of school or school facility;
- b) the name, seat, and legal form of the legal person which will carry out the activities of a school or a school facility, and its identification number, if available;
- c) the name and surname, nationality, the place of permanent residence or an address of temporary residence if the founder does not have permanent residence in the Czech Republic and the date of birth of the person or persons who is/are a statutory body of the legal person concerned;
- d) if the founder is a legal person, the name, registered seat, legal form and identification number, if such number has been assigned, of the founder of the school legal entity or the organisation partially covered from the state budget; if the founder is a natural person then the name and surname, nationality, the place of permanent residence or an address of temporary residence if the founder does not have permanent residence in the Czech Republic, and the date of birth of the founder;
- e) if the founder is a legal person, the name and surname, nationality, and the place of permanent residence of a person or persons who is/are a statutory body of the founder of the school legal entity; however this provision shall not apply provided that the founder is the Ministry, a region, a municipality or a union of municipalities;
- f) the framework description of personnel, assets and funding of activities of the school or school facility with regard to the requirements of the Framework Educational Programme, if applicable;



- g) the document certifying the ownership title and right of the legal person who will carry out the activities of a school or a school facility to use a facility where education or school services shall be provided;
- h) the opinion of the relevant body of the protection of public health and of the construction authority certifying that the relevant facility may be used for the purpose proposed, including the maximum number of persons who may be educated or provided school services in such a facility;
- i) the document certifying the establishment or foundation of the legal person who will carry out the activities of a school or a school facility;
- j) the document certifying the registration of the legal person who will carry out the activities of a school or a school facility, unless it is a school legal entity;
- k) a list of fields of education, including the forms of education in the case of a school; and the list of school services in the case of a school facility; the document on accreditation of educational programmes in the case of a tertiary professional school;
- l) the name and surname, the date of birth of the head teacher or the director of a school facility, the document appointing him/her to the office, and documents certifying that he/she has satisfied qualifications for carrying out the office of the head teacher of a school or director of a school facility under a special legal regulation<sup>2</sup>;
- m) the maximum proposed number of children, pupils, and students at school or school facility including their branches, in individual fields of education and forms of education, beds, persons having meals at school canteens, classes, groups, or other similar units;
- n) an affidavit made by the founder of the school legal entity or organisation partially covered from the state budget that the founder in question is not a party to the insolvency proceedings dealing with his/her bankruptcy or that no decision on his/her bankruptcy has been adopted, and has fulfilled obligations relating to the payment of taxes, social security contributions or health security contributions, and within the last three years the entity established by the founder concerned was not removed from the Register of Educational Facilities due to reasons stipulated in Section 150 (1) (c) through (f); the aforementioned shall also apply to other legal entities that will carry out the activities of schools or school facilities, and their statutory bodies;
- o) the date of commencement of activities of the school or school facility;
- p) the opinion of the municipality in the territory of which the basic school or basic artistic school shall carry out their activities, unless the municipality is the founder; and
- q) the opinion of the region in the territory of which the basic school or basic artistic school shall carry out their activities, unless the region is the founder.

(2) The documents and data under subsection 1, letters g), h) and l) may be submitted additionally however not later than on the date on which the activities of the school or school facility are to be commenced. The document certifying the registration of the legal person who will carry out the activities of a school or a school facility may be, in the case that it is a part of the proposal for registering this legal person to the Register of Companies or any other similar register, submitted additionally however not later than on the date on which the activities of the school or school facility are to be commenced. The decision on the entry of the school or school facility into the Register of Schools and School Facilities shall come into force after all missing documents are submitted to the body maintaining the Register of Schools and School Facilities.

(3) If there are simultaneous proceedings relating to the registration of more schools or school facilities the activities of which shall be carried out by one legal person and the

registration of which is maintained by one body, the data and documents which are common for such proceedings shall be submitted only once.

#### Section 148

##### **Assessment of the Application for Registering a School or a School Facility**

(1) The body maintaining the Register of Schools and School Facilities shall decide on the application for registering a school or a school facility within ninety (90) days of the delivery of the application.

(2) The body maintaining the Register of Schools and School Facilities shall refuse to register a school or a school facility if the application does not meet the requirements of data stipulated herein and such deficiencies have not been upon the request of the body in question rectified within the specified time limit.

(3) The body maintaining the Register of Schools and School Facilities shall refuse partially or fully to register a school or a school facility if by assessing the application it ascertains that

- a) the application is not in compliance with a long-term goal of education and development of the educational system in the Czech Republic and of the relevant region;
- b) absence of the preconditions for the due execution of activities of a school or a school facility in terms of personnel, material, and financial conditions; or
- c) the application contains incorrect data or activities to be carried out by the school or school facility would not be in compliance with legal regulations.

(4) Unless there are reasons for making decision under sub-sections 2 and 3 the body maintaining the Register of Schools and School Facilities shall grant the application.

(5) In the case that the Ministry grants an application for registering a secondary or tertiary professional school and registering the areas of education such school will teach, the Ministry shall, not later than within five (5) days of the date on which such decision came into force, refer the application to the relevant Regional Authority in order to decide on the maximum number of pupils or students in individual fields of education and forms of education. The Regional Authority shall make a decision not later than within thirty (30) days of the delivery of the application in compliance with sub-sections 2 through 4. The Regional Authority shall send the decision under the previous sentence to the Ministry for its information and for publication.

#### Section 149

##### **Recording of Alterations of the Registered Data**

(1) Section 146 shall apply accordingly to applications to alter registered data stipulated in Section 144 (1) (d) through (f), however it is always the Regional Authority which shall decide on alterations of registered data stipulated in Section 144 (1) (f).

(2) An application for alteration of registered data stipulated in Section 144 (1) (b), (c), (g), (i) and (j) shall be submitted to the body maintaining the Register of Schools and School Facilities within thirty (30) days of the date on which the alteration concerned occurred.

(3) The application for alteration of registered data shall contain merely the data and documents directly relating to the relevant alteration. Documents stipulated in Section 147 (1) (p) and (q) shall be required only in the event of an alteration of data stipulated in Section 144 (1) (d), (e) and (f).

(4) The provisions of Section 148 shall apply accordingly to assessing an application for alteration of registered data and the body maintaining the Register shall decide on recording the alterations stipulated in sub-section 2 within thirty (30) days of the delivery of the application.

(5) The proceedings relating to alterations of registered data may be commenced without a proposal if conformity between the record in the Register and the actual situation is to be achieved.

#### Section 150

#### **Removal from the Register of Schools and School Facilities**

(1) The body maintaining the Register of Schools and School Facilities shall remove a school or a school facility from the Register of Schools and School Facilities

- a) upon the request of the movant ;
- b) after the time limit for which the legal person carrying out activities of a school or a school facility was established has elapsed;
- c) if a school or a school facility does not provide education in compliance with principles and rules stipulated in Section 2 or by the educational programmes stipulated in Section 3;
- d) if the legal person carrying out activities of a school or a school facility grossly or repeatedly violates legal provisions relating to the provision of education and school services;
- e) if the legal person in three subsequent school years does not carry out the activities of the school or school facility registered in the Register;
- f) if the legal person carrying out the activities of a school or a school facility stated in the application for its record in the Register or in the application for altering the registered data incorrect data decisive to approving the recording of the school or school facility into the Register or to approving alterations to registered data, or if the changes which occurred do not allow registration of the school or school facility or registration of alterations of the registered data; or
- g) in the case that the tertiary professional school does not have any accredited educational programme.

(2) The provisions of sub-section 1 shall apply accordingly to the removal of data stipulated in Section 144 (1) (d), (e) and (f).

(3) Proceedings on removal shall be also commenced upon the proposal of the Chief School Inspector under Section 175 (5).

#### Section 151

(1) During proceedings on removal from the Register the body maintaining the Register of Schools and School Facilities shall decide on measures to prevent the uneconomical use of funds from the state budget allocated hereunder.

(2) The legal person who carried out the activities of a school or a school facility shall cease to be entitled to provide education or school services and to issue documents on certifying education stipulated herein on the date on which the decision of removal from the Register comes into force, specifically in the scope of such removal. At the same time the allocation of funds from the state budget or the budget of the territorial self-governing unit shall not be provided with regard to the scope of such removal.

(3) If the school or field of education is removed from the Register of Schools or School Facilities the legal person who carried out the activities of the school or school facility or its founder shall ensure that pupils and students may continue education in the same or similar area of education and shall provide them with the evaluation results for the unfinished school year.

(4) If the school where pupils satisfy their compulsory school attendance is removed from the Register of Schools and School Facilities the municipality where the school carried out its activities shall ensure, acting in accordance with the relevant Regional Authority, that pupils shall attend another school providing compulsory school attendance.

#### Section 152

#### **Proceedings concerning Registration of Schools and School Facilities Established by the Ministry of the Interior, Ministry of Justice, and the Ministry of Defence**

(1) Registration of schools and school facilities established by the Ministry of the Interior, Ministry of Justice, and the Ministry of Defence in the Register of Schools and School Facilities, alterations of registered data and removal of records from the Registers shall be carried out by the Ministry upon the notification of the founders of such schools and school facilities.

(2) With regard to schools and school facilities established by the Ministry of the Interior, Ministry of Justice, and the Ministry of Defence, the Register shall reasonably include the data stipulated in Section 144 (1) with the exception of the data stipulated under letter (e) and (f).

(3) The notification upon which the records in the Register of Schools and School Facilities are made shall reasonably contain the data stipulated in Section 147 (1) (a) through (e), (i) through (l) and (o).

(4) The Ministry shall notify the founder and the organisational unit of the state or a part thereof carrying out the activities of a school or school facility on the registration of the school or school facility in the Register, the registration of altered data, and removal from the Register.

(5) Section 142 (1) and the first sentence of Section 151 (2) shall apply accordingly to proceedings in matters concerning the registration of schools and school facilities established by the Ministry of the Interior, Ministry of Justice, and the Ministry of Defence.

### **Register of School Legal Entities**

#### Section 153

(1) The Ministry shall maintain the Register of School Legal Entities.

(2) The data included in the Register of School Legal Entities shall be effective from the date of its publication.

(3) A person whom a record in the Register of School Legal Entities concerns may not raise objections as to the verity of the record against a person who acts in confidence with respect to that record

(4) The Ministry shall publish, without undue delay, any record in the Register of School Legal Entities, any record of alterations of registered data, and any removal from the Register.

#### Section 154

(1) The following data shall be included in the Register of School Legal Entities:

- a) the name, seat, identification number, if such number has been assigned, legal form and identifier within the Ministry of the legal person;
- b) if the founder is a legal person, the name, seat and identification number, if such number has been assigned, the legal form and statutory body of the founder; if the founder is a natural person the name and surname, nationality, the place of permanent residence or an address of temporary residence if the founder does not have permanent residence in the Czech Republic and the date of birth of the founder;
- c) the name, surname and date of birth of the director of the school legal entity, the date of his/he appointment and/or dismissal;
- d) the name, surname and date of birth of members of the Board of the school legal entity if it has been established hereunder;
- e) the subject of additional activities of the school legal entity which have been approved;
- f) the date of registration of the school legal entity;
- g) the time period for which the school legal entity has been established;
- h) the date on which the school legal entity was dissolved and the reason for such dissolution;
- i) commencement of the school legal entity in winding up proceedings and the name, surname and the place of permanent residence or the address of temporary residence in the Czech Republic, if the receiver does not have permanent residence;
- j) the decision on bankruptcy and the name, surname (business company) or the name, the place of permanent residence and the address of the seat of a bankruptcy trustee;
- k) the day on which the school legal entity ceased its existence;
- l) alteration or cessation of existence of the registered data.

(2) In the case of a merger or consolidation of a school legal entity with another school legal entity or in the case of division into several school legal entities, the date of the relevant change shall be included, and in the case of school legal entities which have ceased their existence the record shall include that it ceased its existence by division, merger or consolidation along with the name, seat and identification number of the succession school legal entity or entities. With regard to the successor of a school legal entity the following data shall be registered:

- a) in the case of division, in addition to the data recorded in registration, the fact that it has been established by division and the name, seat, identification number, if such number has been assigned, of the school legal entity by the division of which it came into existence;
- b) in the case of consolidation the name, seat, identification number, if such number has been assigned, and Ministry's identifier of the school legal entity(ies) and respective changes in recorded data on the succession school legal entity;
- c) in the case of merger, in addition to the data recorded within the original registration the information that the school legal entity has come into existence by merger, as well as the name, seat, identification number, if such number has been assigned, and Ministry's identifier of the school legal entity by the merger of which it came into existence.

(3) If the record is made upon a court's decision the relevant data shall be included in the Register of School Legal Entities without a decision issued by a relevant authority on permitting such record.

## Section 155

(1) The integral part of the Register of School Legal Entities shall be the Collection of Deeds containing:

- a) the Deed of Foundation of the school legal entity and its modifications;
- b) a document on appointing, recalling or otherwise terminating the office of a person who is a director of the school legal entity, a member of the Board of the school legal entity established by another legal person or a natural person under Section 124 (2) (b), or a liquidator;
- c) a decision on dissolution of the school legal entity;
- d) a decision or agreement on the change of the school legal entity under Section 127 or the decision on the change of a legal form under Sections 187 through 190;
- e) a report on the liquidation proceedings of the school legal entity and the report on how the assets or liabilities will be used respectively;
- f) a decision issued by a court under the Act regulating bankruptcy and composition<sup>35a</sup>, namely a resolution on the commencement of insolvency proceedings, a resolution on preliminary measures, a decision on bankruptcy or any other decision on an insolvency motion, a resolution on adjudication of bankruptcy and on the approval of a final report, a resolution on the permission of reorganisation and a resolution on the approval of the reorganisation plan and its amendments, a resolution on the approval

of a plan for discharge from debt and its amendments, or a resolution on the termination of insolvency proceedings.

(2) The Ministry shall maintain a separate file for each recorded school legal entity in the Collection of Deeds.

(3) If a certain fact has been recorded in the Register of School Legal Entities but a corresponding deed has not been filed in the Collection of Deeds, after finding this deficiency the Ministry shall be obliged to make a record of such fact in the Collection of Deeds and invite the authorised person to file the deed in the Collection of Deeds without undue delay.

(4) If the deed to be filed in the Collection of Deeds is not written in the Czech language the Ministry shall be entitled to require an officially authenticated translation of such deed into the Czech language.

#### Section 156

(1) A movant and founder shall be parties to proceedings relating to the Register of School Legal Entities. With regard to records of persons who are recorded in the Register within the registration of a school legal entity under Section 154 such persons shall also be parties to the proceedings.

(2) A movant shall be a school legal entity. If a school legal entity has not yet been established, its founder shall be a movant.

#### Section 157

(1) The application for registration of a school legal entity in the Register of School Legal Entities shall be submitted along with the application for registration of a school or a school facility in the Register of Schools and School Facilities upon the conditions and procedure stipulated in Section 146. In assessing all applications the data and documents contained in the application under Section 147 shall be taken into account.

(2) The application for registration of a school legal entity established as a result of a division or merger of school legal entity(ies) shall be submitted, without undue delay, after the founder has issued the relevant decision; the application shall contain the data to be recorded in the Register and the deeds to be filed in the Collection of Deeds. Removal of the record on the school legal entity to cease its existence and registration of the school legal entity to be established may be done only on the same date.

(3) The Ministry shall register a school legal entity in the Register provided that the Ministry simultaneously permits the registration of the school or school facility in the Register of Schools and School Facilities or in the case stipulated in sub-section 2 registration of the change in the Register of Schools and School Facilities. The aforementioned shall apply accordingly to cases when the registration of the school or school facility in the Register of Schools and School Facilities has been approved by a relevant Regional Authority. In the contradictory case the Ministry shall reject the application.

## Section 158

The Ministry shall remove a school legal entity from the Register of School Legal Entities

- a) if a school legal entity established by the Ministry, a region, a municipality or union of municipalities has been dissolved;
- b) if a school legal entity has been dissolved as a result of its division, consolidation or merger and if the decision on registration of the succession school legal entity(ies) in the Register of School Legal Entities was taken at the same time;
- c) after winding up a school legal entity in the case that the cessation of existence of the school legal entity was preceded, in compliance with Section 126 (2), by its dissolution with winding up;
- d) if a school legal entity was dissolved due to the reason stipulated in Section 126 (3) (e).

## Section 159

(1) Movant shall be obliged to submit without undue delay applications for registering the changes in recorded data and applications for removing a school legal entity from the Register. The application must contain the data and documents directly concerning the proposed change or removal as well as deeds which are to be filed in the Collection of Deeds.

(2) The registration of any change in recorded data or removal of a school legal entity from the Register shall be done on the date specified in the application. If the decision on registering the change or on removal comes into effect later or if the application does not contain the date as of which the registration of the change or removal is to be done then the registration of the change or removal shall be done on the date on which such decision shall come into effect.

(3) Proceedings relating to the registration of any change in recorded data and proceedings relating to the removal of a school legal entity from the Register may also be commenced without any proposal, if compliance between the record in the Register and actual status is to be achieved.

(4) The Ministry shall decide on registering any change in recorded data and on removal of a school legal entity from the Register within thirty (30) days from the date on which the proceedings were commenced.

(5) The Ministry shall notify the relevant tax authority, the authority carrying out national statistical services, and the authority which issued the respective trade licence or any other working licence, of the registration of a school legal entity, registration of any changes to recorded data, and removal of a school legal entity from the Register, not later than within one (1) week from the date of registration.



A legal entity carrying out activities of a school or a school facility is obliged, without any undue delay, to report to the authority maintaining the School Register that insolvency proceedings solving the respective legal entity's bankruptcy or the danger of bankruptcy have been commenced, or that a decision on its bankruptcy has been issued.

## PART FORTEEN

### FINANCING SCHOOLS AND SCHOOL FACILITIES FROM THE STATE BUDGET

#### Section 160

(1) Funds from the state budget shall be provided, conditional upon this Act, for activities of

- a) schools and school facilities established by the Ministry to be used for salaries, compensation of salaries or wages and compensation of wages, for compensation for being on call, compensation for work carried out on the basis of agreement on work other than work performed under employment contracts and redundancy payments, for expenses to be used for covering welfare fees and contributions for the national employment policy and for covering health insurance fees, contributions to the Fund for Cultural and Social Needs and other expenses resulting from legal relations, for necessary expenditures relating to teaching disabled children, pupils and students, for expenses for teaching aids, educational aids and textbooks if they are, in accordance with this Act, provided free, for expenditures for the further education of pedagogical staff, for activities directly relating to the development of schools and the quality of education, as well as for other necessary non-investment expenditures relating to the operation of schools and school facilities and for investment expenditures included in the programme under a special legal regulation;<sup>35</sup>
- b) schools and school activities established by registered churches or religious societies which are authorised to established church schools<sup>6</sup>, with the exception of language schools authorised to organise state language examinations stipulated under letter a), except for expenditures used for acquisition and material improvement of long-term assets; such exception shall not apply to expenditures for teaching aids;
- c) schools and school facilities established by municipalities or unions of municipalities, with the exception of educational facilities and school boarding facilities under Section 117 (1) (c) and language schools authorised to organise state language examinations, to be used for salaries, compensation of salaries or wages and compensation of wages for compensation for being on call, compensation for work carried out on the basis of agreements on work other than work performed under employment contracts and redundancy payments, for expenses to be used for covering welfare fees and contributions for the national employment policy and for covering health insurance fees, contributions to the Fund for Cultural and Social Needs and other expenses resulting from legal relations, for necessary expenditures relating to teaching disabled children, pupils, and students, for expenses for teaching aids, educational aids and textbooks if they are, in accordance with this Act, provided free, as well as expenditures for the

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<sup>35</sup> Act No. 218/2000 Col., on Budgeting Rules and on the Amendment to Some Other Related Acts (the Budgeting Rules), as amended

further education of pedagogical staff, and on activities directly relating to the development of schools and the quality of education;

- d) schools and school facilities established by regions, with the exception of language schools authorised to organise state language examinations and educational facilities and school boarding facilities under Section 117 (1) (c), to be used for salaries, compensation of salaries or wages and compensation of wages, for compensation for being on call, compensation for work carried out on the basis of agreements on work other than work performed under employment contracts and redundancy payments, for expenses to be used for covering welfare fees and contributions for the national employment policy and for covering health insurance fees, contributions to the Fund for Cultural and Social Needs and other expenses resulting from legal relations, for necessary expenditures relating to teaching disabled children, pupils and students, for expenses for teaching aids, educational aids and textbooks if they are, in accordance with this Act, provided free, as well as for expenditures for the further education of pedagogical staff, and on activities directly relating to the development of schools and the quality of education.

(2) Funds from the state budget shall be provided for activities of schools and school facilities which are not established by the state, a region, a municipality or a union of municipalities or by a registered church or religious society authorised for establishing church schools<sup>6</sup> in the scope of and conditional upon a special legal regulation.<sup>31</sup>

(3) Funds from the state budget under sub-sections 1 and 2 shall be provided on the basis of the real number of pupils or students at a school or school facility, in individual educational fields and forms, on the basis of the number of beds and persons having meals, stated in the School Register valid for the relevant school year, or on the basis of other units specified by a special legal regulation<sup>34a)</sup> however only up to the maximum permitted number of children, pupils, or students at the school or school facility, in individual educational fields and forms, or up to the maximum permitted number of beds and persons having meals, or other units specified by a special legal regulation<sup>34a)</sup> stated in the Register of Educational Facilities. The real number under the first sentence shall also include foreign nationals who are, hereunder, provided education or school services under the same conditions as citizens of the Czech Republic.

(4) Funds beyond the amount of funds from the state budget provided under sub-sections 1 and 2 shall be covered by legal persons carrying activities of schools and school facilities, from other financial sources, in particular from their own income or from funds provided by the founder or by other persons respectively.

## Section 161

### **Financing Schools and School Facilities Established by Self-Governing Territorial Units**

(1) The Ministry shall specify republic-wide regulatory standards for amounts of expenses under Section 160 (1) (c) and (d) determined for the education of and school services for one child, pupil, or student of each relevant age category within pre-school, basic, secondary, and tertiary professional education in a calendar year and shall publish these in the Journal.

(2) The Regional Authority shall specify regional regulatory standards for amounts of expenses under Section 160 (1) (c) and (d) determined for one unit of output in a calendar year under conditions stipulated in an implementing legal regulation and shall publish these. One unit of output shall be one child, pupil, student, accommodated person, person having meals at school, bed, class, study group or department, or any other unit specified by a special legal regulation<sup>34a)</sup>. Regional regulatory norms shall include compensation for special educational needs of children, pupils and students.

(3) In specifying regional regulatory standards the Regional Authority shall take into account in particular

- a) the long-term objectives of education and development of the school system in the relevant region;
- b) framework educational programmes or accredited educational programmes for tertiary professional education;
- c) the scope of direct teaching, direct educational, direct special educational needs or direct pedagogic-psychological activities; and
- d) the number of learners at classes, study groups and departments of individual schools and school facilities.

(4) The Ministry shall specify by a special legal regulation the classification of regional regulatory standards, indicators decisive for their specification, units of output for individual regional regulatory standards relations between indicators and units of output, indicators for calculating the minimum level of regional regulatory standards and principles for their increase and publication.

(5) On the basis of republic-wide regulatory standards under subsection 1 the Ministry shall break down subsidies to be provided to Regional Authorities<sup>36</sup> and shall transfer the funds earmarked from the state budget to the special account of a region where such funds are to be used for the activities of

- a) schools and school facilities established by regions and for expenses stipulated in Section 160 (1) (d);
- b) schools and school facilities established by municipalities or unions of municipalities and for costs stipulated in Section 160 (1) (c).

(6) The relevant Regional Authority exercising powers of the state with the approval of the regional assembly through regional regulatory standards and in compliance with principles specified by the Ministry under Section 170 (b) shall

- a) break down and provide legal persons carrying out activities of schools and school facilities established by the region with funds under Section 160 (1) (d);
- b) break down and directly provide with funds under Section 160 (1) (c) legal persons carrying out activities of schools and school facilities established by municipalities or unions of municipalities. In so doing, the Regional Authority shall take into account proposals submitted by municipal councils of municipalities with an extended scope of powers. The Regional Authority shall notify municipal councils of municipalities with an extended scope of powers on the break-down of funds under the first sentence.

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<sup>36</sup> Section 7 (1) (c) of Act No. 218/2000 Coll.

(7) The relevant municipal council of a municipality with an extended scope of powers shall

- a) draw up draft break-downs of budgets of funds from the state budget provided under sub-section 6 (b) in compliance with principles specified by the Ministry pursuant to Section 170 (c) and regional regulatory standards and shall submit them to the relevant Regional Authority;
- b) draw up and submit to the relevant Regional Authority analyses of utilisation of funds from the state budget provided under sub-section 6 (b) in accordance with guidelines and procedures specified by the Ministry pursuant to Section 170 (d).

(8) A Regional Authority shall

- a) settle and clear funds from the state budget which were provided for the activities of schools and school facilities under sub-section 6 and under instructions specified by the Ministry pursuant to Section 170 (e) and a procedure specified by a special legal regulation<sup>30</sup> and shall submit the results of financial settlement and clearing to the Ministry;
- b) summarise annual financial statements of legal persons carrying out activities of schools and school facilities established by regions, municipalities and unions of municipalities within the jurisdiction of the relevant Regional Authority; and
- c) draw up and evaluate analyses of the utilisation of funds from the state budget provided under sub-section 6 (a) in accordance with guidelines and procedures specified by the Ministry pursuant to Section 170 (d) and (e).

(9) A legal person carrying out activities of a school or school facility established by a municipality or a union of municipalities shall draw up and submit to the Municipal Council of a municipality with extended scope of powers an analysis of the use of funds from the state budget provided under sub-section 6 (b) in accordance with the chart of accounts and procedure specified by the Ministry under Section 170 (d). A legal person carrying out activities of a school or school facility established by a region shall draw up and submit to the Regional Authority an analysis of the use of funds from the state budget provided under sub-section 6 (a) in accordance with the chart of accounts and procedure specified by the Ministry under Section 170 (d).

#### Section 162

### **Financing Schools and School Facilities which Are Not Established by the State, a Region, Municipality or Union of Municipalities**

(1) The Ministry shall break down by means of regulatory standards and provide funds to be used for expenses stipulated in Section 160 (1) (b) in the form of a subsidy under a special legal regulation<sup>37</sup> to legal persons carrying out activities of schools and school facilities established by registered churches and religious societies authorised to establish church schools<sup>6</sup>.

(2) The Ministry shall specify regulatory standards as an average annual amount of expenses stipulated in Section 160 (1) (b) and allocated to a unit of output under Section 161 (2) in a given field and form of education or in a given school service and shall publish them in the Journal.

(3) The Ministry shall provide Regional Authorities in the form of a subsidy<sup>37</sup> funds to be used for activities of schools and school facilities not established by a region, the state, a municipality or a union of municipalities or a registered church or religious society authorised to establish church schools<sup>6</sup>, and transfer them to the special account of the region.

(4) The relevant Regional Authority shall provide legal persons carrying out activities of schools and school facilities not established by a region, the state, a municipality or a union of municipalities or a registered church or religious society authorised to establish church schools<sup>6</sup> with a subsidy in the amount and under conditions stipulated in a special regulation<sup>31</sup> and shall control its use.

#### Section 163

### **Other Expenditures from the State Budget for Schools and School Facilities Registered in the Register of Educational Facilities**

(1) Funds from the state budget may be further provided for testing of methods and development programmes under Section 171 (1) and (2) at schools and school facilities of all founders; the state budget further provides finance to cover eligible costs relating to final examinations, school-leaving examinations and examinations on completing conservatories under Section 113c. The Ministry shall provide funds for experimental verification of methods and development programmes under Section 171 (1) and (2) and for covering eligible costs relating to final examinations, school-leaving examinations and examinations on completing conservatories under Section 113c to

- a) Regional Authorities, to a special account of the respective region for schools and school facilities not established by the Ministry, registered churches or religious societies authorised to establish church schools<sup>6</sup>; a Regional Authority authorised to exercise powers of the state with the approval of the relevant regional assembly shall allocate such funds to legal persons carrying out activities of schools and school facilities; and
- b) legal persons carrying out activities of schools and school facilities established by the Ministry, registered churches or religious societies authorised to establish church schools<sup>6</sup>.

(2) The Act on the State Budget shall stipulate amounts of subsidies to be provided from the state budget for a partial payment of expenses of legal persons carrying out activities of schools and school facilities established by a region, a municipality or a union of municipalities.

#### PART FIFTEEN

### **HEAD TEACHERS OF SCHOOLS AND DIRECTORS OF SCHOOL FACILITIES AND SCHOOL BOARDS**

#### **Head Teachers of Schools and Directors of School Facilities**

#### Section 164

(1) The head teacher of a school or director of a school facility shall

- a) decide on all matters concerning the provision of education and school services unless stated otherwise by a rule of law;
- b) be liable for the school or school facility providing education and school services in compliance with this Act and educational programmes stipulated in Section 3;
- c) be responsible for the professional and pedagogical level of education and school services;
- d) create conditions for inspections to be carried out by the Czech School Inspectorate and shall adopt measures resulting from such inspections;
- e) create conditions for the further education of pedagogical staff and for the work of the School Board if such Board is established hereunder;
- f) ensure that persons listed in Section 21 are in a timely manner provided with information on the course and results of the education of a child, pupil, or student;
- g) ensure cooperation in implementing programmes for ensuring the results of education required by the Ministry;
- h) be responsible for ensuring the supervision of children and minor pupils at schools and school facilities.

(2) Head teachers shall establish an Educational Board as their advisory body, discuss with them all fundamental educational documents and measures concerning educational activities of the school. In his/her decision-making the head teacher shall take into account the opinions of the Educational Board. All pedagogical staff of the school shall become members of the Educational Board.

## Section 165

(1) Head teachers of schools and directors of school facilities established by the state, a region, a municipality or a union of municipalities shall further

- a) determine the organisation of and conditions for operations of schools and school facilities;
- b) be accountable for the use of funds from the state budget allocated under Sections 160 through 163 in compliance with the purpose for which they were allocated;
- c) submit an analysis of economic results in accordance with the obligatory guidelines and procedures specified by the Ministry.

(2) Head teachers of schools and directors of school facilities established by the state, a region, a municipality or a union of municipalities shall decide on rights and duties relating to state administration in the following cases:

- a) the transfer of a pupil or student to an upper grade under Section 17 (3) and permission for an individual education plan under Section 18;
- b) admission of a child to pre-school education under Section 34 and termination of pre-school education under Section 35;
- c) postponement of compulsory school attendance under Section 37;
- d) the transfer of a pupil to an appropriate grade of basic school under Section 39 (2);

- e) admission to basic education under Section 46, the transfer of a pupil under Section 49 (1) and the transfer of a pupil to a different educational programme under Section 49 (2) and permission to continue basic education under Section 55 (2);
- f) admission for education at secondary school under Section 59 and the following Sections, at tertiary professional school under Section 93 and following Sections, and at conservatories under Section 88;
- g) a transfer, change of field of education or interruption of education under Sections 66 and 97;
- h) repeating a grade after satisfying compulsory school attendance under Section 52 (6), Section 66 (7), and Section 97 (8);
- i) decreasing and waiving fees for the provision of education and school services under Section 123 (4);
- j) conditional expulsion and final expulsion of a pupil or student from the school or school facility under Section 31 (2) and (4);
- k) recognition of education achieved under Sections 70 and 100;
- l) permission for and cancellation of individual education of a pupil under Section 41.

### Section 166

(1) The director of a school legal entity, the director of an organisation partially covered from the state budget<sup>37</sup> and the head of an organisational unit of the state or a part thereof shall be the director of all schools and school facilities the activities of which are carried out by the relevant school legal entity or organisational unit of the state or a part thereof. Only a person satisfying all prerequisites for performing the office of head teacher of a school or the office of director of a school facility defined by a special act<sup>2</sup> may be the director of a school legal entity, the director of an organisation partially covered from the state budget, or a head of an organisational unit of the state or a part thereof.

(2) The founder shall, on the basis of a tender, appoint the director of a school legal entity established by the Ministry, a region, a municipality or a union of municipalities, the director of an organisation partially covered from the state budget, and the head of an organisational unit of the state or a part thereof. Under the first sentence the founder shall meet, with regard to labour-law relations, the function of a body superior to an employer.<sup>38</sup>

(3) The Ministry shall lay down in an implementing legal regulation the requirements for a tender, the composition of commissions for assessing applicants to be appointed to the offices listed in sub-section 2, and the rules for setting up, the activities of and decision-making of such commissions.

(4) The founder shall dismiss from office the director of a school legal entity established by the Ministry, a region, a municipality or a union of municipalities, the director of an organisation partially covered from the state budget, or the head of an organisational unit of the state or a part thereof, if:

- a) they no longer fulfil any of the prerequisites for performing the office of head teacher or director of a school facility laid down by a special act<sup>2</sup>;

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<sup>37</sup> Section 54 of Act No. 219/2000 Coll., as amended

Section 27 of Act No. 250/2000 Coll., on Budgeting Rules of Regional Budgets

<sup>38</sup> Section 26 of the Labour Code, as amended

- b) they do not satisfy conditions for head teachers and directors of school facilities set out under a special act<sup>2</sup> for acquiring knowledge of school management ;
- c) as a consequence of organisational changes the office they perform has been closed down.

(5) The founder may further dismiss from office the director of a school legal entity established by the Ministry, a region, a municipality or a union of municipalities, the director of an organisation partially covered from the state budget and the head of an organisational unit of the state or a part thereof if

- a) they grossly violate or do not meet legal obligations resulting from the office performed and such violation was revealed by means of inspection carried out by the Czech School Inspectorate, the founder or other auditing bodies; or
- b) they reach the age of 65.

(6) Dismissal from office must be in writing and shall be delivered to the own hands of the director or the head of the unit and must contain the reasons for their dismissal under subsections 4 and 5 otherwise it shall not be valid.

(7) The office of head teacher of a school or director of a school facility the activities of which are carried out by another legal person shall be performed by the authorised body or by a member of the authorised body of such a legal person if he/she satisfies prerequisites for performing the office of head teacher or director of a school facility laid down in a special legal regulation.<sup>2</sup> If the head teacher of a school or director of a school facility cannot be appointed from the above-mentioned persons then the legal person shall appoint as head teacher of a school or director of a school facility another person having an employment contract with such a legal person and satisfying prerequisites for performing the office of head teacher of a school or director of a school facility laid down in a special act.<sup>2</sup> The person stated in the first and second sentences may be a director for all the schools and school facilities the activities of which are carried out by the relevant legal person.

## **School Board**

### Section 167

(1) A School Board shall be established at basic, secondary and tertiary professional schools. A School Board shall be a body enabling statutory representatives of minor pupils, pupils and students of legal age, pedagogical staff, the founder, and other persons to participate in school management. If a legal person manages more than one such school only one School Board may be established. With regard to a tertiary professional school a separate School Board must be established.

(2) A School Board shall be established by the founder who shall at the same time specify the number of its members and issue rules for its election. The founder shall appoint one third of the School Board's members, and the statutory representatives of minor pupils along with the other pupils and students shall elect one third of the School Board's members; one third of these shall be elected by the pedagogical staff of the relevant school. The head teacher may not be a member of the School Board. The head teacher shall meet the tasks of



the founder at schools established by the state, a region, a municipality or a union of municipalities.

(3) No member of the School Board may be at the same time both appointed by the founder and elected by statutory representatives of minor pupils and pupils and students of legal age, or elected by the pedagogical staff of the school.

(4) In compliance with the rules for elections the head teacher shall organise elections to the School Board.

(5) Should the statutory representatives of minor pupils and the other pupils and students not elect the specified number of members of the School Board after repeated request the head teacher shall appoint the remaining members of the School Board.

(6) Members of all School Boards shall be elected for a period of three (3) years.

(7) A School Board shall meet at least twice a year; sessions of the School Board shall be convened by its Chair; the first session shall be convened by the head teacher. The head teacher or a representative authorised by the head teacher shall be obliged to participate in the session of the School Board if he/she is called by the Chair to do so. The School Board at its first session shall set out its Rules of Procedure and elect its Chair. The Rules of Procedure shall be adopted by a majority vote of all members of the School Board.

## Section 168

(1) The School Board shall

- a) give its opinion on the proposals of school educational programmes and their implementation;
- b) approve annual reports on activities of the school;
- c) approve the internal Rules of Order, Scholarship Rules at secondary and tertiary professional schools, and propose their amendments;
- d) approve rules for evaluating the results of pupils` education at basic and secondary schools;
- e) participate in drawing up strategic objectives of school development;
- f) discuss a draft budget of the legal person for the next year, express its opinion on analyses of economic results, and propose measures on improving economic results;
- g) discuss inspection reports of the Czech School Inspectorate;
- h) give suggestions and deliver notices to the head teacher, founder, state bodies involved in the school system, and other state administration bodies.

(2) The head teacher shall be obliged to enable the School Board to have access to information regarding the school, in particular to school documentation. The head teacher shall provide to the School Board information protected in accordance with special legal regulations<sup>17</sup> only conditional upon such special legal regulations. The provision of information under the Act on Free Access to Information shall not be prejudiced.

(3) The School Board shall decide upon approval of documents listed in sub-section 1 (b) through (d) within one (1) month of the date they were submitted by the head teacher. If the School Board does not approve a document, the head teacher shall submit the document to be discussed again within one (1) month. If the document is not approved within a repeat discussion of it or if the School Board does not discuss the documents listed in sub-section 1 (b) through (d) within one (1) month of the date on which these were submitted by the head teacher, the founder shall decide upon further procedure to be taken without undue delay.

(4) The person who appointed the head teacher shall meet the tasks of the founder under sub-section 3 at schools not established by the state, a region, a municipality or a union of municipalities.

## **PART SIXTEEN**

### **MINISTRIES AND THE CZECH SCHOOL INSPECTORATE**

#### **Ministry** Section 169

(1) In addition to tasks stipulated herein the Ministry shall further execute state administration in the school system within the scope stipulated herein and shall be responsible for the status, strategy and development of the educational system.

(2) The Ministry shall create conditions for the execution of institutional and protective education and preventative educational care of persons placed at school facilities established for such care as well as conditions for the further education of pedagogical staff. For this purpose the Ministry shall establish or close down

- a) school facilities for the execution of institutional education or protective education and school facilities for preventative educational care, and furthermore conditional upon a special legal regulation<sup>1a</sup> nursery, basic, and secondary schools for children and pupils placed in such school facilities, and
- b) institutions for the further education of pedagogical staff.

(3) The Ministry shall further establish or close down

- a) nursery, basic, and secondary schools with instruction in the language of a national minority upon conditions stipulated in Section 14 unless these are established by a municipality, a union of municipalities or region;
- b) schools the activities of which are regulated by international agreements.

(4) The Ministry may, in exceptional cases of special consideration, also establish or close down other schools and school facilities.

(5) If the Ministry establishes schools and school facilities listed in sub-sections 2 and 4 as state organisations partially covered from the state budget, it shall decide upon the management, division and merger of an organisation partially covered from the state budget and shall issue the Deed of Foundation. An organisation partially covered from the state budget shall come into existence on the date stated in the Deed of Foundation.

(6) The Ministry shall decide upon a merger of an organisation partially covered from the state budget, the establishment or closing down of a school or a school facility as an internal organisational unit of an organisation partially covered from the state budget and upon alterations of the data stated in the Deed of Foundation. The amendment to the Deed of Foundation shall be issued along with the decision.

(7) An organisation partially covered from the state budget shall be changed on the date stated in the Deed of Foundation or in the amendment to the Deed of Foundation.

(8) The Ministry shall decide on the closing down of an organisation partially covered from the state budget and at the same time shall terminate the Deed of Foundation. An organisation partially covered from the state budget shall cease its existence on the date stated in the decision on its closing down.

(9) In the event of closing down, division, consolidation, or merger of an organisation partially covered from the state budget and in the event of the closing down of a school or a school facility as its internal organisational unit, the Ministry shall simultaneously decide which organisation partially covered from the state budget and managed by the Ministry shall take over the rights and duties of the organisation partially covered from the state budget which is being closed down or changed, or on a different manner of settling such rights and duties. Should the Ministry not decide on the manner in which the rights and duties of an organisation partially covered from the state budget being closed down or changed shall be settled, such rights and duties shall be devolved to the Ministry.

(10) The Ministry shall publicise the establishment, any changes or closing down of an organisation partially covered from the state budget in the Journal and the Central Journal of the Czech Republic. Such publicising shall contain the name, registered seat, identification number and the date of establishment or closing down of the organisation partially covered from the state budget.

## Section 170

### The Ministry

- a) shall ensure and perform an audit of the correctness and effectiveness of use of funds allocated or provided under agreement from the state budget, from the National Fund and from funds provided by international organisations under international agreements; at the same time shall perform a regular audit, an audit on an ongoing basis, and a follow up audit in accordance with a special legal regulation;<sup>39</sup>
- b) shall define by means of a Directive<sup>40</sup> binding principles under which Regional Authorities shall break down funds allocated from the state budget under Section 161 (6) (b);

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<sup>39</sup> Act No. 320/2001 Coll., on Financial Auditing in Public Administration and on the Amendment to Some Other Acts (the Act on Financial Auditing as amended)

<sup>40</sup> Section 30 of Act No. 129/2000 Coll., on Regions (Regional Administrative System) as amended by Act No. 231/2002 Coll.

Section 61 of Act No. 128/2000 Coll., on Municipalities (Municipal Administrative System) as amended by Act No. 313/2000 Coll.

- c) shall define by means of a Directive binding principles under which municipal councils of municipalities with an extended scope of powers shall break down funds allocated from the state budget under Section 161 (6) (b);
- d) shall lay down by means of a Directive<sup>41</sup> binding guidelines and procedure under which legal persons carrying out activities of schools and school activities established by the Ministry, a region, a municipality or a union of municipalities, and municipal councils of municipalities with an extended scope of powers and Regional Authorities shall provide analyses of the economical use of funds allocated from the state budget under Section 161 (6) (a) and (b);
- e) shall lay down by means of a Directive<sup>41</sup> binding instructions under which Regional Authorities shall settle and clear funds allocated from the state budget under Section 161 (6) (a) and (b);
- f) may award financially and otherwise persons who gained recognition for the development of education; and
- g) may grant an honourable name to legal persons and organisational units of the state carrying out activities of schools and school facilities.

#### Section 171

(1) The Ministry shall announce and manage testing of methods, content, forms, education organisation and testing of the manner of school and school facilities management, and at the same time it shall specify the term of testing, its scope, the manner of funding from the state budget and the manner of evaluating its results.

(2) The Ministry shall announce development programmes in education and programmes to determine the results of education including conditions and criteria for their funding from the state budget.

(3) The Ministry shall prescribe methodology for drawing up school educational programmes for basic education.

#### **The Ministry of Defence, the Ministry of the Interior, the Ministry of Justice, and the Ministry of Foreign Affairs**

#### Section 172

(1) Secondary military schools, tertiary professional military schools and relating school facilities shall be established or closed down by the Ministry of Defence

(2) Secondary police schools, tertiary professional police schools (police colleges) as well as secondary fire rescue schools, tertiary fire-rescue schools and relating school facilities shall be established or closed down by the Ministry of the Interior.

(3) Secondary schools for prisoners` service and relating school facilities and schools and school facilities for persons in custody and imprisoned persons shall be established or closed down by the Ministry of Justice.

(4) Basic schools at embassies and consulates of the Czech Republic shall be established or closed down by the Ministry of Foreign Affairs.

(5) The Ministry of Defence, the Ministry of the Interior, the Ministry of Justice, and the Ministry of Foreign Affairs shall execute powers of the Ministry, Regional Authorities and the Czech School Inspectorate hereunder for schools established by them with the exception of powers under Section 4 (3) and Section 28, powers concerning the common part of the school-leaving examination, unless the Chair of the School-Leaving Examination Board is appointed and the course of the examination and the results of a sub-examination, taken as either a written or oral examination, are reviewed, managing the Register of Educational Facilities and accreditation of educational programmes of tertiary professional education. The Ministry of Defence, the Ministry of the Interior, and the Ministry of Justice shall lay down by decrees regulations for schools and school facilities established by them in cases where the Ministry is empowered by this Act to issue such decrees relating to secondary schools and professional tertiary schools and school facilities.

(6) With regard to general education and completion of education hereunder, the Ministry of Defence, the Ministry of the Interior, and the Ministry of Justice shall act in agreement with the Ministry.

(7) Service relations of pupils and students of schools established by the Ministry of Defence, the Ministry of the Interior, and the Ministry of Justice shall be governed by special legal regulations.<sup>41</sup>

(8) The provisions of, Section 21 (1) (c ) and (d), Section 74 (8) (a), and Sections 167 and 168 shall not apply to schools established by the Ministry of Defence, the Ministry of the Interior, and the Ministry of Justice; the provisions of Section 24 (1), Section 60, Section 94, the first sentence of Section 102 (4), and the second sentence of Section 166 (1) shall apply to such schools accordingly.

(9) A person who is not a citizen of the Czech Republic may be educated in the military branch of education or the branch of education concerning crisis management at any school established by the Ministry of Defence only after the prior approval of the Ministry in question. The Ministry of Defence shall be authorised to reject the approval under the previous sentence only where stating reasons concerning public order or public security.

(10) The provisions of Section 7 (6) shall not apply to schools established by the Ministry of Foreign Affairs at embassies and consulates of the Czech Republic; the provisions of Section 28 shall apply to such schools accordingly.

## **Czech School Inspectorate**

### Section 173

(1) The Czech School Inspectorate shall be an administrative authority with nation-wide powers which shall be an organisational unit of the state and an accounting unit.

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<sup>41</sup> Act No. 361/2003 Coll., on Service Relations of Members of Security Forces Act No. 221/1999 Coll., on Professional Soldiers, as amended.

(2) The Czech School Inspectorate shall be divided in terms of organisation into the head office of the Czech School Inspectorate with its registered seat in Prague and offices of the Czech School Inspectorate.

(3) The Czech School Inspectorate shall be headed by the Chief School Inspector. He/she shall be appointed and dismissed in accordance with the provisions of the Act on Civil Service.<sup>42</sup>

#### Section 174

(1) The Czech School Inspectorate shall draw up strategic objectives for inspection activities and systems for evaluating the educational system.

(2) The Czech School Inspectorate at schools and school facilities registered in the Register of Educational Facilities and at workplaces where practicum or vocational training is carried out under Section 65 (2) and Section 96 (2) shall, within its inspections:

- a) acquire and analyse information on the education of children, pupils and students, on the activities of schools and school facilities registered in the Register of Educational Facilities, and monitor and evaluate the effectiveness of the educational system;
- b) determine and assess the conditions, course and results of education in accordance with relevant school educational programmes;
- c) determine and assess to what extent the school educational programme is met and whether it is in compliance with legal regulations and the framework educational programme;
- d) perform state checks to determine whether legal regulations relating to provision of education and school services are met; state checks shall be executed in accordance with a special legal regulation;<sup>43</sup>
- e) perform a public-legal audit<sup>40</sup> focused on the use of funds allocated from the state budget under Sections 160 through 163.

(3) Inspections shall be carried out in accordance with the plan of principal assignments for the relevant school year approved by the Minister of Education, Youth and Sports on the basis of a proposal submitted by the Chief School Inspector.

(4) Furthermore, inspections shall be carried out on the basis of suggestions, complaints and petitions which fall within the scope of powers of the Czech School Inspectorate under sub-section 2 (a) through (e). With regard to inspections carried out on the basis of a complaint, the Czech School Inspectorate shall investigate individual statements within the complaint and shall present the results of investigations to the founder. The founder shall notify the Czech School Inspectorate on settling the complaint and on respective measures adopted to ensure correction.

(5) Furthermore, the Czech School Inspectorate shall be obliged to carry out activities under Section 2 (b) (c) and (d) and for the purpose of subsidies to be allocated under a special legal regulation if the Czech School Inspectorate is so requested by a legal person carrying out activities of school or school facility. Inspections under sub-section 2 (b) (c) or (d) cannot be

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<sup>42</sup> Section 53 (5) of Act No. 218/2002 Coll., on the Service of Civil Servants in Administrative Authorities and on Compensation of such Civil Servants in Administrative Authorities (the Act on Civil Service).

<sup>43</sup> Act No. 552/1991, on State Auditing as amended

upon the request of a legal person carrying out activities of school or school facility carried out prior to the elapse of the period specified for the correction of the respective deficiencies determined by previous inspections under sub-section (2) (b) (c) or (d).

(6) In evaluating the conditions, course and results of education and school services the Czech School Inspectorate shall adhere to the principles and objectives of education stipulated herein whilst a fundamental criterion shall be how efficient is the support of personality development of children, pupils, and students and whether the objectives of education have been achieved by a school or a school facility. Evaluation criteria shall be submitted to the Ministry for its approval. The Ministry shall publish the approved evaluation criteria.

(7) School inspectors, auditors and invited persons shall carry out inspection activities on the basis of written authorisation issued by the Chief School Inspector or a person authorised by the Chief School Inspector. School inspectors shall prove their identity by a School Inspector Card stamped with the coat-of-arms of the Czech Republic. Auditors shall prove their identity by an Auditor Card stamped with the coat-of-arms of the Czech Republic. Invited persons shall prove their identity by their personal identity cards.

(8) A school inspector may be a person who has completed higher education and has had at least five (5) years of pedagogical or pedagogical-psychological experience and who satisfies other prerequisites laid down in a special legal regulation.<sup>44</sup>

(9) An auditor may be a person who has completed higher education, who has at least five (5) years of professional experience and who satisfies other prerequisites laid down in special legal regulations<sup>45</sup>, or a person who has completed secondary education accomplished by a school-leaving examination, who has at least twenty (20) years of professional experience and who satisfies other prerequisites laid down in special legal regulations<sup>45</sup>.

(10) An invited person shall be a person who will participate in inspections with regard to the professional assessment of a matter. An invited person shall work under the supervision of a school inspector or an auditor.

(11) Written authorisation under Section 7 must contain the following:

- a) the name and surname of the authorised person or names and surnames of members of the inspection team if the authorisation has been issued for an inspection team;
- b) the subject and place of the inspection;
- c) the commencement date of the inspection;
- d) the date and the reference number;
- e) the signature of the Chief School Inspector or a person authorised by the Chief School Inspector; and
- f) the name and address of the relevant workplace of the Czech School Inspection and the official seal;

(2) The results of inspection shall be

- a) an Inspection Report, in the case of an inspection carried out under sub-section 2 (b) and (c);

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<sup>44</sup> Section 30 of Act No. 218/2000 Coll.

- b) a protocol under a special legal regulation <sup>40, 44</sup> in the case of an inspection under sub-section 2 (d) and (e);
- c) a Subject Report in the case of an inspection under sub-section 2 (a); or
- d) an Annual Report of the Czech School Inspectorate.

(13) An Inspection Report shall contain evaluation of the conditions, course and results of education along with the names, surnames and signatures of school inspectors, auditors and invited persons. The content of any Inspection Report shall be discussed by school inspectors and auditors with the relevant head teacher of the school or director of the school facility. The head teacher of the school or director of the school facility shall confirm by his/her signature that the Report has been discussed and taken over. The head teacher of the school or director of the school facility may submit his/her comments on the Inspection Report to the Czech School Inspectorate within fourteen (14) days of the date it was submitted. The Czech School Inspectorate shall, without undue delay, send the Inspection Report along with the comments and opinions of the Czech School Inspectorate on such comments to the founder and the School Board. The Inspection Report, including the comments, shall be public and shall be kept for a period of ten (10) years in the school or school facility concerned and in the relevant office of the Czech School Inspectorate.

(14) The Czech School Inspectorate shall issue a Subject Report on the basis of summarised findings resulting from the inspection relating to a particular subject and their analysis. After being drawn up the Subject Report shall be published without undue delay.

(15) Annual Reports of the Czech School Inspectorate shall contain summarised findings on the current situation of education and the educational system resulting from the inspections carried out in the previous school year and shall be published annually every December.

## Section 175

(1) Mutual relations between school inspectors, auditors, invited persons and persons who are inspected shall be, during the inspection on the spot, governed by the Third Part of the Act on the State Auditing<sup>44</sup> unless otherwise stated herein.

(2) The Chief School Inspector or a person authorised thereby shall decide on the term, manner and staffing of the inspection. An inspection carried out on the spot shall be commenced by submitting the written authorisation to carry out the inspection under Section 174 (7). School inspectors, auditors and invited persons shall be, whilst carrying out the inspection, authorised to:

- a) ascertain at schools and school facilities as well as at workplaces of persons where practicum and vocational training is carried out under Section 65 (2) and Section 96 (2), facts under Section 174 (2); and
- b) make copies of school and school facility documentation and use it as evidence of their findings.

(3) School inspectors, auditors and invited persons shall be obliged to:



- a) prior to commencing the inspection, inform the head teacher or the director of the school facility where their inspection will be held, or if the head teacher or director is not present inform their deputies on the subject of the inspection, the date of commencement and the assumed date of its termination, the inspection time schedule, the list of school or school facility documentation to be subject to inspection, requirements relating to the inspection, and other circumstances which are substantial in terms of the inspection to be carried out and objective results to be achieved;
- b) when commencing the inspection, submit the written authorisation to carry out the inspection and prove their identity with a School Inspector Card, Auditor Card or personal identity card.

(4) Persons who have been inspected are obliged to adopt measures in order to correct, without undue delay, deficiencies ascertained during the inspection, however not later than within the period specified by the Czech School Inspectorate. On the basis of the results of the inspection the founder shall adopt, without undue delay, measures at schools and school facilities he/she has established.

(5) In the event that it is ascertained that the school or school facility concerned failed to act or gross deficiencies are ascertained in school or school facility activities, the Chief School Inspector may submit to the body maintaining the Register of Educational Facilities a proposal for removal of the school or the field of education concerned from the Register of Educational Facilities.

(6) The Ministry shall lay down in an implementing legal regulation more detailed conditions concerning the organisation of the Czech School Inspectorate and execution of inspections as well as a specimen of a School Inspector Card and Auditor Card.

Section 176  
Repealed

## **PART SEVENTEEN**

### **SCOPE OF COMPETENCIES OF TERRITORIAL SELF-GOVERNING UNITS IN THE SCHOOL SYSTEM**

Section 177

(1) Territorial self-government in the school system shall be executed by

- a) municipalities, and
- b) regions.

(2) In ensuring education and school services, in particular in establishing schools and school facilities, municipalities and regions shall take care mainly of

- a) the compliance of the development of education and school services with the interests of citizens of a municipality or region, with labour market needs, with demographic development and with development of the relevant territory;

- b) the availability of education and school services in accordance with local conditions.

**Municipality**  
Section 178

(1) A municipality shall be obliged to create conditions for satisfying compulsory school attendance of children with permanent residence in its territory and children placed in its territory at school facilities for the execution of institutional or preventative care who are not educated at schools established for such school facilities in compliance with a special legal regulation<sup>45</sup>. For such purposes a municipality shall

- a) establish a basic school; or
- b) ensure compulsory school attendance to be satisfied at a basic school established by another municipality or union of municipalities.

(2) School districts of local schools are defined in the territory of a municipality, a part of a municipality, or in the territory of several municipalities, as follows:

- a) if there is only one basic school in a municipality established by the municipality the local school district shall be the territory of the municipality;
- b) if there are more basic schools in a municipality established by the municipality the municipality shall define local school districts in a commonly binding decree;
- c) if there is only one basic school or more basic schools established by the union of municipalities in the territory of a union of municipalities or if several municipalities enter into an agreement on establishing a common school district of one or more basic schools established by one of such municipalities, each of the municipalities concerned shall define in a commonly binding decree the relevant part of the school district.

(3) If a municipality does not define a local school district and compulsory school attendance of pupils stipulated in sub-section 1 is endangered the relevant Regional Authority exercising the powers of the state shall decide on the local school district.

(4) A local school district shall not be defined for a school executing education merely in accordance with an educational programme for disabled pupils and for schools established by founders other than a municipality or union of municipalities.

(5) Within the basic public transport service<sup>46</sup> in the territory of a region, the region shall be obliged to ensure transport to the local school district if the distance of the local school district from the place of permanent residence of a pupil exceeds four (4) kilometres.

(6) If a pupil satisfies compulsory school attendance at a school established by another municipality then the municipality where the pupil has his/her permanent residence shall be obliged to pay to the municipality which established the school where the pupil satisfies his/her compulsory school attendance non-investment expenses of such school allocated for one pupil unless the municipalities in question agree otherwise. Non-investment expenses under the first sentence shall include maintenance and repair investments, material

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<sup>45</sup> Section 12 (2), Section 13 (5) of Act No. 109/2002 Coll., on Executing Institutional Education or Protective Education at School Facilities and on Preventative Educational Care at School Facilities and on the Amendment to Some Other Acts

<sup>46</sup> Section 19a of Act No. 111/1994 Coll., on Road Transport, as amended

expenditures, services and expenses other than productive expenses, pay-roll expenses and other payments provided to natural persons which are not granted by the Regional Authority. This provision shall apply accordingly in the event that a pupil satisfies his/her compulsory school attendance at a school established by a union of municipalities, which the municipality where the pupil concerned has his/her permanent residence is not a member of.

(7) The municipality shall not be obliged to pay the expenses under sub-section 6 if such municipality has established a school where there are conditions for the pupil concerned to satisfy compulsory school attendance, or if it is a member of a union of municipalities which has established a school where there are conditions for the pupil to satisfy compulsory school attendance, or if it is a contracting party to an agreement between several municipalities on establishing a common school district of one or more basic schools established by one of such municipalities if there are conditions for the pupil concerned to satisfy compulsory school attendance, with the exception of cases where the pupil is educated at basic school with instruction in the language of a national minority.

(8) If a child placed at a school facility for institutional or preventative education satisfies his/her compulsory school attendance at a basic school established by a municipality or union of municipalities where he/she does not have his/her permanent residence then this school facility shall pay expenses under sub-section 6 allocated for one pupil of such school.

#### Section 179

(1) A municipality or union of municipalities shall establish or close down:

- a) nursery schools;
- b) nursery or basic schools with instruction in the language of a national minority conditional upon Section 14; and
- c) school canteens serving children and pupils of schools which are established by such municipality or union of municipalities.

(2) A municipality shall be obliged to ensure conditions for pre-school education in the last grade prior to commencing compulsory school attendance for children with their permanent place of residence in its territory and for children placed in its territory in a care home. For such purpose a municipality shall:

- a) establish a nursery school; or
- b) ensure pre-school education at a nursery school established by another municipality or union of municipalities; in such a case the municipality shall be obliged to pay for each child having his/her permanent residence in its territory and attending a nursery school established by another municipality non-investment expenses of such nursery school allocated for one child under Section 178 (6) unless the municipalities in question agree otherwise.

(3) If a child placed in a care home is educated prior to commencing compulsory school attendance in the last grade of a nursery school established by a municipality or the union of municipalities where the child concerned does not have his/her permanent residence, expenses under Section 178 (6) allocated for one child shall be paid by the care home in question.

(4) Furthermore, a municipality or union of municipalities may establish and close down:

- a) artistic basic schools;
- b) school facilities for developing personal interests;
- c) school facilities for special purposes; and
- d) schools and school facilities otherwise established by regions or the Ministry, if it proves to the body maintaining the Register of Schools and School Facilities that it has available necessary funds and personnel for their activities.

#### Section 180

(1) A municipality or union of municipalities shall cover the expenses of legal persons carrying out activities of schools and school facilities established by the municipality or union of municipalities concerned with the exception of expenses paid from funds provided from the state budget under section 161 (6) (b) and from other sources; provided that a local school district exceeds the territory of one municipality then the expenses of a basic school in this local school district and relating school facilities in the municipality in question shall be paid proportionally in accordance with the number of pupils with permanent residence in individual municipalities unless the municipalities agree otherwise.

(2) A municipality may provide legal persons carrying out activities of schools and school facilities established by the municipality concerned with contributions for other non-investment expenses otherwise paid from the state budget hereunder.

(3) A municipality or union of municipalities shall allocate to legal persons carrying out activities of schools and school facilities established by the municipality or union of municipalities concerned subsidies specified by the Act on the State Budget to be used for partial payments of operational expenses and such subsidies must be financially settled and cleared.

### **Region**

#### Section 181

(1) A region shall be obliged to ensure conditions for secondary and tertiary professional education of disabled children, pupils, and students as well as children, pupils, and students disadvantaged in terms of health condition. Furthermore, a region shall be obliged to ensure condition for language education, basic artistic education and education developing personal interests and conditions for executing institutional education. For such purposes a region shall establish and close down

- a) secondary schools;
- b) tertiary professional schools;
- c) nursery, basic and secondary schools and school facilities for disabled children and pupils;
- d) special educational needs schools;
- e) schools connected to health care facilities;

- f) school educational and boarding facilities and school canteens for children, pupils, and students of schools established by the region;
- g) secondary schools with the instruction in the language of a national minority conditional upon Section 14;
- h) language schools authorised to organise state language examinations;
- i) basic artistic schools;
- j) school facilities for developing personal interests; and
- k) care homes.

(2) Furthermore, a region may establish or close down:

- a) nursery and basic schools with the instruction in the language of the national minority conditional upon Section 14;
- b) school facilities under Sections 115 through 120;
- c) schools and school facilities otherwise established by a municipality or the Ministry if the region proves that it has available necessary funds and personnel for such schools and school facilities.

## Section 182

(1) A region shall cover the expenses of legal persons carrying out activities of schools and school facilities established by the region concerned with the exception of expenses paid from funds provided from the state budget under Section 161 (6) (a) and from other sources.

(2) A region may provide legal persons carrying out activities of schools and school facilities established by the region concerned with contributions for other non-investment expenses otherwise paid from the state budget hereunder.

## **PART EIGHTEEN**

### **MINOR OFFENCES**

#### Section 182a

(1) A natural person commits a minor offence if

- a) as a person working with information which is not publicly accessible, breaches their obligation to maintain confidentiality on information not publicly accessible under Section 80b (2);
- b) as a person responsible for adopting or meeting measures aimed at removing deficiencies revealed by inspection under Section 171 (2) (b), (c), and (d) he/she does not adopt or meet such measures within a time limit specified by the Czech School Inspectorate.

(2) A fine amounting up CZK 500,000.00 (five hundred thousand) may be imposed for minor offences pursuant to sub-section 1 (a). A fine to be imposed for a minor offence

pursuant to sub-section 1 (b) shall amount to CZK 50,000.00 (fifty thousand).

(3) Minor offences under sub-section 1 (a) shall be dealt with by the Ministry.

(4) Minor offences under sub-section 1 (b) shall be dealt with by the Czech school Inspectorate. The Czech School Inspectorate shall recover and collect fines for such minor offences.

## **PART NINETEEN COMMON, TRANSITIONAL, REPEALING AND FINAL PROVISIONS**

### **Common Provisions**

#### Section 183

(1) Unless this Act states otherwise, decisions on rights and duties of natural and legal persons regarding state administration hereunder shall be governed by the Rules of Administrative Procedure.

(2) The Rules of Administrative Procedure shall not apply to decision-making under Section 27 (1), Section 74 (9) (c), Section 80 (8), Section 82, Section 90 (12), and Section 102 (9).

(3) A Regional Authority shall perform the role of a body superior to head teachers of schools and directors of school facilities, established by the state, a region, a municipality or a union of municipalities, when making decisions under Section 165 (2). The Ministry shall perform the role of a body superior to Regional Authorities when making decision on rights and duties of natural or legal persons regarding state administration hereunder. The Chief School Inspector shall issue decisions concerning appeals against decisions taken by the Czech School Inspectorate with regard to minor offences under Section 176.

(4) The relevant provisions of the Rules of Administrative Procedure shall apply accordingly to deliveries of written documents under Section 66 (2) and Section 98 (2).

(5) Competencies of municipal councils of municipalities with an extended scope of powers and of Regional Authorities laid down herein shall be executed as competencies of the state.

#### Section 183a

(1) Municipalities and regions shall be obliged, within the competences delegated to them by the state, to provide the Ministry with the statistical data ascertained within statistical work included in the programme of statistical findings for a given year.<sup>49</sup>

(2) The Ministry, or a legal entity established by it respectively, shall, when gathering and processing data retrieved from the documentation of schools, school facilities and School registers and when collecting statistical data<sup>49</sup>, be entitled to use the birth identification numbers of applicants, children, pupils, and students. A legal person carrying out the activities

of school or school facility shall be, for the purposes specified in the first sentence, obliged to provide the birth identification numbers of applicants, children, pupils, and students.

(3) For the purpose of maintaining the Register of Schools the Ministry of the Interior shall provide, online, the Ministry and a relevant Regional Authority with data on inhabitants stored in the Register of Inhabitants<sup>49a</sup>.

(4) The data provided under sub-section 3 is data on

- a) citizens of the Czech Republic<sup>49b</sup>:
  1. the name or names, surname, maiden name;
  2. the date of birth;
  3. the address of permanent residence, including any previous addresses of permanent residence;
  4. deprivation of or restriction of legal capacity;
- b) foreign nationals who are inhabitants of the Czech Republic:
  1. the name or names, surname, maiden name
  2. the date of birth;
  3. nationality or more nationalities, if applicable;
  4. the type and the address of the place of residence;
  5. the beginning of the residence or the date of the termination of the residence, if applicable;
  6. deprivation of or restriction of legal capacity;

(5) The Ministry and a relevant Regional Authority may further forward, collate, combine<sup>49c</sup>, or block the data from the Register of Inhabitants provided for the purpose of maintaining the Register of Schools in the scope stipulated in sub-section 4, if such authorities ascertain that the data provided is not precise.

(6) As regards the provided data, only the data necessary for satisfying the stipulated purpose may be used.

#### Section 183b

(1) For the purpose of this Act citizens of the Swiss Confederation and citizens of a contracting state to the Agreement on the European Economic Area shall be deemed to be citizens of the European Union.

(2) For the purpose of this Act a foreign national who is not a citizen of the European Union shall be deemed to be a family member of a citizen of the European Union and shall be permitted to reside in the Czech Republic with regard to his/her status of:

- a) a family member of a citizen of the European Union in accordance with the Act on the Residence of Aliens in the Czech Republic; or
- b) a person to whom the provisions of the Act on the Residence of Aliens in the Czech Republic concerning family members of citizens of the European Union apply accordingly.

(3) Under this Act the following persons shall have the same rights and obligations as citizens of the European Union:

- a) long-term residents in the European Community residing in the Czech Republic<sup>49d</sup>;
  - b) long-term residents in the European Community residing in a Member State of the European Union<sup>49e</sup> who have been issued a residence permit in the Czech Republic<sup>13</sup>;
  - c) persons who have been issued a residence permit in the Czech Republic due to their status of being family members of a long-term resident in the European Community residing in a Member State of the European Union.
- (4) A person whose residence in the Czech Republic has been permitted with regard to family reunification and who has hereunder access to education and school services under the same conditions as persons with whom he/she was reunited as a family member.

#### Section 184

(1) The participation of members in an examination commission for final examinations, school-leaving examinations, and absolutorium at conservatories shall be an act in the general interest of the public<sup>47</sup> for which members of such commissions shall be entitled to compensation of travel expenses paid to their proved amount, compensation for accommodation and meal expenses paid to their proved amount. Such expenses shall be reimbursed by the legal person carrying out activities of the school where examinations are held. Meal expenses shall be reimbursed at the amount and upon conditions stipulated by a special legal regulation.<sup>48</sup>

(2) Participation of members in any Accreditation Commission shall be an act in the general interest of the public<sup>50</sup> for which the members of such commission shall be entitled to compensation of travel expenses paid to their proved amount, compensation for accommodation and meal expenses paid to their proved amount. Meal expenses shall be reimbursed at the amount and upon conditions stipulated by a special legal regulation<sup>51</sup>. Furthermore, the Ministry may provide the members of any Accreditation Commission with a special bonus.

### **Transitional Provisions**

#### Section 185

(1) Schools shall proceed in accordance with Framework Educational Programmes commencing from 1<sup>st</sup> September following not more than two (2) years from the date of approval of such Programmes, effective from the first grade and also from the sixth grade of basic education under Section 46 (2), and from the seventh grade of basic education under Section 46 (3). The validity of teaching and study documents from the first grade up issued in accordance with current legal regulations shall terminate on such a date; until then, enrolment into education, the process of education and the completion of education shall be governed in accordance with such study documents. Teaching and study documents issued in accordance

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<sup>47</sup> Section 124 of the Labour Code

<sup>48</sup> Act No. 119/1992 Coll., on Travel Expenses, as amended



with current legal regulations may be altered for the purpose of achieving compliance with this Act in accordance with the procedure stipulated in current legal regulations.

(2) Teaching and study documents of tertiary professional schools issued in accordance with current legal regulations shall be considered educational programmes for tertiary professional schools hereunder accredited for seven (7) years from the coming of this Act into effect. Tertiary professional schools may provide education in accordance with study documents approved under current legal regulations until the end of the school year 2011/2012 at the latest. Schools shall follow educational programmes for tertiary professional schools accredited hereunder commencing from 1<sup>st</sup> September following their accreditation and registration in the Register of Educational Facilities.

(3) Special schools under current legal regulations shall be basic schools hereunder. Auxiliary schools under current legal regulations shall be special educational needs schools hereunder. Secondary vocational schools, secondary general schools (gymnazium), secondary technical schools, secondary special educational needs schools, vocational apprentice centres and schools preparing directly for a profession (practical schools) under current legal regulations shall be secondary schools hereunder.

(4) The Ministry shall draw up long-term objectives of education and development of the school system of the Czech Republic hereunder and shall submit this to the Government not later than 31<sup>st</sup> March 2005. Regional Authorities shall draw up long-term objectives of education and development of the school system in the relevant region hereunder shall submit them to the Ministry to be discussed not later than on 31<sup>st</sup> March 2006.

(5) Levels of education acquired under current legal regulations shall not be prejudiced.

(6) Secondary vocational education achieved under current legal regulations in individual branches of secondary vocational schools and lasting for one (1) or two (2) years of the day form of education laid down in the Government Regulation issued under Section 58 shall be considered secondary education hereunder. Secondary vocational education achieved under current legal regulations in study branches or branches lasting for two (2) or three (3) years of the daily form of education laid down in the Government Regulation under Section 58 shall be considered as secondary education completed by attaining an apprenticeship certificate hereunder. Complete secondary technical education and complete secondary education under current legal regulations shall be considered as secondary education completed by a school-leaving examination hereunder. Tertiary professional education provided at conservatories achieved under current legal regulations shall be considered as tertiary professional education achieved at conservatories hereunder.

(7) Section 61 shall apply to admission proceedings for the first grade of the six-year secondary general schools (gymnazium) or eight-year secondary general schools (gymnazium) for the school year 2005/2006 commencing from the first grade.

(8) Pupils who should have duly completed secondary education by a final examination prior to the date on which this Act shall come into effect shall take the final examination under the current legal regulations. Pupils who should have duly completed secondary education by a school-leaving examination prior to 1<sup>st</sup> September 2009 shall take the school-leaving examination under current legal regulations. Students who should have duly

completed tertiary professional education by absolutorium prior to the date on which this Act shall come into effect shall take the absolutorium under the current legal regulations.

(8) A pupil shall take an optional examination pursuant to Section 78 (1), (3) and (4) for the first time in the calendar year 2012. Such examination may be taken by a pupil who is to duly complete secondary education accomplished by a school-leaving examination in the school year 2011/2012 or a pupil who was to duly complete secondary education accomplished by a school-leaving examination in the school years 2009/2010 and 2010/2011 if such pupil will take the common part of a school-leaving examination for the first time in the calendar year 2012.

(10) Pupils may be enrolled on a follow up course at secondary schools which organise follow up courses as of the date on which this Act comes into effect and do not satisfy the conditions laid down in Section 83 (1) in the first sentence not later than for the school year 2008/2009.

(11) School Boards hereunder must be established within one (1) year of the coming of this Act into effect. Until a School Board is established its functions will be carried out by a board of the school established under current legal regulations.

(12) Testing of methods permitted under current legal regulations shall remain valid.

(13) Schools with the instruction in the language of a national minority included in the network of schools, pre-school facilities, and school facilities as of the date on which this Act shall come into effect may be closed down only if they do not meet conditions stipulated in the provisions of Section 14 (2) and (3).

(14) The wording “the network of pre-school facilities and school facilities” used in special legal regulations shall be replaced by the wording “the Register of Educational Facilities”. The wording “pre-school facilities” used in special legal regulations shall be replaced by the wording “nursery school(s)”. The wording “secondary vocational education” used in special legal regulations shall be replaced by the wording “secondary education completed by attaining an apprenticeship certificate”. The wording “complete secondary education” used in special legal regulations shall be replaced by the wording “secondary education completed by a school-leaving examination”. The wording “complete secondary technical education” used in special legal regulations shall be replaced by the wording “secondary education completed by a school-leaving examination”.

(15) The Minister of Education, Youth and Sports will, until the Act on Civil Service comes into full effect, appoint and dismiss the Chief School Inspector.

(16) In settlement and clearing of funds provided from the state budget for the calendar year 2004 the current legal regulations shall be adhered to.

(17) The right to priority admission of a child at his/her last year prior to commencing compulsory school attendance to pre-school education under Section 34 (4) and the duty of a municipality to create conditions for pre-school education at the last year prior to commencing compulsory school attendance for children with their permanent place of residence in its territory and for children placed in its territory in a care home under Section 179 (2) shall be applied commencing from the school year 2005/2006.

(18) The rules for teaching and learning religion laid down in Section 15 shall be applied commencing from the school year 2005/2006.

(19) Section 28 (2) through (5) shall be adhered to commencing from the school year 2005/2006. Until then current legal regulations shall govern records of children, pupils, and students of schools and school facilities. Funds from the state budget determined for activities of schools and school facilities for the school year 2004/2005 shall be provided on the basis of statistical output reports for the relevant school year.

(20) The provisions of Section 42 shall apply not earlier than for the school year 2005/2006. Until then current legal regulations shall regulate release from compulsory school attendance.

(21) Provisions of Section 51 (5) shall apply commencing from the school year 2005/2006.

(22) In enrolment proceedings to the first grade of education, which require an ability identification examination, and at conservatories for the school year 2005/2006 the Measures for Introduction of Testing Organisation of Ability Identification Examinations in Admitting Pupils to Attend Study Fields of Group 82 Arts, Applied Arts and Hand Crafts, ref. no. 28127/97-71 shall apply.

(23) Shortened studies for acquiring secondary education completed by attaining an apprenticeship certificate under Section 84 and shortened studies for acquiring secondary education completed by a school-leaving examination under Section 85 may be organised commencing from the school year 2005/2006.

(24) Rules for providing compensation for productive activities of pupils of secondary schools and students of tertiary professional schools under Section 122 (1) shall be used not earlier than for the school year 2005/2006. Until then current legal regulations shall apply.

(25) The head teacher of a school shall pursue a course of action under Section 60 (4), the second part of letter a), starting with the words “and further according to the final evaluation” from the school year 2007/2008.

## Section 186

(1) Schools and school facilities included as of the date on which this Act comes into effect in the network of schools, pre-school facilities, and school facilities shall be schools and school facilities hereunder registered in the Register of Educational Facilities. Legal persons carrying out activities of schools and school facilities, or founders of organisations partially covered from the state budget<sup>38</sup>, shall be obliged to adapt the records in the Register of Educational Facilities to be in compliance with this Act and submit to the body maintaining the Register all necessary documents relating to such records not later than on 31<sup>st</sup> March 2006. If the aforementioned obligation is not satisfied the body maintaining the Register shall remove the school or school facility concerned from the Register of Educational Facilities effective of 31<sup>st</sup> August 006. The provisions of Section 151 shall apply accordingly.

(2) Schools and school authorities established, as of the date on which this Act comes into effect, by the Ministry of the Interior, the Ministry of Defence, and the Ministry of Justice as organisational units of the state, shall be schools and school facilities hereunder and shall be registered in the Register of Educational Facilities not later than on 31<sup>st</sup> August 2006 if their founders provide the Ministry with the data and documents listed in Section 147 (1) (a) through (e), (i) through (l) in the first part of the sentence, and (o), not later than on 31<sup>st</sup> March 2006.

(3) Administrative proceedings on applications for inclusion in the network of schools, pre-school facilities and school facilities, for changes in their inclusion in the network of schools, pre-school facilities and school facilities, and for exclusion from the network of schools, pre-school facilities and school facilities submitted prior to the date on which this Act comes into effect shall be processed under the current legal regulations.

(4) The Ministry will prepare and draw up along with relevant Regional Authorities in the period after this Act has come into effect by 30<sup>th</sup> April 2005, or not later than within thirty (30) days of the date on which the decision concerning the relevant school or school facility was issued, a protocol on submitting and taking over the data on electronic media and documents concerning schools and school facilities which were under the current legal regulations included in the network of schools, pre-school facilities and school facilities by the Ministry and which are in compliance with Section 143 maintained in the Register of Schools and School Facilities by Regional Authorities.

### **Change of the Legal Form and Establishment of a School Legal Entity**

#### Section 187

(1) Legal persons carrying out activities of schools, pre-school facilities and school facilities included as of the date on which this Act comes into effect in the network of schools, pre-school facilities and school facilities may change their legal form and become school legal entities.

(2) By changing legal form and becoming a school legal entity the rights and duties of such legal persons shall not cease existence, but shall only be devolved to the legal successor; merely the internal legal relationship shall be changed.

#### Section 188

(1) The following shall be required for changing a legal person into a school legal entity:

- a) a decision on the change of a legal form;
- b) modification of legal relations concerning the assets the legal person uses for carrying out its activities with regard to the provisions of Section 140;
- c) removal of the current legal person from the Register of Companies or any other register or similar records of legal persons if it is registered under a special legal regulation;
- d) registration of the school legal entity in the Register of School Legal Entities.

(2) The body or the person authorised to make decisions on dissolution of the legal person concerned shall decide on the change of the legal form of a legal person into a school legal entity unless it is a commercial company or a co-operative.

(3) In the case of commercial companies or co-operatives the decision on the change of a legal form to the school legal entity shall be taken by the partners or the body of the relevant commercial company or co-operative which are under the Commercial Code entitled to take decisions on the change of legal form. The provisions of Section 69d (2), (4), (7), (10), and (11), Section 69f (1), (4), (5), and (6), Section 69g (1) and (2), Section 254 (4) in the first, second and third sentences, of the Commercial Code shall apply accordingly. The approval of all partners and in the case of a joint stock company the approval of three thirds of votes of shareholders present at the Annual Meeting shall be required to change the legal form to a school legal entity. A record of the state notary must be made about the decision taken by the Annual Meeting or the meeting of co-operative members on the change of legal form to a school legal entity.

#### Section 189

(1) The decision on the change of a legal person to a school person must contain the consenting declaration to change the legal form to a school legal entity and the time limit within which the application for registration in the Register of School Legal Entities shall be filed. The Deed of Foundation must be attached to the decision.

(2) If, prior to its change of legal form to a school legal entity, the relevant legal person was a commercial company or co-operative then the persons who were their partners or members as of the date of its removal from the Register of Companies shall have the legal position of founders of the school legal entity. With regard to benevolent societies, their establishers shall have the legal position of founders of the school legal entity.

#### Section 190

(1) The authorised body of a legal person changing its legal form to become a school legal entity shall be obliged to file a proposal for registration in the Register of School Legal Entities within the time limit specified in the decision on the change of legal form, otherwise the registration in the Register of School Legal Entities cannot be approved. The application for registration must contain the decision on the change of legal form to a school legal entity and the data and documents which are included with respect to the establishment of the school legal entity in the Register of School Legal Entities and shall be filed in the Collection of Deeds.

(2) The school legal entity shall be recorded in the Register of School Legal Entities as of the date on which the legal person which has changed its legal form to become a school legal entity was removed from the Register of Companies or other similar register of legal persons.

(3) The legal form, name and seat of the legal person valid prior to its change of the legal form shall be registered in the Register of School Legal Entities.

(4) The authorised body of the legal person which decided on the change of the legal form to a school legal entity shall submit, within thirty (30) days from the date on which the

decision on the registration of the school legal entity in the Register of School Legal Entities comes into effect, the proposal for recording such change in the Register of Companies or other register or other similar recordings of legal persons. The decision on the change of the legal form and the decision under the first sentence must be attached to the proposal.

(5) When changing the legal form to a school legal entity the following data shall be recorded in the Register of Companies or other register or in any other similar recording: the fact that the legal person has changed its legal form and has become a school legal entity, the name and seat of such school legal entity, the name, surname, place of permanent residence, or an address of temporary residence if he/she does not have permanent residence in the Czech Republic, and the birth identification number of the head teacher, if such number has been assigned, as well as the date of removal of the previous legal person from the Register.

(6) The authorised body of the legal person which decided to change its legal form and become a school legal entity shall be obliged, within thirty (30) days of the date on which the record was made, to notify the body maintaining the Register of School Legal Entities that the change of legal form in the Register of Companies or in any other register or in any other similar recordings of legal persons has been made, and include the date on which the relevant record was made. The record of the change of legal form in the relevant Register shall be proved by an Official Deed evidencing this fact.

(7) When changing the legal form of a legal person not established by the Ministry, a region, a municipality or a union of municipalities or registered church or religious society to become a school legal entity the provisions of Section 136 (2) (b) and (c) shall not apply with respect to rights and duties valid prior to registration in the Register of School Legal Entities.

## **Repealing Provisions**

### Section 191

The following shall be repealed:

1. Act No. 29/1984 Coll., on the Network of Basic and Secondary Schools (the Education Act).
2. Act No. 171/1990 Coll., amending and supplementing Act No. 29/1984 Coll. on the Network of Basic and Secondary Schools (the Education Act).
3. Act No. 522/1990 Coll., amending and supplementing Act No. 29/1984 Coll. on the Network of Basic and Secondary Schools (the Education Act) as amended by Act No. 171/1990 Coll.
4. Act No. 134/1993 Coll., amending and supplementing Act No. 29/1984 Coll. on the Network of Basic and Secondary Schools (the Education Act) as amended by Act No. 188/1998 Coll., Act No. 171/1990, and Act No. 522/1990 Coll.
5. Act No. 190/1993 Coll., amending and supplementing Act No. 29/1984 Coll. on the Network of Basic and Secondary Schools (the Education Act) as amended by Act No. 188/1998 Coll., Act No. 171/1990, Act No. 522/1990 Coll., and Act No. 134/1993 Coll., Act of the Czech National Council No. 564/1990 Coll. on State Administration and Self-

- Government in the School System and Act of the Czech National Council No. 76/1978 Coll. on School Facilities, as amended by Act of the National Council No. 31/1984 Coll. and Act of the Czech National Council No. 390/1991 Coll.
6. Act No. 182/2003 Coll. amending Act No. 29/1984 Coll. on the Network of Basic, Secondary and Tertiary Professional Schools (the Education Act), as amended.
  7. Act No. 256/1994 Coll., amending Act No. 29/1984 Coll., on the Network of Basic and Secondary Schools (the Education Act), as amended, Act of the Czech National Council No. 390/1991 Coll., on Pre-School Facilities and School Facilities, and Act of the Czech National Council No. 564/1990 Coll., on State Administration and Self-Government in the School System, as amended by Act. No. 190/1993 Coll.
  8. Act No.138/1995 Coll., amending and supplementing Act No. 29/1984 Coll. on the Network of Basic and Secondary Schools (the Education Act) as amended by Act No. 188/1998 Coll., Act No. 171/1990, Act No. 522/1990 Coll., Act No. 134/1993 Coll., Act No. 190/1993 Coll., Act 331/1993 Coll., the judgement of the Constitutional Court of the Czech Republic No. 49/1994 Coll., and Act No. 256/1994 Coll. and Act of the Czech National Council No. 76/1978 Coll. on School Facilities, as amended by Act of the Czech National Council No. 31/1984 Coll., Act of the Czech National Council No. 390/1991 Coll. and Act No. 190/1993 Coll.
  9. Act No. 19/2000 amending Act No. 29/1984 Coll., on the Network of Basic and Secondary Schools (the Education Act), as amended.
  10. Act No. 76/1978 Coll., on School Facilities.
  11. Act No. 31/1984 Coll., amending and supplementing the Act of the Czech National Council on State Administration in the School System and the Act of the Czech National Council on School Facilities.
  12. Act No. 390/1991 Coll., on Pre-school Facilities and School Facilities.
  13. Act No. 564/1990 Coll., on State Administration and Self-Government in the School System.
  14. Act No. 181/2003 Coll., amending Act No. 564/1990 Coll., on State Administration and Self-Government in the School System, as amended.
  15. Act No. 139/1995 Coll., amending and supplementing the Act of the Czech National Council No. 564/1990 Coll., on State Administration and Self-Government in the School System, as amended by Act No. 190/1993 Coll. and Act No. 256/1994 Coll.
  16. Act No. 284/2002 Coll. amending Act No. 564/1990 Coll., on State Administration and Self-Government in the School System, as amended and Some Other Acts.

## **PART TWENTY**

### **EFFECTIVENESS**

This Act shall enter into effect on 1<sup>st</sup> January 2005 with the exception of the provisions of Section 20 (3), (5) and (7) which shall come into effect on the date of its publication, and with the exception of the provisions of Sections 77 through 79, Section 80 (3) through (10), Section 81 (1) through (8), and Section 82 (3), which shall come into effect on 1<sup>st</sup> September 2009.

### **Authorised signatures**

**Zaorálek**

**Klaus**

**Gross**

### **Selected Provisions of the Amendments**

Article II of Act No. 624/2006 Coll.

### **Transitional Provisos concerning Article I**

Schools and school facilities established as of the effective date of this Act by the Ministry of Defence and the Ministry of Justice as parts of an organisational unit of the state shall be schools and school facilities under the Education Act and shall be recorded in the Register of Schools not later than within sixty (60) days from the effective date of this Act if their founders submit to the Ministry of Education, Youth and Sports data and documents listed in Section 147 (1) (a) through (e) and (i) through (l) the first part of the sentence, and (o) of the Education Act not later than within thirty (30) days from the effective date of this Act.

Article II of Act 242/2008 coll.

### **Transitional Provisions**

1. A pupil shall take an examination pursuant to Section 78 (1) (c) through (e) of Act No. 561/2004 Coll. as amended, effective as of 1 September 2009, for the first time in the calendar year 2012. Such examination may be taken by a pupil who is to duly complete secondary education accomplished by a school-leaving examination in the school year 2011/2012 and a pupil who was to duly complete secondary education with a school-leaving examination in the school years 2009/2010 and 2010/2011 if such pupil takes the common part of a school-leaving examination for the first time in the calendar year 2012.

2. A pupil who is to duly complete secondary education with a school-leaving examination in the school year 2009/2010 or 2010/2011 may take instead of the examination in a foreign language under Section 78 (1) (b) of Act No. 561/2004 Coll. as amended, effective as of 1 September 2009, an examination in mathematics under Section 78 (1) (c) of Act No. 561/2004 Coll. as amended as of the effective date of Article I, point 2 hereof.



3. The provisions of Section 78 (2), the third sentence of Act No. 561/2004 Coll. as amended, effective as of 1 September 2009, shall apply as of 1 September 2011.

4. For taking a school-leaving examination in the school year 2009/2010 the catalogues of requirements for examinations of the common part of a school-leaving examination are effective and issued pursuant to the current legal regulations.

5. If pupils who are to take a school-leaving examination under section 185 (1) of Act 561/2004 Coll. have not been educated according to a Framework Educational Programme, the head teacher shall determine the number of compulsory examinations of the profile part of a school-leaving examination pursuant to Section 79 (1), the first sentence of Act No. 561/2004 Coll. as amended, as of the effective date hereof.

### **The list of footnotes:**

- 1a) Act No. 109/2002 Coll., on the Provision of Institutional Education or Protective Education at School Facilities and on Preventative Educational Care at School Facilities and on the Amendment to Some Other Acts.
- 2) Act No. 563/2004 Coll., on Pedagogical Staff and on the Amendment to Some Other Acts.
- 3) Act No. 250/2000 Coll., on Budgeting Rules of Regional Budgets, as amended. Act No. 562/2004 Coll., amending Some Acts in Relation to the Adoption of the Education Act.
- 4) Sec. 54 (2) of Act No. 219/2000 Coll., on the Property of the Czech Republic and its Representation in Legal Relations.
- 5) Act No. 219/2000 Coll., as amended.
- 6) Sec. 7 (1) (e) of Act No. 3/2002 Coll., on the Freedom of Religious Confession and the Position of Churches and Religious Societies and on the Amendment to Some Other Acts (the Act on Churches and Religious Societies)
- 7) For example the Commercial Code, Act No. 248/1995 on Public Benevolent Societies and on Amendments to Some Other Acts, as amended
- 8) Sec. 2 (2) of Act No. 273/2001 Coll., on the Rights of Members of National Minorities and on the Amendment to Some Other Acts
- 9) Sec. 117 (3) of Act No. 128/2000 Coll., on Municipalities (Municipal Establishment), as amended by Act No. 273/2001 Coll.
- 10) Sec. 7 (1) (a) of Act No. 3/2002 Coll.
- 11) Act No. 325/1999 Coll., on Asylum and on the Amendment to Act No. 283/1991 Coll., on the Police of the Czech Republic, as amended (the Act on Asylum), as amended
- 12) Act No. 94/1963 Coll., on Family, as amended.
- 13) Act No. 326/1999 Coll., on the Residence of Aliens in the Czech Republic and on the Amendment to Some Other Acts, as amended
- 13a) Article 10 (b) of Council Directive 2004/81/EC of 29 April 2004 on residence permits issued to third country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration and who cooperate with the competent authorities.
- 13b) Article 12 of Council Directive 2005/71/EC of 12 October 2005 on specific procedure for admitting third-country nationals for the purpose of scientific research.
- 13c) Article 23 (2) and Article 27 of Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection, and the content of the protection granted.
- 13d) Article 10 (1) of Council Directive 2003/9/EC of 27 January 2003 on reception conditions for asylum-seekers.
- 13e) Article 14 (1) of Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof  
Act No. 221/2003 Coll., on Temporary Protection of Foreign Nationals, as amended.
- 13f) Act No. 326/1999 Coll., as amended.  
Act No. 325/1999 Coll., as amended.  
Act No. 221/2003 Coll., as amended.
- 14) Act No. 111/2006 Coll., on Social Needs

- 15) Act No. 563/1991 Coll., on Accounting, as amended.
- 16) For example Sections 50 and 52 of Act No. 258/2000 Coll., on Public Health Protection and on the Amendment to Some Other Related Acts
- 17) Act No. 101/2000 Coll., on the Protection of Personal Data and on the Amendment to Some Acts, as amended
- 18) For example Section 8 of the Rules of Criminal Procedure, Section 47 (1) and (2) of Act No. 283/1991 Coll., on the Police of the Czech Republic, Section 21 (1) (d) of Act No. 582/1991 Coll., on Organisation and Provision of Social Welfare
- 19) Act No. 352/2001 Coll., on Using National Symbols of the Czech Republic and on the Amendment to Some Other Acts
- 20) Act No. 97/1974 Coll., on Archiving, as amended.  
Decree No. 117/1974 Coll., laying down the criteria for assessing written documents such as archives and details on shredding procedure.
- 21) Act No. 140/1961 Coll., the Criminal Code, as amended.
- 22) Sec. 50 of Act No. 258/2000 Coll.
- 23) Title IVa of Act No. 326/1999 Coll., as amended.
- 24) Sec. 30 and following and Title IV of Act No. 326/1999 Coll., as amended.
- 25) Sec. 4 (j) of Act No. 101/2000 Coll.
- 25a) Sec. 4 (k) of Act No. 101/2000 Coll.
- 26) Sec. 4 (k) of Act No. 101/2000 Coll.
- 26a) Act No. 179/2006 Coll., on Verification and Recognition of Results of Further Education and on the Amendment to Some Other Acts (the Act on Recognition of Further Education), as amended.
- 26b) Act No. 96/2004 Coll., on Conditions for Acquiring and Recognising Qualifications for Performing Medical Professions and Activities of Non-Medical Health-related Occupations and Activities relating to the Provision of Health Care and on the Amendment of Some Related Acts (the Act on Non-Medical Health-Related Professions), as amended by Act No. 125/2005 Coll.
- 27) For example Act No. 1/1991 Coll., on employment, as amended, Act No. 9/1991 Coll., on Employment and Scope of Competencies of the Bodies of the Czech Republic with Regard to Employment, as amended, Decree No. 21/1991 Coll., on More Detailed Conditions for the Re-qualification of Job-Seekers and Employees, as amended by Decree no. 324/1992 Coll.
- 28) Decree No. 77/1981 Coll., on Medical Workers and Other Professional Workers in Medical Care.
- 29) Sec. 26 (2) of Act No. 586/1992 Coll., on Income Tax
- 30) Decree No. 531/2002 Coll. laying down rules and deadlines for financial clearing of funds from the state budget.
- 31) Act No. 306/1999 Coll., on Providing Subsidies to Private Schools, Pre-School and School Facilities, as amended.
- 32) Sec. 826 and following Sections of Act No. 40/1964 Coll., the Civil Code, as amended.
- 33) Decree No. 114/2002 Coll., on the Fund for Cultural and Social Needs as amended by Decree No. 510/2002 Coll.
- 34) Act No. 563/1991 Coll., as amended.  
Decree No. 504/2002 Coll., implementing some provisions of Act No. 563/1991 Coll., on Accounting, as amended, for accounting units whose principal subject of activities is not making profit, if such units use double-entry accounting.
- 35) Sec. 14 of Act No. 563/1991 Coll., as amended by Act No. 353/2001 Coll.

- 35a) Act No. 182/2006 Coll., on Bankruptcy and Composition (the Insolvency Act), as amended.
- 36) Act No. 218/2000 Coll., on Budgetary Rules and on the Amendment to Some Other Related Acts (the Budgetary Rules), as amended.
- 37) Sec. 7 (1) (c) of Act No. 218/2000 Coll.
- 38) Sec. 54 of Act No. 219/2000 Coll., as amended.  
Sec. 27 of Act No. 250/2000 Coll., on Budgeting Rules of Regional Budgets.
- 39) Sec. 26 of the Labour Code, as amended.
- 40) Act No. 320/2001 Coll., on Financial Auditing in Public Administration and on the Amendment to Some Other Acts (the Act on Financial Auditing as amended).
- 41) Sec. 30 of Act No. 129/2000 Coll., on Regions (the Regional Establishment), as amended by Act No. 231/2002 Coll.  
Sec. 61 of Act No. 128/2000 Coll., on Municipalities (the Municipal Establishment), as amended by Act No. 313/2000 Coll.
- 42) Act No. 361/2003 Coll., on Service Relations of Members of Security Forces.  
Act No. 221/1999 Coll., on Professional Soldiers, as amended.
- 43) Sec. 53 (5) of Act No. 218/2002 Coll., on the Service of Civil Servants in Administrative Authorities and on Compensation of such Civil Servants in Administrative Authorities (the Act on Civil Service).
- 44) Act No. 552/1991 Coll., on State Auditing as amended
- 45) Sec. 30 of Act No. 218/2002 Coll.
- 46) Act No. 337/1992 Coll., on Administration of Fees and Charges, as amended.
- 47) Sec.12 (2) and Sec. 13 (5) of Act No. 109/2002 Coll., on Executing Institutional Education or Protective Education at School Facilities and on Preventative Educational Care at School Facilities and on the Amendment to Some Other Acts
- 48) Sec. 19a of Act No. 111/1994 Coll., on Road Transport, as amended.
- 49) Act No. 89/1995 Coll., on the State Statistical Service, as amended.
- 49a) Act No. 133/2000 Coll., on the Register of Inhabitants and Birth Numbers and on the Amendment to Some Other Acts (the Act on the Register of Inhabitants), as amended.
- 49b) Act No. 40/1993 Coll., on Acquiring and Removing Czech Nationality, as amended.
- 49c) Act No. 40/1993 Coll., on Acquiring and Loosing Czech Nationality, as amended.
- 49c) Sec. 4 (e) of Act No. 101/2000 Coll.
- 49d) Article 11 of Council Directive 2003/109/EC of 25 November 2003 concerning the status of third country nationals who are long-term residents.  
Sec. 83 of Act No. 326/1999 Coll.
- 49e) Article of 21 Council Directive 2003/109/EC of 25 November 2003 concerning the status of third country nationals who are long-term residents.
- 49f) Article. 14 (1) (a) of Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification.
- 50) Sec. 124 of the Labour Code.
- 51) Act No. 119/1992 Coll., on Travel Expenses, as amended.