

Act No. LXXIX of 1993 on Public Education

Parliament passes the following Act for the purpose of providing the opportunity to exercise the right for education based on equal opportunities, as stipulated in the Constitution of the Republic of Hungary; the prevalence of freedom of conviction of conscience and religion as well as the prevalence of patriotic education in public education; implementing the right of national and ethnic minorities to their mother tongue as the language of instruction; enforcing the freedom of teaching and academic freedom; defining the rights and obligations of children, students and employees of public education; and controlling and operating a public education system which provides up-to-date knowledge.

CHAPTER I

GENERAL PROVISIONS

Scope of the Act

Article 1

The scope of this Act extends to kindergarten education, school education and teaching, hall of residence education as well as related service and control activities, regardless of what organisation or institution they are performed at or who the maintainer of the institution is.

Basic Principles

Article 2

(1) Public education includes kindergarten education, school education and teaching and hall of residence education. Schools may participate in the implementation of the tasks of vocational training on the conditions stated in the Act on Vocational Education and Training. Kindergartens, schools and halls of residence may participate in the training and in-service training of educators as specified in this Act.

(2) Everyone may receive education and teaching at the institutions of public education, in compliance with the provisions of this Act.

(3) The state is responsible for the operation of the system of public education.

(4) Kindergartens, schools and halls of residence are responsible for the physical, intellectual, emotional and moral development of children and students, as well as for the formation and

development of the community of children /students within the scope of the performance of their tasks specified in this Act. For the sake of this, they shall

- a) co-operate with parents in order to develop the personality of children / students and to evolve their abilities;
- b) execute their educational and teaching tasks in concert with the association of parents in the course of the formation and development of the community of children and the community of students;
- c) prepare students for family life and family planning.

Article 3

(1) Kindergartens are professionally independent educational institutions of public education; schools entitled to issue certificates verifying school qualifications or vocational qualifications, institutions of primary art education and halls of residence are professionally independent educational-teaching institutions of public education in compliance with the provisions of this Act.

(2) Institutions of public education may be established and maintained by the state, local councils, municipal minority councils, regional minority councils, national minority councils, church legal entities registered in the Republic of Hungary, economic organisations, foundations, associations and other legal entities established and having a legal personality and their seat in the territory of the Republic of Hungary, as well as natural persons , provided they have obtained the right to pursue such activities as stated by statute. Natural persons may establish and maintain institutions of public education as private entrepreneurs.

(3) The state provides free and compulsory primary education within the scope of the activity of state organs and local councils to maintain institutions and within the scope of the performance of state and local council tasks. Kindergarten education, appeal to the pedagogical assistance services supplementing kindergarten education and school education and teaching; secondary grammar school, secondary vocational school, industrial school, vocational school education and teaching, and hall of residence care are free of charge in accordance with this Act.

Article 4

(1) The state and the local councils are obliged to respect the right of parents and guardians [hereinafter jointly called parents] to provide their children with education and teaching in accordance with their religious and ideological convictions in the course of performing their

tasks in the field of education and teaching. Parents exercise this right in accordance with the interest of their children in such a manner as to show respect for their children's rights to the freedom of thought, conscience and religion and they should also take account of their children's opinion, depending on their age and maturity.

(2) State and council educational-teaching institutions may not be committed to any religion or ideology. It shall be ensured that information on religions and ideologies and any knowledge are imparted in an objective and multifaceted manner in the pedagogical programme of state and council schools. The educational and pedagogical programmes, the operation, the activity and the management of state and council educational-teaching institutions should be non-committal about the truth of any religious and ideological tenets; they have to remain neutral with regard to religious and ideological issues.

(3) Schools shall ensure that the fundamental moral knowledge is mastered by the students. It shall also be ensured that the moral and cultural-historical content of religions is conveyed in a matter-of-fact and impartial manner in the syllabus of state and council schools.

(4) The possibility for children /students to participate in optional religious education and instruction organised by a church legal entity in state and council educational-teaching institutions shall be ensured. Church legal entities may organise religious education and instruction on demand of the parents at kindergartens and on demand of the parents and the students at schools and halls of residence. Religious education and instruction at kindergartens may be organised separately from kindergarten activities, also taking account of the daily routine at the kindergarten. They may be organised at schools in conformity with the order of compulsory curricular activities. It is the task of church legal entities to define the content of the religious education and instruction, to employ and supervise religious education teachers and to execute the acts of administration related to the religious education and instruction with special regard to the organisation of the application for religious education and instruction, the issuance of progress reports and certificates and the supervision of lessons. The school, hall of residence or kindergarten is obliged to provide the necessary material conditions for religious education and instruction, using the tools available at the educational-teaching institution, with special consideration to the proper use of rooms and the necessary conditions for application and operation. Those stated in Article 17 of this Act shall not be applied to the employment of a religious education teacher engaged by church legal entities. The kindergarten, school or hall of residence shall co-operate with the interested church legal entity in the course of the performance of the tasks related to the optional religious education and instruction organised by the church legal entity.

(5) The state shall create the legal opportunity to establish non-state and non-council kindergartens, schools and halls of residence. However, the state and the councils are not obliged to establish and maintain such kindergartens, schools and halls of residence.

(6) The state shall provide the maintainer of non-state and non-council institutions of public education with a budget subsidy for the performance of their tasks. The extent of the subsidy shall be determined in the annual Budget Act. The councils or the state may give supplementary financial subsidy in addition to the budget subsidy if the non-state or non-council institution of public education performs state or council tasks on the basis of an agreement regulated by this Act. No budget contribution shall be due to the maintainer for the practical training within the school-system vocational training if the maintainer is obliged to pay a vocational training contribution, unless the maintainer only maintains the school as a private entrepreneur.

(7) Those co-operating in the organisation, control and operation of public education and in the performance of the tasks of public education take account of the children's interest, which is put above everything else, when making decisions and taking measures. The children's interests which are put above everything else are the following in particular:

- a) the services specified in this Act should be provided for them on an appropriate level and in such a manner that the use of the services should not mean disproportionate burden for them;
- b) they should be given every kind of assistance to evolve their abilities and talents, to develop their personalities and to update their knowledge continually as prescribed by this Act;
- c) decisions about their matters should be made fairly, humanely, taking every factor into consideration, weighing the interests of the other children / students up and choosing the option that is the most favourable to them from all the available options.

Article 4/A

(1) Those co-operating in the organisation, control and operation of public education and in the performance of the tasks of public education shall meet the requirement of equal treatment when taking measures and making decisions about children / students.

(2) Every child and student participating in public education has a right to receive services of an identical standard on identical conditions to other persons being in a comparable position on the basis of the requirement of equal treatment.

(3) The consequences of infringing the requirement of equal treatment shall be redressed; this, however, may not involve the infringement or violation of the rights of other children / students.

(4) The infringement of the requirement of equal treatment may be redressed within the scope of the procedure regulated by this Act. Conducting the procedure regulated by this Act, regardless of its result, does not exclude the possibility of the assertion of human rights in court and the possibility of instituting other proceedings suitable to establish the responsibility and the legal consequences.

(5) The provisions of the Act on Equal Treatment shall also be applied in the course of the application of this Article.

Article 5

The language of kindergarten education, school education and teaching and hall of residence education is Hungarian, or the language of a national or ethnic minority. Children / students belonging to a national or ethnic minority may participate in kindergarten education, school education and teaching and hall of residence education in their mother tongue or in their mother tongue and Hungarian or in Hungarian on the basis of their choice as prescribed by the Act on the Rights of National and Ethnic Minorities. Education and teaching may be conducted partly or wholly in other languages.

Compulsory Education

Article 6

(1) Every child is obliged to participate in education in the Republic of Hungary, as prescribed by this Act.

(2) Children are said to be of school age when they reach the stage of development necessary to pass to school, in the calendar year when they turn six years of age at the earliest and in the calendar year when they turn eight years of age at the latest. If a child has reached the stage of development to pass to school, they commence compulsory education in the calendar year when they turn six years of age before 31st March. A child may commence compulsory education at the request of their parents even if they turn six years of age before 31st December.

(3) Compulsory education lasts until the end of the academic year in which a student comes of age. The compulsory education of students with special educational needs may be extended until not later than the end of the academic year when they turn twenty years of age.

(4) The head teacher makes decisions on the following issues:

a) the beginning of compulsory education on the basis of the opinion of the kindergarten or on the basis of the opinion of the educational counselling service if the child has not attended kindergarten or the beginning of compulsory education is initiated by the kindergarten; on the basis of the expert opinion of the rehabilitation committee of experts examining the ability to learn or the national rehabilitation committee of experts executing rehabilitation and expert activity in case of children with special educational needs;

b) the extension of compulsory education on the basis of the expert opinion of the rehabilitation committee of experts examining the ability to learn or the national rehabilitation committee of experts carrying out rehabilitation and expert activity.

(5)

(6) After having turned sixteen years of age, students who have taken a secondary school leaving examination or obtained a vocational qualification recognised by the state, or have come of age through marriage or provide for their child may cease their compulsory education at their own request. The request can be handed in jointly by the students and their parents with the exception of those students who have come of age. The head teacher takes cognisance of the request in writing.

Article 7

(1) Compulsory education may be completed by school attendance or as a private student, on the basis of the choice of the parents.

(2) If the head teacher or the office of the public guardian or the child welfare service deems it disadvantageous for a student to complete their compulsory education as a private student, or the student may be expected not to complete their studies begun as a private student, they are obliged to inform the public administration officer of the competent council where the student's domicile or, in default of this, place of residence is. The public administration officer decides how the student should complete their compulsory education.

(3) Compulsory education may be completed at primary schools and from the fifth school year at secondary grammar schools. Compulsory education may be completed at secondary vocational schools and vocational schools from the ninth school year, unless otherwise stipulated by this Act.

*The Pedagogical Phases and the System of Requirements of the Educational-Teaching Work
and the System of State Examinations*

Article 8

(1) The phases of the educational-teaching work performed at educational-teaching institutions are the following:

- a) the phase of kindergarten education;
- b) the phase of primary education and teaching;
- c) the phase of secondary education and teaching [those in Subsections b) and c) hereinafter jointly called the phase of school education and teaching establishing general knowledge];
- d) the phase of school education and teaching preparing students to obtain a vocational qualification.

(2) The phase of kindergarten education commences when children turn three years of age and continues until they begin to participate in compulsory education in accordance with Section (2) of Article 6 of this Act.

(3) The phase of primary education and teaching commences in year one and continues until the end of year eight. The phase of primary education and teaching is divided into the following four parts:

- a) the introductory phase, which commences in year one and continues until the end of the year two;
- b) the rudimentary phase, which commences in year three and continues until the end of the year four;
- c) the foundation phase, which commences in year five and continues until the end of the year six;
- d) the developmental phase, which commences in year seven and continues until the end of year eight.

Education not divided into subjects takes place in the introductory and rudimentary phases, as well as in twenty-five to fifty per cent of the time allotment for compulsory and non-compulsory curricular activities in the foundation phase; education divided into subjects takes place in the remaining part of the time allotment in the foundation phase and in the developmental phase.

(4) The phase of secondary education and teaching commences in year nine and concludes at the end of year ten at vocational schools and at the end of year twelve or thirteen at secondary

schools. The phase of secondary education and teaching shall be divided into the following two parts:

a) the phase consolidating general knowledge which commences in year nine and continues until the end of the year ten or eleven;

b) the phase helping students deepen their general knowledge and choose a profession which commences in year eleven or twelve and continues until the end of year twelve or thirteen.

(5) The syllabus and requirements of each year are founded on each other within the phase of school education and teaching establishing general knowledge.

(6) The phase of school education and teaching preparing students to obtain a vocational qualification commences after the phase of secondary education and teaching and concludes in the year of vocational training defined in the National Training Register.

(7) The basic principles of the phase of kindergarten education are specified by the Basic National Programme of Kindergarten Education, in conformity with the principles and rights stated in the preamble as well as in Section (1) of Article 4, Sections (1)-(2) of Article 10 and Article 13 of this Act.

(8) Educational work at kindergartens shall be implemented on the basis of the educational programme at kindergartens founded on the Basic National Programme of Kindergarten Education. The Basic National Programme of Kindergarten Education shall be issued by the government. Before handing in the Basic National Programme of Kindergarten Education to the government, the National Public Education Council shall be asked to give consent and the Council of Public Education shall be asked to give an opinion; the National Minorities Commission shall be asked to give consent in issues concerning national or ethnic minority kindergarten education.

(9) The unity of the content of school education and teaching and the possibility of shifting from one school to another in the phase establishing general knowledge are guaranteed by the National Core Curriculum. The National Core Curriculum may set obligatory provisions within the sphere of educational administration with special regard to the limitation of the weekly and daily teaching loads of students. The National Core Curriculum is to specify the tasks of schools related to health development, consumer protection and environment protection. The framework curricula issued by the minister responsible for education assist in completing those stated in the National Core Curriculum.

(10) The National Core Curriculum specifies the obligatory and common purposes of the educational-teaching work performed in the phase establishing general knowledge and its requirements of a nature of knowledge, skill and ability for each field of learning and in

compliance with the principles and rights stated in the preamble as well as in Sections (1)-(3) of Article 4, Sections (1)-(3) of Article 10 and Article 13 of this Act.

(11) The National Core Curriculum contains the basic principles of the special curricular requirements of

- a) national and ethnic minority school education and teaching;
- b) the school education and teaching of students with special educational needs.

(12) The National Core Curriculum may specify obligatory provisions with regard to the preparation of the local curriculum.

Article 8/A

(1) The framework curriculum contains recommendations on the following:

- a) the purpose of education and teaching, the system of subjects, the topics of each subject, the contents of the topics, the subject requirements for each year, the time allotment available to fulfil the requirements, the performance of the tasks regarding health development, consumer protection and environment protection;
- b) career orientation, preparatory and foundation vocational education; the temporal division, the time allotments and the proportions of education and teaching establishing general knowledge, career orientation, preparatory and foundation vocational education, and vocational theoretical and practical training at vocational schools;
- c) vocational orientation, the theoretical and practical foundation education of sets of vocations; the temporal division, the time allotments and the proportions of education and teaching establishing general knowledge, vocational orientation, the theoretical and practical foundation education of sets of vocations, and vocational theoretical and practical training at secondary vocational schools.

(2) The educational-teaching work shall be implemented at schools on the basis of the pedagogical programme. The pedagogical programme comprises the educational programme and the local curriculum as well as the vocational programme at schools participating in vocational training.

Article 8/B

(1) Kindergartens offering national and ethnic minority kindergarten education and schools offering national and ethnic minority school education apply those stated in Sections (2)-(9) of Article 8 and Sections (1)-(4) of Article 8/A with the difference that they take account of the Guidelines on the Kindergarten Education of National and Ethnic Minorities and the

Guidelines on the School Teaching of National and Ethnic Minorities when preparing their kindergarten educational programme or their local school curriculum. The guidelines shall be issued by the minister responsible for education in agreement with the consent of the National Minorities Commission, after having sought the opinion of the National Public Education Council as well as the Council of Public Education.

(2) Schools with bilingual education shall apply those stated in Sections (2)-(9) of Article 8 and Sections (1)-(4) of Article 8/A with the difference that they take account of those stated in the Guidelines on Bilingual School Education when preparing the local curriculum.

(3) Kindergartens offering the education of children /students with special educational needs and schools performing the education and teaching of children /students with special educational needs apply those stated in Sections (2)-(9) of Article 8 and Sections (1)-(4) of Article 8/A with the difference that they take account of the Guidelines on the Kindergarten Education of Children with Special Educational Needs and the Curricular Guidelines on the School Teaching of Students with Special Educational Needs when preparing their kindergarten educational programme or their local school curriculum. The kindergarten education and the school education and teaching of deaf children may be performed in sign language as prescribed in the Guidelines on the Kindergarten Education of Children with Special Educational Needs and the Curricular Guidelines on the School Teaching of Students with Special Educational Needs.

(4) Halls of residence prepare their pedagogical programme in compliance with those stated in the Basic National Programme of Hall of Residence Education. The Basic National Programme of Hall of Residence Education shall contain the tasks related to the education of those belonging to national and ethnic minorities on their culture and their instruction in their mother tongue.

(5) Those stated in Articles 8 and 8/A and Sections (1)-(4) of Article 8/B cannot be applied with regard to the educational-teaching work performed at institutions of primary art education. Those stated in Section (5) of Article 8/A shall be applied at institutions of primary art education with the difference that the local curriculum is founded on the Requirements and Curricular Programme of Primary Art Education issued by the minister responsible for education for each branch of art. The branches of art are the following: musical art, the art of dance, fine art, arts and crafts, dramatic art and the art of puppetry.

(6) The guidelines and the curricular programme regulated by Sections (1)-(5) are issued by the minister responsible for education after they have asked the National Public Education Council to give consent and the Council of Public Education to give an opinion.

(7) The framework curricula shall be issued by the minister responsible for education after they have asked the National Public Education Council to give consent and the Council of Public Education to give an opinion and the National Minorities Commission to give consent in issues concerning national or ethnic minority education. The framework curriculum and the examination requirements for the secondary school leaving examination have to be in conformity with each other.

(8) The educational-teaching work in the phase of preparing students to obtain a vocational qualification shall be implemented on the basis of the vocational programme which forms part of the pedagogical programme of a school. Act No. LXXVI of 1993 on Vocational Education and Training regulates the issuance of the central programme of vocational subjects [hereinafter called central programme (curriculum)]. Vocational preparatory knowledge may also be specified in the central programme (curriculum) with the consent of the minister responsible for education.

(9)

Article 9

(1) The secondary school leaving examination is a state examination. The secondary school leaving examination has to be held nationally according to uniform examination requirements [hereinafter called central examination requirements]. The central examination requirements for the secondary school leaving examination have to be specified on the basis of the examinations code and the examination requirements for the secondary school leaving examination. Schools may supplement the central examination requirements for the secondary school leaving examination with local examination requirements as prescribed by the local curriculum and as stated by the examinations code. It is the task of the state to define and announce the central examination requirements and to regulate evaluation. The examination is organised by the school, unless otherwise provided by the examinations code of the secondary school leaving examination. The oral examinations are open to the public. The public may only be admitted with restrictions or completely excluded by the chair of the examination board if it is justified by the maintenance of the order of the examination. The examination is taken in the language of instruction, i.e., in Hungarian, in the language of the national or ethnic minority or in any other foreign language. Candidates may inspect the written part of their examinations as prescribed by the examinations code, and may append their opinion regarding the evaluation.

(2) The provisions pertaining to the organisation and arrangement of the secondary school leaving examination, the examination subjects of the secondary school leaving examination, the requirements of the examination subjects of the secondary school leaving examination, the evaluation of the performance of the candidates, the application and the administration are specified by the examinations code of the secondary school leaving examination. The examinations code of the secondary school leaving examination shall be issued by the government in a decree. Before handing in the examinations code of the secondary school leaving examination to the government, the National Public Education Council and the Council of Public Education have to be asked to give an opinion and the National Minorities Commission has to be asked to give consent in issues concerning national or ethnic minority school education and teaching.

(3) Students may take a secondary school leaving examination after having met the requirements for year twelve or thirteen in cases specified by this Act during the existence of their student's legal relationship at the school where they have completed their studies which are necessary to apply for the examination, unless otherwise provided by the examinations code of the secondary school leaving examination.

(4) The secondary school leaving examination may be taken at any school entitled to issue the certificate after the cessation of the student's legal relationship, in accordance with the examinations code of the secondary school leaving examination. The secondary school leaving examination may also be taken at examination centres specified by the examinations code of the secondary school leaving examination during the existence of and following the cessation of the student's legal relationship. The secondary school leaving examination has to be taken in accordance with the examination requirements valid on the date of the examination in any case.

(5) Students give account of their knowledge of compulsory and optional subjects at the secondary school leaving examination. The compulsory subjects are the following: Hungarian language and literature, history, the mother tongue and the literature of the mother tongue for those participating in national and ethnic minority teaching, mathematics, unless otherwise regulated by statute, and a foreign language, with the exception of those participating in national and ethnic minority teaching. Examinations in each subject of the secondary school leaving examination may be taken based on different levels of requirements.

(6) If students have commenced the examination but have not completed it, and the examination requirements have not changed, they do not have to repeat the examination in the

subjects of the knowledge of which they have already given account, unless otherwise regulated by statute.

(7) A basic art examination as well as a closing art examination can be organised at institutions of primary art education. The examinations regulated by this Article have to be taken in centrally defined examination subjects, as provided by the local curriculum of the school, on the basis of the requirements elaborated by the school.

(8) The secondary school leaving certificate certifies a secondary qualification, and entitles the holder to be admitted to institutions of higher education, to enter vocational training as prescribed by statute, and to fill a position or pursue a job or a vocational activity. The institution of higher education specifies what level of requirements the examination to be taken should be founded on and what examination results students should have in each examination subject of the secondary school leaving examination in order to be admitted. Examinations taken in each examination subject of the secondary school leaving examination may be repeated as specified by the examinations code of the secondary school leaving examination. Institutions of higher education may and do take account of the marks students received during their secondary school studies and the results they had at secondary schools competitions when passing a judgement on applications for admission, as prescribed by statute.

(9) The vocational examination organised to obtain a vocational qualification specified in the National Training Register is a state examination. Students may take a vocational examination after having met the requirements of the last year of vocational training as prescribed in Sections (3)-(4) and (6). The specification and issuance of the vocational and examination requirements of vocational training, the possibilities of taking a vocational examination outside the school system after the cessation of the student's legal relationship, the organisation of vocational examinations and the issuance of certificates of vocational qualifications are regulated by statutes pertaining to vocational training.

(10) The examination board of secondary school leaving examinations and vocational examinations shall use a round rubber stamp with the coat of arms of the Republic of Hungary on it.

CHAPTER II

THE RIGHTS AND OBLIGATIONS OF CHILDREN, STUDENTS AND PARENTS

The Rights and Obligations of Children and Students

Article 10

(1) Children and students have the right to be educated and taught in safety and in a healthy environment at educational and educational-teaching institutions, and to have their daily routine at the kindergarten and their school study order formed by building periods of rest, leisure and physical exercise in and by giving opportunities for sport and eating in compliance with their age and stage of development.

(2) The personality, human dignity and rights of a child /student shall be respected, and protection has to be provided for them against physical and mental violence. Children and students may not be subject to corporal punishment, torture or cruel and humiliating retribution or treatment.

(3) Children and students have the following rights:

a) they shall receive education and teaching in compliance with their abilities, interest and faculties, continue their studies in compliance with their abilities and participate in primary art education in order that their talent should be recognised and developed;

b) they shall receive education and teaching in compliance with their particular national or ethnic status;

c) information shall be given and knowledge shall be imparted to them in an objective and multifaceted manner in the course of teaching in the whole pedagogical programme and activity of state and council schools;

d) they shall use kindergarten, school and hall of residence service at non-state or non-council educational-teaching institutions and receive religious education and instruction at state and council educational-teaching institutions;

e) their human rights shall be respected by the kindergarten, school or hall of residence, with special regard to their right to the free evolvment of their personalities, to free self-determination, to the freedom of action, to family and private life; however, the exercise of these rights may not violate other people's assertion of the same rights, endanger their own health and corporal integrity or those of their peers and of the employees of the educational-teaching institution, or the creation and maintenance of the necessary conditions for the assertion of the right to education;

f) they shall receive particular care – special nurture or care with the purpose of rehabilitation – in compliance with their conditions and personal endowments; they shall appeal to the institution of pedagogical assistance service, irrespective of their age;

g) they can appeal to the commissioner for educational rights.

(4) Children and students have the right to receive meals and school equipment free of charge or at a reduced price at the educational-teaching institution at their request, depending on their family's financial circumstances, and to be partly or wholly exempted from paying the costs payable by them or to be given permission to defer the completion of their financial obligations or to pay in instalments.

Article 11

(1) Students have the following rights in particular:

- a) they shall receive hall of residence, day care and daytime study centre service;
- b) they shall choose from the optional subjects and activities and have the opportunity to prepare to master the English language at secondary school as prescribed by statute;
- c) they can use the aids available at the school and the hall of residence and the facilities of the school and the hall of residence (library, laboratory, information technology centre, sports and leisure facilities etc.);
- d) they shall receive regular medical supervision and provision of health care;
- e) they shall have access to the necessary information to exercise their rights, and be notified of the necessary procedures to exercise their rights;
- f) they can participate in the work of student circles and initiate their formation, be a member of school, cultural, artistic, educational, sports and other circles as well as civil organisations outside the school, unless otherwise stipulated by law;
- g) they can express their opinions about every issue including the work of the educators educating and teaching them and the operation of the school and the hall of residence while treating human dignity with respect; they shall receive information about issues concerning their person and studies, and they can make suggestions in this sphere; they can also address questions to the management and educators of the school and the hall of residence, to the school board and the hall of residence board, and they should receive a definite response from the school board or the hall of residence board within fifteen days after the request, in the first session following the fifteenth day;
- h) their religious, ideological or any other convictions and their national or ethnic identity shall be expressed and respected, provided that they are not contrary to any statute, do not violate the same right of other people and do not limit the exercise of the right of their peers to learning;

- i) their right to correspondence as well as residence at halls of residence shall be respected, provided that the exercise of this right does not violate the same right of other people and does not violate the exercise of the right of their peers to learning;
- j) they can enter a student's legal relationship as prescribed by statute;
- k) they can select the subjects they wish to learn, and, if possible, the educators teaching the subjects, within the scope specified by the pedagogical programme and the secondary school leaving examination examinations code in the course of their studies;
- l) they can institute legal proceedings and appeal to the public in case their rights are violated, as prescribed by statute;
- m) they can participate in the decision-making affecting their interests and the control of the educational-teaching institution in person or through their representatives, as prescribed by statute;
- n) they can become private students and request their exemption from the participation in curricular activities;
- o) they can give account of their knowledge before an independent examination board at their request, in accordance with the procedure prescribed by statute;
- p) they can request to be taken over by another educational-teaching institution of an identical or different type;
- r) they can continue their studies without having to take a supplementary examination or repeat the year even if there are no schools operating in their domicile which can guarantee school education and teaching until the end of the compulsory education;
- s) they can be elected and elect other students to the representative body of students;
- t) they can appeal to the student union for the representation of their interests and they can request any wrongs they have suffered to be redressed as prescribed by this Act;
- u) they can receive grants or social subsidies at their request, if justified.

(2) Students of secondary vocational schools and vocational schools are entitled to all the rights ensured by the Labour Code [Articles 18, 19, 21, Sections (1)-(2) of Article 22, Section (1) of Article 24, Articles 26-27, Section (2) and Subsections b)-c) of Section (3) of Article 102] with regard to the protection of interests and occupational safety within the scope of practical training in the year of vocational training. Sections (1)-(4) of Article 104, Section (1) of Article 124, Sections (1)-(2) of Article 125, Sections (2)-(6) of Article 129/A of the Labour Code and the statutes pertaining to occupational safety shall also be applied to the employment of students in default of contrary provisions of the Act on Vocational Education and Training. The requirement of equal treatment has to be met when entering into a student's

contract and fulfilling the rights and obligations arising from the contract. Students may initiate a legal dispute in order to assert their claims related to the practical training as stipulated by the provisions (Articles 199-202 of the Labour Code) pertaining to labour legal disputes. When applying these provisions, the term employee refers to the student; the term employer refers to the organiser of the practical training; the legal relationship by employment refers to the student's legal relationship and the trade union refers to the student union.

(3) Students participating in vocational training are entitled to benefits and allowances as stipulated by the statutes pertaining to vocational training. The organiser of the practical training is obliged to provide the benefits and allowances.

(4) If students of secondary vocational schools, industrial schools or vocational schools participate in practical training on the basis of a student's contract, the provisions of the Act on Vocational Education and Training shall also be applied in relation to their student's legal relationship.

(5) The organiser of the vocational training is obliged to take out third-party insurance for students participating in vocational practical training.

(6) The provisions of this Act pertaining to the rights and obligations of parents shall not be applied in case of students who have come of age and have legal capacity. If this Act or the statute issued to enforce it defines any rights or obligations for the parents, the parental organisation (association) or the representative of the parents and the student has come of age, the student – with the exception of their election to the school board – the student union, and the representative of the students are due for the exercise of rights and responsible for the fulfilment of obligations. If a student has come of age but does not have their own income and lives in the same household as their parents, the parents shall also be informed about the decisions involving the cessation of the student's legal relationship or the hall of residence membership, the fulfilment of the student's study obligations and the financial obligations.

(7) The rights and obligations specified in this Act shall be exercised and fulfilled in the appropriate manner. Special attention shall be paid to the assertion of the rights of children and students in the course of the proper exercise of rights specified in this Act. The exercise of the rights cannot be considered proper if it is aimed at or leads to the encroachment on the rights guaranteed in this Act, in the Act on Vocational Education and Training or in the statutes issued to enforce them, to the infringement of the possibilities of interest representation, the repression of the expression of opinion and the restriction of the rights to enquiry. The improper exercise of rights shall be ceased without delay and its unfavourable consequences shall be redressed within the scope of the procedure regulated by this Act and

the Act on Vocational Education and Training. If the case cannot be clarified to the satisfaction of the parties, the decision shall be made in favour of the child / student.

Article 12

(1) Students shall have the following obligations:

- a) they shall participate in the compulsory and optional activities and vocational training courses;
- b) they shall fulfil their study obligations by regular work and disciplined behaviour, in compliance with their abilities;
- c) they shall co-operate in keeping their own environment and the aids used by them in order and in preparing and concluding the lessons, hall of residence activities and events under the supervision and, if necessary, direction of educators, as specified in the rules of the house, conforming to their age and stage of development as well as to their hall of residence and school engagements;
- d) they shall comply with the order of usage of the curricular and extra-curricular activities at school, the hall of residence activities, the rooms of the school and the hall of residence and the areas belonging to the hall of residence as well as the order of the practical training and the provisions of the codes of the school and the hall of residence;
- e) they shall shield their own health and corporal integrity and those of their peers, master and apply the knowledge protecting their health and safety, and report to the teacher performing their supervision or another employee without delay if they observe an accident or a state or activity endangering themselves, their peers, the employees of the school or hall of residence or others as well as any injuries they have sustained, if their condition enables them to do so;
- f) they shall retain and handle the aids they are left in charge of or use in course of the teaching in compliance with the provisions and shield the facilities and the equipment of the school;
- g) they shall respect the human dignity and the rights of the management, the educators, the employees of the school or hall of residence and their fellow students;
- h) they shall comply with those stated in the organisational and operational code of the school or hall of residence and in the rules of the house.

(2) The educational-teaching institution will have a proprietary right to everything which it has taken possession of and which students have fabricated in relation to the satisfaction of the requirements arising from their student's legal relationship or their hall of residence membership provided that the financial and other circumstances had been provided by the

educational-teaching institution as the legal successor of the students in default of an agreement to the contrary between the educational-teaching institution and the student. Students are due for remuneration if the educational-teaching institution makes profits by selling or utilising the item they have taken possession of. If the item which has been fabricated is an intellectual product (Article 86 of the Civil Code), these provisions shall be applied with the difference that the provisions pertaining to the act of putting the intellectual product created in a legal relationship by employment or another similar legal relationship at the employer's disposal shall be applied to the act of putting the intellectual product at the disposal of the educational-teaching institution.

(3) If the school or hall of residence is not vested with the pecuniary rights related to the item, it has to be given back to the student on the cessation of the student's legal relationship while complying with the provisions pertaining to document handling if the given item is outside the scope of the rules of document management. The rules of responsible custody (Articles 196-197 of the Civil Code) have to be applied to custody otherwise.

(4) Students are due for appropriate remuneration in the case defined in Section (2). The remuneration is fixed by the student – with the consent of their parents in case of students who have not turned fourteen years of age – and the educational-teaching institution, if the income comes from selling or utilising items which are made occasionally and uniquely. The appropriate remuneration has to be allocated from the result (profit) which can be set for the activity performed by those participating in the complete training process in case of items regularly made as part of the education process, within the scope of the education. The rules of this have to be specified in the organisational and operational code in such a manner that the regulation should take account of the performance of the students.

(5) Those stated in Sections (2) and (4) cannot be applied to students who participate in vocational training on the basis of a student's contract with regard to the benefits due to students participating in vocational training.

(6) Students are obliged to provide the career monitoring system with information concerning the way how their vocational qualification obtained at school has been made use of within three years after the successful completion of their vocational examination as prescribed by statute, provided that they have not established a legal relationship by engagement.

The Rights and Obligations of Parents

Article 13

- (1) Parents have the right to the free choice of educational and educational-teaching institution. On the basis of the right to the free choice of educational and educational-teaching institution they can choose a kindergarten, a school or a hall of residence in compliance with their children's abilities, faculties and interest and their own religious and ideological convictions, and their particular national or ethnic status.
- (2) It is the right of the parents to choose a non-state or non-council educational-teaching institution for their children, and to found or participate in the foundation of kindergartens and schools not under the control of the state or the council as stated in this Act.
- (3) It is the right of the parents to request that the kindergarten and the school or hall of residence should give information and impart knowledge in an objective and multifaceted manner in their educational programme and activity and in their pedagogical programme and activity respectively, and to facilitate the religious education and instruction at state and council educational-teaching institutions.
- (4) The rights of the parents specified in Sections (1)-(3) may not encroach on their children's right to the freedom of thought, conscience and religion, the exercise of which may be guided by the parents in compliance with the children's level of maturity. Parents and children may exercise the right to the choice of school jointly from the year in which the child attains the age of fourteen if the child lacks legal capacity.
- (5) It is the right of the parents to ask the mayor at the children's domicile or, in default of that, place of residence to assist the children in continuing their studies without having to take a supplementary examination or repeat the year if there are no schools operating in the town or village which can guarantee school education and teaching until the end of the compulsory education. They can ask the mayor at the domicile or, in default of that, place of residence of a child with special educational needs to provide assistance in creating the necessary conditions for the child's kindergarten education or school education and teaching in the town or village.
- (6) Parents have the right to the assertion of their claims of common concern. Parents can take legal action or institute proceedings by the head of the institution, the maintainer of the institution, the public administration officer, the chief public administration officer, the educational authority acting in its scope of public educational duties or any other authority in every case where the circle of the persons aggrieved at their rights or the persons in danger cannot be specified, on the basis of the right to the assertion of claims of common concern, in accordance with the provisions pertaining to the proceedings in relation to requests, complaints and announcements of common interest. It is also the right of the parents to appeal

to the educational mediation service in their own or in their children's case in the course of the assertion of claims of common concern.

(7) Parents of multi-disadvantaged children have the right to receive financial subsidy for schooling the children at a kindergarten provided that they enrol the child at a kindergarten at the age of four at the latest, as prescribed by the Act on Child Protection and Guardianship Administration.

(8) It is the right of the parents to appeal to the institution of pedagogical assistance service. It is the obligation of the parents to appear at the educational counselling sessions with their children and to ensure that the child participates in the school psychological evaluation and the developmental activities, if the teaching staff make a suggestion for this on the initiative of the educators attending to the students. The public administration officer may compel the parent to fulfil the obligations prescribed in this Section.

Section 14

(1) Parents have the following rights in particular:

- a) they shall become acquainted with the educational or pedagogical programme of the educational-teaching institution as well as the rules of the house, and receive information about those stated in them;
- b) they shall regularly receive detailed and definite information about their children's development, comportment and their progress in their studies as well as advice on and assistance with their education;
- c) the management of the educational-teaching institution, the teaching staff, the kindergarten board, the school board, the hall of residence board and the educators examine the written suggestion of the parents, and they shall receive a definite response within fifteen days after the request from the kindergarten board, the school board or the hall of residence board in the first session following the fifteenth day at the latest;
- d) they can request that their children should participate in non-compulsory activities, and to initiate the organisation of such activities, while complying with the conditions specified by the educational-teaching institution;
- e) they can participate in activities with the consent of the head of the educational-teaching institution or the educator;
- f) they can initiate the formation of the kindergarten board, the school board or the hall of residence board, and participate in the election of the parental representatives as one who can be elected and who can elect others;

g) they can initiate the formation of a parental organisation (association) and co-operate in its activity;

h) they can participate in the decision-making affecting their interests and the control of the educational-teaching institution in person or through their representatives, as prescribed by statute;

i) they can appeal to the commissioner for educational rights.

(2) Parents have the following obligations in particular:

a) they shall provide the necessary conditions for their children's physical, mental, emotional and moral development;

b) they shall guarantee that their children participate in kindergarten education and complete the compulsory education and fulfil their obligation to participate in developmental preparation, as specified in Section (3) of Article 24 of this Act;

c) they shall monitor their children's development and their progress in their studies, ensure that their children fulfil their obligations, and provide all the assistance which can be expected from them;

d) they shall be in regular communication with the educators attending to their children and provide them with the necessary information;

e) they shall facilitate the integration of their children into the community, and help them master the order of the kindergarten, the school, the hall of residence and the behavioural rules of community life;

f) they shall take the necessary measures in order to assert their children's rights;

g) they shall respect the human dignity and rights of the management, the educators and the employees of the kindergarten, school or hall of residence.

CHAPTER III

EMPLOYEES IN PUBLIC EDUCATION

The Scope of Employees in Public Education

Article 15

(1) Educational-teaching work – kindergarten education, school education and teaching, hall of residence education and teaching and the act of directly attending to children / students with a pedagogical purpose within the scope of pedagogical assistance service – may only be done in a legal relationship as civil servant or a legal relationship by employment in an

educator's position, with the exception of external teachers. Those persons who hold qualifications and special qualifications specified in this Act and other statutes may be engaged as educators [hereinafter called educators]. No legal relationship of the civil law may be established to fill an educator's position with the exception of external teachers. The activity of educators is assisted by experts and special advisers.

(2) Pedagogical assistance service and pedagogical-vocational service are provided by experts holding tertiary qualifications in a special field, unless otherwise provided by statute.

(3) The educational-teaching work, the pedagogical assistance service and the performance of pedagogical-vocational service are assisted by experts holding tertiary or other qualifications. The circle of heads, educators and those assisting in the educational and teaching work is specified by Annexe 1 of this Act.

(4) Financial, administrative, technical, ancillary and other employees participate in the performance of the tasks of the institutions of public education.

(5) The character and nature of the work performed at institutions of public education are not altered by the question of who the maintainer of the institution of public education is.

(6) Subsection a) of Section (2) of Article 41 of Act No. XXXIII of 1992 on the Legal Status of Civil Servants may not be applied in case of engagement at institutions of public education.

Conditions of Employment and Certain Rules of the Execution of Work

Article 16

(1) Depending on the employer, the Labour Code or the Act on the Legal Status of Civil Servants shall be applied along with the provisions of this Act with regard to the workers and civil servants of institutions of public education [hereinafter called employees].

(2) The conditions of employment in public education are the following:

a) employees should hold the prescribed school qualification or vocational qualification;

b) they should have a clean criminal record and legal capacity.

(3) Educators and employees providing direct assistance in the educational and teaching work qualify as persons performing public duties in terms of defence under criminal law, pertaining to their activities in relation to children and students in the course of the performance of educational work at kindergartens, educational and teaching work at schools and halls of residence as well as the provision of pedagogical assistance service.

(4) All the working hours of educators working in an educator's position at educational-teaching institutions and institutions of the pedagogical assistance service are composed of the

compulsory lessons and the time necessary for the performance of the tasks in relation to the educational or educational and teaching work and to the act of attending to the children / students in compliance with their specialised task. Educators are obliged to devote their compulsory lessons to attending directly to children and to education and teaching within the scope curricular activities.

(5) Educators shall be engaged at educational-teaching institutions and the institutions of pedagogical assistance service as educators or as educators who have taken a post-professional examination in compliance with the conditions specified in Article 17 of this Act. Those stated in Sections (1)-(4) of Article 17 shall also be applied to external teachers.

(6) The performance evaluation formed in accordance with the aspects and order of evaluation specified in the institutional quality management programme shall be taken account of at an institution of public education in the course of the exercise of the employer's rights.

(7) The local council or the multi-purpose micro-regional partnership on the basis of an agreement of partnership may operate a system of labour force administration with regard to the institutions of public education maintained by them, complying with the rules of the territorial reconciliation of interests. The labour force administration plan and the labour force administration register are parts of the system of labour force administration. The following have to be specified in the labour force administration plan: the principles of the administration of the number of the members of staff, the utilisation of working hours and the joint engagement of the labour force, as well as the solution of specific tasks by educators, availing themselves of a permanent system of supply teaching and the network of travelling experts. The labour force administration register contains the number of the members of staff each institution has at its disposal and the data in relation to the utilisation of the given number of the members of staff.

(8) Institutions which do not perform tasks of public education but are related to the educational and teaching work may be involved in the system of labour force administration. Local councils may also operate the system of labour force management in concert, on the basis of an agreement.

Article 17

(1) Those holding tertiary (university or college) qualifications and special qualifications specified in this Act may be employed as educators at educational-teaching institutions, unless otherwise provided by this Act. The appropriate tertiary qualifications and special qualifications are the following:

- a) kindergarten educator or conductive therapist and kindergarten educator at kindergartens;
- b) from year one to year four of school education:
 - general teacher in the first four years of primary school, conductive therapist and general teacher in the first four years of primary school, conductive therapist (hereinafter the qualifications of the latter two jointly called conductive therapist) in all subjects;
 - physical education teacher with teaching qualifications in compliance with the subject;
 - teacher of arts, foreign languages, national and ethnic minority languages and literature with teaching qualifications in compliance with the subject, provided that raised level education takes place in these fields at the school as stated in the local curriculum;
- c) those specified in Subsection b) in education not divided into subjects in years five and six of school education and teacher with specialised teaching qualifications in accordance with the subject or with qualifications in accordance with the field of learning in education divided into subjects;
- d) teacher with specialised teaching qualifications on a university level in accordance with the subject in years seven and eight as well as years nine and ten of school education, with the exception of secondary schools;
- e) teacher with specialised teaching qualifications in accordance with the subject from the year nine onwards at secondary schools and teacher with qualifications in accordance with the subject in case of the subject of arts, physical education and technical-practical activity;
- f)
- g) educator with teaching or tertiary qualifications in accordance with the special field of the training as specified in the career orientation and vocational foundation education as well as in Subsection d) in case of those teaching vocational theoretical subjects or vocational preparatory knowledge as well as knowledge of career orientation and vocational foundation at secondary vocational schools and vocational schools;
- h)
- i) educator with teaching or tertiary qualifications in accordance with the special field of the training in case of carrying out the practical training at secondary vocational schools and vocational schools, as well as those holding theoretical and practical activities to prepare students for taking up work and provide assistance at secondary grammar schools;
- j) those listed in Subsections b)-f) or social educator, psychologist specialised in pedagogy, or one holding qualifications in pedagogy or educating-teaching, in compliance with the type of the school in case of day care and daytime study activities and with the interested schools in case of halls of residence;

k) educator with specialised teaching qualifications in accordance with the subject of art in case of those teaching the artistic vocational subjects at primary institutions of art education, secondary vocational schools of art and vocational schools of art or educator with specialised teaching qualifications in the first four years of primary school in accordance with the subject of art or artist in case of the introductory and primary years of a primary institution of art education; teacher with teaching qualifications on a university level in accordance with the subject of art or artist from the eleventh year at secondary vocational schools of art if there is university level training in accordance with the special field of the training;

l) those listed in Subsections b)-j) may hold extra-curricular activities not listed in Subsection j), conforming to the requirements of the content of the activity;

m) those with teaching qualifications or teaching qualifications in the first four years of primary school listed in Subsections b)-e) and librarianship qualifications are entitled to fill the position of a librarian teacher (teacher in the first four years of primary school) at schools and halls of residence.

(2) Those holding language teaching qualifications or qualifications and special qualifications for teaching a foreign language and the literature of the foreign language may be employed to teach that foreign language in every type of school.

(3) If the language of kindergarten education, school education and teaching or hall of residence education is not Hungarian or it is the language of a national or ethnic minority, the following may be employed to perform the educational and teaching work in the given language in an educator's position, conforming to the type of the educational-teaching institution:

a) nationality kindergarten educator holding a certificate in nationality teaching in the first four years of primary school;

b) those holding tertiary qualifications and special qualifications specified in Section (1) and teaching qualifications, teaching qualifications in the first four years of primary school, language teaching qualifications and special qualifications entitling them to teach the language of the school or hall of residence education and teaching;

c) those holding tertiary qualifications and special qualifications specified in Subsections d)-e) of Section (1) and has mastered the linguistic knowledge necessary to teach the given subject in the minority language within the scope of basic training or further training in a special field;

d) those holding a certificate which is in accordance with the language of instruction and entitles the holder to fill an educator's position as stated in Section (1), and has been recognised by the Republic of Hungary.

(4) Those holding psychological qualifications with specialisation in pedagogy and special qualifications or psychological and pedagogical qualifications may be employed as school psychologists.

(5) Teachers who have taken a post-professional examination in pedagogy within the scope of university or college further training in a special field, in addition to their tertiary qualifications and specialised qualifications prescribed in Sections (1)-(4) (hereinafter called post-professional examination in pedagogy) shall be employed as educators who have taken a post-professional examination.

(6) The preparation for the post-professional examination in pedagogy

a) contributes towards the renewal and complementation of the knowledge and skills obtained in basic training, and the development of the practice and abilities necessary to perform the tasks an educator's position involves, and the development of aptitude for a career as an educator;

b) may contribute towards managerial or expert activities, activities as chairs of examination boards, teacher trainers (instructing kindergarten nurses, general teachers in the first four years of primary school), and towards the acquisition of the knowledge necessary to provide professional pedagogical services and pedagogical assistance services;

c) may provide new knowledge not closely related to the knowledge obtained in basic training.

(7) Special qualifications obtained within the scope of further training in a special field in accordance with a subject module entitle the holder to teach a subject module (dance and drama, studies into the country and the people, hygiene, motion picture and media studies, ethics, social studies etc.), in addition to the appropriate specialised teaching qualifications and specialised qualifications or the qualifications and specialised qualifications prescribed for the position.

(8) Teachers may teach in education not divided into subjects if they have mastered the pedagogical and psychological knowledge conforming to the characteristics of the 6-12 age group and the methods necessary for their effective preparation within the scope of the preparations taking place within the scope a 120-hour in-service training course for educators or further training in a special field. These provisions shall also be applied to those general teachers in the first four years of primary school not holding qualifications in a special course

with the difference that they should master the necessary knowledge for the education and teaching of the 11-12 age group in the course of preparation.

(9)

(10) Those may be appointed as special advisors or teacher trainers (instructing kindergarten nurses and general teachers in the first four years of primary school) to supervise the practical training of students of educator training institutions of higher education at kindergartens or schools or to direct the in-service training of educators who have taken a post-professional examination in pedagogy and have tertiary qualifications and special qualifications necessary to fill an educator's position as well as at least five years' professional experience spent in educational-teaching work.

(11) Teacher trainers (instructing kindergarten nurses, general teachers in the first four years of primary school) may participate in the performance of tasks in relation to practical activities at kindergartens and the pedagogical practice of students of educator training institutions of higher education as well as the in-service training of educators at kindergartens and schools not maintained by an institution of higher education on the basis of

a) an agreement between the institution of higher education and the educational-teaching institution,

b) an agreement with the institution of higher education,

c) an agreement with the maintainer of the educational-teaching institution.

(12) One may participate in the performance of the tasks of a special advisor on the basis of an agreement with that assigning the task.

Article 17/A

(1) Educators of secondary educational-teaching institutions engaged as full-time employees holding an academic degree or an academic title are eligible for a maximum of six months' unpaid holiday (hereinafter called sabbatical leave) to conduct academic researches or participate in individual academic in-service training every seven years. Only the time spent in an educator's position may be taken into account when calculating the seven years.

(2) The basic and supplementary holiday due to the above-mentioned educators in the year of taking the unpaid sabbatical leave may not be included in the duration of the sabbatical leave.

(3) Those stated in Article 30 of Act No. LXXVI of 1999 on Copyright shall be applied with regard to the piece of work completed in the course of the sabbatical leave in default of a different agreement.

The Conditions of Appointment as Head of an Educational-Teaching Institution

Article 18

(1) The conditions of appointment as head of an educational-teaching institution are as follows:

- a) tertiary qualifications and special qualifications listed in Sections (1)-(2) of Article 17 necessary to fill an educator's position at the given educational-teaching institution, as well as a post-professional examination in pedagogy; teaching qualifications and special qualifications on a university level as well as a post-professional examination in pedagogy at secondary schools, unless otherwise stipulated by law;
- b) special qualifications in institution management obtained within the scope of a post-professional examination in pedagogy in case of appointment for a second time or on more occasions;
- c) at least five years' professional experience in an educator's position, with the exception specified in Section (6);
- d) existing employment as an educator at an educational-teaching institution for an indefinite time and employment as an educator for an indefinite time contemporaneously with the appointment.

(2) If the kindergarten education or school education and teaching take place exclusively in a national or ethnic minority language or more than half of the students are instructed in two languages – in a nationality or ethnic minority language and in Hungarian –, those may be appointed as head who meet the conditions defined in Section (3) of Article 17 of this Act in addition to those specified in Section (1). In case of identical conditions, preference shall be given to the person who belongs to the national or ethnic minority.

(3) Those may be appointed as head of institution at educational-teaching institutions which perform exclusively the education and teaching of children / students with special educational needs who have qualifications and special qualifications in conductive therapy, conductive therapy and teaching in the first four years of primary school, therapeutics, therapeutic teaching in accordance with the type of the disability of the children / students and have taken a post-professional examination in pedagogy.

(4) Those who have the qualifications and special qualifications in accordance with the special field of the training and have taken a post-professional examination in pedagogy or have a diploma certifying an equivalent examination may be appointed as head of a secondary

vocational school if there is no teacher training in accordance with the special field of the training on a university level.

(5) The time spent in a kindergarten educator's position at a kindergarten, an educator's position at other educational-teaching institutions and a lecturer's position at an institution of higher education may be taken into consideration as professional experience. The duration of the suspension from the legal relationship by employment or legal relationship as civil servant exceeding thirty days is not included in the duration of the professional experience. The time spent in an educator's position may not be included in the duration of the professional experience if the engagement of the educator did not attain twenty-five per cent of the number of weekly compulsory lessons specified for the position.

(6) The following may be accepted as professional experience for appointment as head of institution: the time spent

a) in a position of a manager of educational affairs;

b) at the pedagogical assistance service or in a position providing pedagogical professional service;

c) a position of a vocational trainer or a head of practical training in non-school practical training at vocational schools and secondary vocational schools;

d) in the field of art in accordance with the special field of the training at vocational schools of art, secondary vocational schools of art and institutions of primary art education

if the candidate has at least three years' professional experience as specified in Section (5).

(7) Those may be appointed as head of a multi-purpose institution who meet the necessary conditions for appointment as head of any institutions which can be established for the task performed by the institution. If any of the conditions prescribe university qualifications, this is necessary for the appointment as head.

(8) The selection of the head of institution happens by means of a public tender, unless otherwise stipulated by this Act.

The Rights and Obligations of Educators

Article 19

(1) Educators have the following rights in relation to their position:

a) their person as a member of the community of educators shall be esteemed, their human dignity and their human rights shall be respected, their educational and teaching activity shall be appreciated and recognised;

- b) they can choose the knowledge, the syllabus and the methods of education and teaching on the basis of the educational and the pedagogical programme;
- c) they can choose the textbooks, teaching aids, study tools, clothing and other equipment they would like to use on the basis of the local curriculum and asking the team of teachers of the same subject to give an opinion;
- d) they shall perform their educational and educational-teaching work in accordance with their own ideology and values while complying with those stated in Section (2) of Article 4 without compelling or inclining the children / students to accept them;
- e) they shall manage and evaluate the work of the children / students;
- f) they shall assess the performance of the students;
- g) they shall have access to the necessary knowledge for their work;
- h) they shall participate in the planning and evaluation of the educational and pedagogical programme of the institution as members of the teaching staff and exercise the rights which the members of the teaching staff have;
- i) they shall enlarge their professional knowledge and experience by participating in organised in-service training; they can participate in pedagogical experiments and academic research work;
- j) they can participate in the work of bodies dealing with local, regional and national public education as members or representatives of professional associations and chambers;
- k) they can appeal to the commissioner for educational rights.

(2) Educators may not choose a textbook the use of which cannot be guaranteed for every student in compliance with the order of providing and ordering textbooks at schools prescribed by statute. Educators may require students to procure clothing or other equipment without indicating the quality, type or price which is indispensable for participating in the curricular activity held by them and for mastering the taught syllabus and which has to be employed regularly and contemporaneously by every student in the curricular activity. The provision of equipment not belonging to this range is the task of the school.

(3) The decision pertaining to the procurement of textbooks, teaching aids, study tools, clothing and other equipment already bought may not be changed during the academic year, if an obligation of payment falls to the lot of the parents therefrom.

(4) The school board – or in default of that, the parental school organisation (association) and the school student union – may impose restrictions on the expenses falling to the lot of the parents in relation to buying clothing and other equipment. The restriction may not result in the exclusion of buying the clothing and other equipment specified in Section (2).

(5) Those who are engaged as educators in a legal relationship by employment or a legal relationship as civil servant and those who have been retired from an educator's position have the right to visit libraries, museums and other art galleries maintained by state organs and local councils by obtaining a reduction specified by statute. This entitlement has to be certified by means of a document issued by the employer or the last employer in case of pensioners. By showing the certificate, educators may also certify that they are entitled to obtain other reductions provided for educators by statute or the local council. The certificate is an official document. The permission of the minister responsible for education is necessary to produce and distribute the printed identification cards.

(6) Those who are engaged as educators in a legal relationship by employment or a legal relationship as civil servant have the right to avail themselves of the contribution in accordance with the amount specified each year in the annual Budget Act as prescribed by statute to purchase literature on a special field (books, textbooks, notes, journals, electronic knowledge media etc.) or to register at a library.

(7) The fundamental task of educators is to educate and teach the children / students they are in charge of. In relation to that, their obligations are the following in particular:

a) to ensure the moral protection, the preservation of corporal integrity, and the development of the personality of children /students within the scope of their educational-teaching activity and convey knowledge in an objective and multifaceted manner;

b) to take account of the individual ability and talent, pace of development, sociocultural situation, stage of development and special educational needs of children / students, to facilitate the evolvement of the abilities and talents of children /students and to help children /students who are disadvantaged for any reason to catch up with their fellow students;

c) to impart the knowledge necessary for the preservation of health and corporal integrity to children /students, and ensure that they master this knowledge; to take the necessary measures if they observe that a child / student has had an accident or they are in danger of having an accident;

d) to co-operate in performing the tasks of child and youth protection, in preventing, revealing and ceasing the circumstances jeopardising the development of children / students;

e) to make the children / students master the behavioural rules of community co-operation and to endeavour to make them comply with these rules with regard to their age and stage of development;

f) to regularly inform the parents in relation to their children's education, teaching and development and the parents and the students about the questions affecting them; to warn the

parents if they consider that a measure is necessary in order to safeguard their children's rights or facilitate their development;

g) to give a definite response to the suggestions and questions of parents and students;

h) to respect the human dignity and the rights of children / students and their parents;

i) to impart the necessary knowledge for ethical behaviour to children /students.

(8) Educators participate in in-service training at least every seven years as prescribed by statute. Educators who participate in in-service training and complete their studies successfully shall receive financial recognition as prescribed by statute. The legal relationship by employment and the legal relationship as civil servant of educators may be terminated if they are at fault for not participating in in-service training or did not complete their studies successfully, with reference to Section (3) of Article 89 of the Labour Code and Subsection d) of Section (1) of Article 30 of the Act on the Legal Status of Civil Servants. Those educators who have taken a post-professional examination in pedagogy or another examination prescribed by statute do not have to participate in in-service training for seven years after taking the examinations.

CHAPTER IV

THE SYSTEM OF PUBLIC EDUCATION

Institutions of Public Education

Article 20

(1) The educational and educational-teaching institutions of public education are the following:

a) kindergarten,

b) primary school,

c) vocational school,

d) secondary grammar school, secondary vocational school (hereinafter jointly called secondary school),

e) institution of primary art education [hereinafter those in Subsections b)-e) jointly called school];

f) educational-teaching institution of therapeutic and conductive education;

g) student hostel and hall of residence [hereinafter called hall of residence; those in Subsections a)-g) jointly called educational-teaching institution].

(2) The educational-teaching institution of therapeutic and conductive educations are the kindergartens, primary schools, secondary schools, special vocational schools, skill developmental special vocational schools, preparatory vocational schools and halls of residence established in compliance with the type of disability.

Article 21

The institutions of the pedagogical assistance service of public education are the following:

- therapeutic counselling and centre of early intervention and care,
- rehabilitation committee of experts examining the ability to learn and the national rehabilitation committee of experts carrying out rehabilitation and expert activity,
- educational counselling service,
- speech therapy institution,
- further studies and vocational guidance counselling,
- institution of conductive education.

Article 22

(1) Institutions providing pedagogical professional service: council and national institutions providing pedagogical professional service.

(2) Institutions providing service: central workshops.

(3) An institution of public education may also perform the tasks of several institutions of public education of different types (hereinafter called multi-purpose institution; those in Articles 20-22 jointly called institution of public education).

(4) An institution of public education may be amalgamated with an institution not performing tasks of public education in the form and in cases specified by this Act while following the procedures also specified by this Act.

Article 23

(1) The minister responsible for education may establish or authorise the establishment of other institutions of public education besides those specified in Articles 20-22 if they comply with the provisions of this Act and the Act on Vocational Education and Training; they may also authorise the establishment of primary and secondary schools educating and teaching on the basis of a particular pedagogical programme which has no intention of preparing the students for the secondary school leaving examination. The documents necessary to establish an institution of public education as prescribed by statute and the programme in relation to its

activity and the knowledge it wishes to impart in case of kindergartens and schools have to be enclosed with the application. The additional costs related to the authorisation shall be borne by the maintainer.

(2) Kindergarten education, school education and teaching, hall of residence education as well as the pedagogical assistance service – with the exception specified in Article 30 of this Act – and the pedagogical professional service – with the exception of those listed in Subsections e)-f) of Section (2) of Article 36 of this Act – may be performed at the institutions of public education listed in Articles 20-23.

(3) Kindergarten education, primary school education and teaching, hall of residence care and educational counselling may be performed within the scope of a member institution which is independent in organisational and professional terms and belongs to a jointly managed institution of child welfare or child protection.

(4) The schools listed in Subsections b)-d) and f) of Section 1 of Article 20 may perform the tasks of a sports school as prescribed by a separate statute.

The Different Types of Institutions of Public Education

Kindergartens

Article 24

(1) Kindergartens are institutions educating children from the age of three until the commencement of compulsory education, as prescribed in Section (2) of Article 6 of this Act. Kindergarten education takes place within the scope of activities necessary for the education of children, embracing the whole spectrum of kindergarten life.

(2) Kindergartens perform the tasks related to the daytime care of children from the age of three as prescribed in the Act on Child Protection and Guardianship Administration.

(3) Children are obliged to participate in kindergarten education for four hours per day from the first day of the educational year in which the child turns five years of age, unless otherwise stipulated by this Act.

(4) Kindergarten activities have to be organised in such a manner that the kindergarten can complete its tasks related to kindergarten education and the daytime care of children in accordance with the expectations of the parents. The weekly time allotment which can be used to perform the kindergarten tasks specified in this Act is fifty hours, which has to be increased by the necessary time for the tasks related to the daytime care of children, if justified.

(5) Children may commence a kindergarten educational year for the last time in the year in which they turn seven years of age. They can commence another educational year in the year in which they turn seven years of age if they were born after 31st August and the educational counselling service or the rehabilitation committee of experts propose that they should stay at kindergarten for another educational year. The educational counselling service or the rehabilitation committee of experts may put up such a proposal at the request of the parents and with the consent of the teaching staff of the kindergarten. The educational counselling service or the rehabilitation committee of experts asks for the consent of the teaching staff before the commencement of the examination of the child /student. The educational counselling service or the rehabilitation committee of experts notifies the public administration officer competent at the domicile or in default of that, place of residence by despatching their expert opinion if they propose that the child should participate in kindergarten education for another year.

The Common Rules of School Education and Teaching

Article 25

(1) The regular education and teaching of students and their preparation for the secondary school leaving examination or vocational examination shall be the tasks of schools. Legal entities, economic partnerships not having a legal personality and private entrepreneurs may participate in the preparation for the vocational examination in accordance with this Act and the statutes pertaining to vocational training.

(2) The preparation of students for the secondary school leaving examination and the vocational examination takes place within the scope of the compulsory curricular activities. Schools facilitate the preparation for the secondary school leaving examination and the vocational examination within the scope of non-compulsory (optional) curricular activities.

(3) The numbering of years is continuous from year one of primary schools onwards until the last year of the secondary studies, with the exception specified in Section (6).

(4) Education and teaching establishing general knowledge and serving the completion of compulsory education takes place in school teaching from year one onwards to year ten, twelve or thirteen inclusive depending on the type of the school, with the exception of institutions of primary art education. The certificate issued on the successful completion of year eight attests to primary qualifications, irrespective of the type of the school.

(5) Students may join the school-system vocational training in the year when they turn sixteen years of age at the earliest, in the academic year commencing on the first working day of September. The school-system vocational training (hereinafter called vocational training) may prepare students for the vocational examination or, if it is permitted by this Act, the knowledge necessary for taking up work and starting an independent life before obtaining the primary qualifications as prescribed by statute, after obtaining the primary qualifications, following the completion of year ten, following the completion of the last year of the preparation for the secondary school leaving examination or after the secondary school leaving examination. Those stated in this Section shall not be applied in case of preparation for the vocational examination in art.

(6) The numbering of years in vocational training begins with one and is completed with the subsequent serial number on the basis of Section (3) by the application of a solidus, unless otherwise regulated by this Act (hereinafter called the year of vocational training). The statutes pertaining to vocational training specify what school and vocational grounding is necessary to commence the studies necessary to obtain vocational qualifications recognised by the state and when vocational training may commence as prescribed in Section (5) as well as the number of years of vocational training.

(7) Schools – schools maintained by local councils in conformity with the council action plan [Section (4) of Article 85 of this Act] and the development plan [Section (1) of Article 88 of this Act] – may agree to organise their tasks specified in this Act jointly and in a concerted manner. If a primary school maintained by a local council operates with less than eight years, they have to settle the questions of co-operation in agreement with the school ensuring compulsory admission [Section (2) of Article 66 of this Act]. The agreement becomes valid with the approval of the maintainers of the schools. The approval of the agreement may be denied only if it is inconsistent with the council action plan or additional obligations fall to the lot of the maintainer or the agreement is contrary to statute. The provisions of the Civil Code pertaining to appointment have to be applied to the agreement otherwise, with the difference that the agreement may only be terminated in such a manner that the students affected should be able to complete their studies they have commenced.

Primary Schools

Article 26

(1) Primary schools shall consist of eight years.

(2)

(3)

(4) Primary education and teaching take place at primary schools.

(6) Primary school students prepare for their further studies at secondary or vocational schools as well as their adaptation to society in compliance with their interest, ability and talent.

(6) Primary school students may continue their studies in the appropriate year of another primary school, vocational school or secondary school in accordance with the provisions pertaining to admitting and taking students over (Article 42, Article 46 and Articles 66-67).

Vocational Schools

Article 27

(1) Vocational schools shall consist of years nine and ten of vocational training and additional years necessary to obtain the given vocational qualification the number of which is specified in the National Training Register, with the exception specified in Sections (7)-(8), (10) and (12)-(14). If a vocational school prepares students to obtain several types of vocational qualifications, the number of the years of vocational training may differ in the different types of vocational training, depending on the time of preparation.

(2) Education and teaching establishing general knowledge, career orientation and practical training take place in year nine of vocational schools; foundation theoretical and practical vocational education take place in year ten in forty per cent of the compulsory curricular activities at most. Practical training has to be organised at the apprentice workshop of a school.

(3) Preparation for vocational examination takes place in the years of vocational training on the basis of vocational and examination requirements, in the sphere of special qualifications not tied to completing the last year of secondary school or taking the secondary school leaving examination.

(4)

(5)

(6) Vocational school students may continue their studies in the appropriate year of another vocational school, primary school or secondary school in accordance with the provisions pertaining to admitting and taking students over (Article 42, Article 46 and Articles 66-67).

(7) If a vocational school prepares students for the vocational examination in art, the provisions pertaining to vocational schools have to be applied with the following differences:

- a) students may also join the vocational training before the cessation of compulsory education in the pedagogical phase establishing general knowledge;
 - b) the educational and teaching work at vocational schools may commence in years five, seven or nine in accordance with the central programme (curriculum);
 - c) mastering the requirements for vocational training may take place contemporaneously with mastering the requirements for the pedagogical phase establishing general knowledge (hereinafter called parallel education);
 - d) students may also meet the requirements for the pedagogical phase establishing general knowledge and for vocational training in different years at the same school in case of parallel education;
 - e) students may take a vocational examination following the successful completion of year ten in case of parallel education;
 - f) if a student prepares for an artistic performance within the scope of a vocational training course, the time of the vocational training course conforms to the time of the rehearsals and the performance;
 - g) those stated in Section (3) of Article 25 shall be applied to the numbering of years in parallel education. The provisions stated in Section (6) of Article 25 shall be applied to the numbering of years of vocational training and to the specification of the number of years if the vocational training is organised as additional training for those who have the prescribed school qualifications.
- (8) Coaching may be organised at vocational schools for those students who wish to join vocational training but do not have a primary qualification within the scope of the full-time education system. The first year when parents may request that their children should commence the following academic year in coaching instead of continuing their primary school studies is the year when the child turns fifteen years of age. The head teacher has to ask for the opinion of the child welfare service and despatch it to the further training and vocational guidance counsellor in every case in case of disadvantaged students. Those students who have primary qualifications but do not wish to commence or continue their studies in year nine of a vocational school may also join the coaching. Those who have not turned sixteen years of age by the commencement of the coaching may join it on the basis of the proposal of the further studies and vocational guidance counsellor. Vocational schools ensuring compulsory admission organise the coaching if it is justified for the completion of compulsory education. Coaching lasts for one or two academic years (ten or twenty months). Coaching has to be organised by taking the following into account:

a) Students master the knowledge necessary to commence the vocational training and obtain the theoretical and practical elements of knowledge (competence) necessary to join the vocational training within the scope of coaching. Students prepare to take the vocational examination in the year(s) of vocational training after the successful completion of coaching.

b) The certificate issued on

- the two-year-long coaching (if students have completed year six of the primary school successfully) or

- the one-year-long coaching (if students have completed year seven of the primary school successfully)

attests to primary qualifications.

c) Students may also commence their studies to obtain vocational qualifications tied to primary qualifications in default of primary qualifications if they have completed less than six years of the primary school successfully, provided that the number of years of vocational training is increased by one, and the mastering of the requirements for the phase of school education and teaching establishing general knowledge in at least three hundred and fifty lessons per year of vocational training. In that case, the certificate attesting to the vocational qualifications tied to the existence of primary qualifications also attests to primary qualifications.

d) If a student cannot or does not wish to obtain primary qualifications as stated in this Section, they acquire the theoretical and practical elements of knowledge (competence) necessary to join the vocational training within the scope of the one-year-long coaching period preparing them for the vocational training and may prepare to obtain the vocational qualification tied to the theoretical and practical elements of knowledge (competence) specified in the vocational and examination requirements in the year of vocational training.

e) Those who have obtained primary qualifications as stated in this Section may commence their studies within the scope of the full-time education system in the year of vocational training with the purpose of obtaining the vocational qualifications tied to the completion of year ten, provided that the number of the years of vocational training is increased by one, and the requirements for the phase of school education and teaching establishing general knowledge are also taught to the students in at least three hundred and fifty lessons per year of vocational training.

f) The teaching regulated in this Section shall be organised on the basis of the pedagogical system issued by the minister responsible for education on the basis of Subsection j) of Section (1) of Article 95 of this Act.

g) Hall of residence accommodation has to be provided for the student if they can only join the coaching therewith.

(9) Vocational schools may also operate as special vocational schools or skill developmental special vocational schools for the purposes of the school education and teaching of students with special educational needs.

(10) Vocational schools

a) operate as special vocational schools provided they prepare those who are unable to make progress along with the other students due to their disability for the vocational examination or offer them the knowledge necessary for taking up work and starting an independent life; the number of years of vocational training is two in case of imparting the knowledge necessary for taking up work and starting an independent life;

b) operate as skill developmental special vocational schools, if they guarantee the preparation for starting an independent life and the mastering of working processes requiring simple or no skills and facilitating taking up work for students with a moderate mental disability.

(11) The provisions pertaining to vocational schools shall be applied to the operation of special vocational schools (classes with differentiated curricula, classes and groups), the legal status of students and the support of special vocational schools from the Labour Market Fund. These provisions shall also be applied to skill developmental special vocational schools in case students participate in an average of at least fifteen lessons of practical training in the course of the academic year in accordance with the provisions pertaining to vocational training.

(12) Vocational schools (classes with a differentiated curricula, classes) which develop the abilities of mentally disabled students shall operate as preparatory vocational schools (classes with a differentiated curricula, classes) provided education and teaching take place only in years nine and ten. Students may prepare for further studies in the year of vocational training at special vocational schools or skill developmental special vocational schools in years nine and ten.

(13) Vocational schools may operate exclusively with years of vocational training if they prepare students who have completed year ten successfully or completed their compulsory education for the vocational examination.

(14) The coaching regulated in Section (8) shall be organised in year nine, which lasts for one or two years (ten or twenty months) in accordance with the pedagogical system issued by the minister responsible for education. Vocational schools regulated in Sections (9)-(10) operate

with a year nine the duration of which is two years (twenty months) in case they prepare students without a primary qualification.

(15) Students of vocational schools may continue their studies with the purpose of preparing for the secondary school leaving examination while their studies pursued in years nine and ten into are taken into account if the vocational school education and teaching take place in a multi-purpose institution performing secondary education and teaching.

The Secondary Grammar School

Article 28

(1) Secondary grammar schools shall consist of four years, with the exceptions specified in Sections (2) and (4). Education and teaching at secondary grammar schools with four years commence in year nine and conclude in year twelve.

(2) A secondary grammar school may operate with six or eight years if the necessary conditions for the completion of compulsory education can be created in such a manner on the basis of the prediction of the midterm school enrolment plan [Section (2) of Article 88] and the secondary grammar school admission of those students who wish to commence their secondary grammar school studies in year nine can be solved on the level of the capital or a county. Education and teaching at secondary grammar schools with six years commence in year seven and at secondary grammar schools with eight years in year five and concludes in year twelve both at secondary grammar schools with six years and secondary grammar schools with eight years. Education and teaching also have to be organised in four years at secondary grammar schools operating with six or eight years if stipulated by statute, as prescribed in Section (1).

(3)

(4) If the educational and teaching work is performed in two languages of instruction (in Hungarian and in a foreign language, including nationality and minority languages) at a secondary grammar school specified in Sections (1)-(2) (hereinafter called bilingual education), education and teaching may conclude in year thirteen as stipulated in the Guidelines on Bilingual School Education and the Guidelines on the School Teaching of National and Ethnic Minorities. Education and teaching at a secondary grammar school may also conclude in year thirteen if intensive preparation takes place in the foreign language or in the nationality and minority language in year nine in a time allotment corresponding to at least forty per cent of the curricular activities, and the secondary grammar school prepares students

to take the advanced level secondary school leaving examination in the given language within the scope of raised level education from year ten to year thirteen. At least twenty-five per cent of the time allotment not used for linguistic preparation has to be devoted to teaching information technology and the remaining part of the time allotment to ability development (hereinafter called linguistic preparatory year). The linguistic preparatory year may be organised in a different year in lieu of year nine at secondary grammar schools operating with six or eight years.

(5) Education and teaching establishing general knowledge and preparing students for the secondary school leaving examination and the commencement of higher education (hereinafter: secondary school education and teaching) shall take place at secondary grammar schools. Theoretical and practical lessons preparing students for and helping them in taking up work may be held at secondary grammar schools from year eleven onwards.

(6) Students of secondary grammar schools prepare for the secondary school leaving examination and further studies in higher education as well as taking up work.

(7) The linguistic preparatory year specified in Section (4) or, if justified by the number of applicants, an additional linguistic preparatory class has to be organised at secondary grammar schools taking account of the number of classes which can be initiated in the given year. The linguistic preparatory year or the linguistic preparatory class may be organised from the students of several secondary schools within the scope of one secondary grammar school.

(8) Secondary grammar school students may continue their studies in the appropriate year of a primary school, another secondary grammar school, secondary vocational school or vocational school in accordance with the provisions pertaining to admitting and taking students over (Article 42, Article 46 and Articles 66-67).

The Secondary Vocational School

Article 29

(1) Secondary vocational schools have four years with the exception specified in Section (2), which prepare students for the secondary school leaving examination and establish general knowledge with the exception specified in Sections (2) and (8)-(9). Vocational orientation specified in the National Core Curriculum and theoretical and practical foundation education of sets of vocations in accordance with the National Training Register may also take place from years nine and eleven onwards, respectively. Secondary school education and teaching commence in year nine and concludes in year twelve or thirteen in cases specified in Section

(2). The number of years of vocational training preparing students for the vocational examination is specified by the National Training Register. If a secondary vocational school prepares students to obtain several vocational qualifications, the number of years of vocational training may differ in the different types of vocational training, depending on the time of preparation. Practical training is regulated by a separate statute. Vocational orientation and theoretical and practical foundation education of sets of vocations shall also be meant by preparatory and foundation vocational education regulated by this Act.

(2) If the educational and teaching work is performed in two languages of instruction as stipulated in the Guidelines on Bilingual School Education and the Guidelines on the School Teaching of National and Ethnic Minorities, education and teaching may conclude in year thirteen at secondary schools. Education and teaching at a secondary vocational school may also conclude in year thirteen if intensive preparation takes place in the foreign language or in the nationality and minority language in year nine in the time allotment corresponding to at least forty per cent of the curricular activities, and the secondary vocational school prepares students to take the advanced level secondary school leaving examination in the given language within the scope of raised level education from years ten to thirteen. At least twenty-five per cent of the time allotment not used for linguistic preparation has to be devoted to teaching information technology and the remaining time allotment to ability development. The number of years of vocational education may be increased by one if teaching takes place in two languages of instruction.

(3) The linguistic preparatory year defined in Section (4) or, if justified by the number of applicants, an additional linguistic preparatory class has to be organised at secondary vocational schools taking account of the number of classes which can be initiated in the given year. The linguistic preparatory year or the linguistic preparatory class may be organised from the students of several secondary schools within the scope of one secondary vocational school.

(4) Secondary vocational schools prepare students for the vocational examination within the scope of vocational qualifications tied to the completion of the last secondary year and secondary qualifications in the year of vocational training as specified in the National Training Register.

(5) Students of secondary vocational schools prepare for the secondary school leaving examination and further studies in higher education as well as taking up work and prepare to join the vocational training in the secondary years.

(6) Students may decide whether they take the secondary school leaving examination, or the vocational examination following the secondary school leaving examination or only the vocational examination if it is allowed of by the statute pertaining to vocational training.

(7) Secondary vocational school students may continue their studies in the appropriate year of another secondary vocational school, a secondary grammar school, or a vocational school in accordance with the provisions pertaining to admitting and taking students over (Article 42, Article 46 and Articles 66-67).

(8) If a secondary vocational school prepares students for the vocational examination in art,

a) the educational and teaching work may commence in years five, seven or nine and conclude in year thirteen at secondary schools in case of parallel education, as specified in the central programme (curriculum);

b) those stated in Subsections a), c)-d) and f)-g) of Section (7) of Article 27 shall be applied to the organisation of vocational training;

c) students take the vocational examination following the secondary school leaving examination.

(9) Secondary vocational schools may operate exclusively with years of vocational training if they prepare students holding a certificate of the secondary school leaving examination for the vocational examination.

The Right to Special Care and Education with the Purpose of Rehabilitation and Therapeutic Educational-Teaching Institutions

Article 30

(1) Children /students with special educational needs have the right to receive pedagogical, therapeutic educational, conductive educational service corresponding to their condition within the scope of special care after their legitimate claim has been established. Special care shall be provided within the scope of early intervention and care, kindergarten education, school education and teaching and developmental preparation depending on the age and condition of the child / student, as stated in the expert opinion of the rehabilitation committees of experts specified in Subsection (2) of Section 35. Early intervention and care may be realised within the scope of home care, crèche nurture, care provided at homes tending to and taking care of the disabled, care provided at children's homes, therapeutic educational counselling, development and care provided within the scope of early intervention and care or conductive educational service.

(2) The kindergarten education of children, the school education and teaching and hall of residence education of students with special educational needs may take place at therapeutic educational-teaching institutions, conductive educational institutions, in kindergarten groups, kindergarten groups with differentiated curricula, school classes with differentiated curricula, classes or groups created for this purpose; or along with the other children or students, in the identical kindergarten groups or groups with differentiated curricula or school classes (hereinafter kindergartens, schools and halls of residence participating in the joint or separate education and teaching of children / students with special educational needs called educational-teaching institutions participating in therapeutic education and teaching). The kindergarten groups and kindergarten groups with differentiated curricula carrying out the education of the separate kindergarten education of children and school classes with differentiated curricula, classes or groups carrying out the separate school education and teaching of students have to be established in compliance with the type of the disability, identically with the therapeutic educational-teaching institution [Section (2) of Article 20]. Children /students also receive habilitation and rehabilitation care with the purpose of health care and education at educational-teaching institutions participating in therapeutic education and teaching.

(3) Educational-teaching institutions participating in therapeutic education and teaching and conductive education and teaching have to provide the necessary personal and material conditions for the habilitation and rehabilitation care of children /students with special educational needs with the purpose of health care and education. The educational-teaching institution is selected by the parents on the basis of the expert opinion of the rehabilitation committee of experts examining the ability to learn or the national rehabilitation committee of experts carrying out rehabilitation and expert activity.

(4) The public administration officer may compel the parents to appear at an expert examination with their child in the interest of the children / students or to enrol their child at the appropriate educational-teaching institution on the basis of the expert opinion [hereinafter educational-teaching institutions selected in accordance with Section (3) and educational-teaching institutions assigned by the public administration officer in accordance with Section (4) jointly called designated educational-teaching institution, designated kindergarten, designated school].

(5) If the designated educational-teaching institution cannot admit a child, the institution giving the expert opinion attempts to find another educational-teaching institution providing the necessary personal and material conditions for special education and teaching. If the

enrolment of the child / student cannot be solved in such a manner either, the institution giving the expert opinion determines in what manner the child / student may join education and teaching and puts the child / student down for enrolment as long as their admission cannot be solved.

(6) If a child with special educational needs has severe or multiple disabilities, they shall participate in developmental preparation from the first day of the kindergarten educational year onwards from the year in which they turn five years of age. The developmental preparation may be realised within the scope of care provided at homes tending to and taking care of the disabled, care provided at rehabilitation institutions or daytime institutions for the disabled, therapeutic educational counselling, development and care provided within the scope of early intervention and care or conductive educational service, development provided by schools participating in therapeutic education and teaching or within the scope of crèche nurture until the end of the educational year in which the child turns six years of age. The public administration officer may compel the parents to appear at an expert examination with their child as prescribed in Section (4) and to guarantee the participation in developmental preparation for their child as specified in the expert opinion.

(7) If a child / student struggles with adaptive, learning or behavioural difficulties (hereinafter called children / students struggling with adaptive, learning or behavioural difficulties) or with the chronic and serious derangement of cognitive functions and the development of behaviour ascribable to organic reasons, they are entitled to developmental education. The developmental education may be realised within the scope of educational counselling, kindergarten education, school education and teaching, hall of residence education and teaching.

(8) The rehabilitation committee of experts decides whether the child / student struggles with adaptive, learning or behavioural difficulties or has special educational needs at the request of the educational counselling service.

(9) Students with special educational needs or students struggling with adaptive, learning or behavioural difficulties are exempted from evaluation and assessment in certain subjects or parts of subjects by the head teacher, with the exception of practical training, on the basis of the expert opinion of the rehabilitation committee of experts or the educational counselling service in accordance with the division of labour as prescribed by statute. If a student is exempted from evaluation and assessment in certain subjects or parts of subjects, the school organises individual activities for them within the time allotment specified in Section (7) and Subsection c) of Section (10) of Article 52 of this Act and helps the student to catch up with

the others within the scope of the individual activities on the basis of an individual development plan. The student may choose other subjects in lieu of the subjects affected at the secondary school leaving examination, as prescribed by the examinations code. Longer time for preparation has to be guaranteed for the student at entrance examinations, marking examinations, module-closing examinations, rating examinations, supplementary examinations, repeat examinations, secondary school leaving examinations, vocational examinations; when students are tested in a written form, they have to be allowed of the employment of the aid (typewriter, computer etc.) employed in the course of their school studies or, if necessary, the substitution of written testing with oral testing or oral testing with written testing.

(10) The tasks of early intervention and care and developmental preparation may be performed by social educators, kindergarten educators, general teachers in the first four years of primary school and teachers in an educator's position under the guidance and, if necessary, with the co-operation of conductive therapeutic teachers (therapists) or therapeutic teachers and conductive therapists; or by social workers, teachers of adapted physical education, caretakers, child supervisors, educational assistants, therapeutic assistants, nursery nurses not in an educator's position under the guidance of therapeutic teachers (therapists) or conductive therapists.

(11) The tertiary qualifications and vocational qualifications necessary to fill an educator's position at educational-teaching institutions participating in therapeutic education and teaching are the following:

- a) special qualifications in conductive therapeutics, conductive therapeutics and teaching in the first four years of primary school, therapeutics, therapeutic teaching in accordance with the type of the disability of the children/student if the primary purpose of kindergarten activities and curricular activities is to reduce the disadvantage resulting from special educational needs, as well as for the habilitation and rehabilitation kindergarten and curricular activities with the purpose of health care and education; or if the school education and teaching of mentally disabled students take place separately, at therapeutic educational-teaching institutions, in kindergarten groups, kindergarten groups with differentiated curricula, school classes with differentiated curricula, classes, groups created for this purpose;
- b) the qualifications and special qualifications specified in Subsection a) or in Section (1) of Article 17 if the kindergarten activities and curricular activities do not primarily serve the purpose of reducing the disadvantage resulting from special educational needs or the

habilitation and rehabilitation of students as well as for extra-curricular and hall of residence activities;

(12) If an educator's position is filled by a person holding the qualifications and special qualifications specified in Section (1) of Article 17 on the basis of Subsection b) of Section (11), it has to be guaranteed that the work of the other educators will be assisted by a therapeutic teacher (therapist) holding qualifications and special qualifications in accordance with the type of the disability or a conductive therapist.

(13) Those holding tertiary qualifications and special qualifications in conductive therapy, conductive therapy and teaching in the first four years of primary school, therapeutics, therapeutic teaching in accordance with the type of the disability may also be appointed as head of an educational-teaching institution participating in therapeutic education and teaching while complying with the provisions pertaining to secondary schools in Subsection a) of Section (1) of Article 18 of this Act.

Article 30/A

(1) Children with severe or multiple disabilities shall fulfil their compulsory education within the scope of developmental preparation from the first day of the academic year in which they turn six years of age (hereinafter called developmental school education). Developmental school education may be organised at the institutions specified in Section (6) of Article 30 of this Act. Developmental school education shall be organised conforming to the schedule of the academic year. Developmental school education shall be organised by applying the Guidelines on the Developmental Education of Students with Severe or Multiple Disabilities in such a manner that the number of weekly developmental activities should attain twenty lessons. Those stated in Articles 6, 8-9, 25-29, 31, 46, 48, 50, 52-53, 66-67, 69-73 and 78 may not be applied when organising it. A pedagogical programme of rehabilitation and, on the basis of that, individual development plans are prepared in developmental school education. The provisions pertaining to the acceptance and the approval of pedagogical programmes shall be applied to the introduction of the pedagogical programme of rehabilitation.

(2) Students are obliged to participate in developmental school education until the last day of the academic year in which they turn eighteen years of age. Students can participate in developmental school education until the end of the academic year in which they turn twenty-three years of age. Students are put into developmental groups on the basis of their disability, stage of development and age within developmental school education.

(3) If a student cannot participate in developmental school education as stated in the expert opinion of the rehabilitation committee of experts, they fulfil their compulsory education within the scope of individual developmental preparation. The individual developmental preparation may be organised within the scope of home care as well as at homes tending to and taking care of the disabled, rehabilitations institutions or daytime institutions for the disabled, institutions of therapeutic educational counselling and early intervention and care or conductive educational institutions.

Institutions of Primary Art Education

Article 31

(1) Artistic education and teaching shall take place at institutions of primary art education. Primary art education establishes the skills of artistic expression and prepares students for further studies in special fields. Compulsory education may not be fulfilled at primary institutions of primary art education.

(2) Institutions of primary art education have a minimum of six and a maximum of twelve years within the scope of which teaching takes place in introductory, primary and further training years as prescribed by the Requirements and Curricular Programme of Primary Art Education. Students may take a basic examination in arts after having completed the last primary year and a final examination in arts after having completed the last further training year.

(3) The basic examination in arts entitles students to continue their studies in the further training years. The basic and the final examinations in arts shall be organised as prescribed by statute. The examination requirements for the basic and the final examinations in arts are specified by the institution of primary art education on the basis of its local curriculum and it takes those stated in the Requirements and Curricular Programme of Primary Art Education into consideration in the course of that.

Halls of Residence

Article 32

(1) The task of halls of residence is to create the necessary conditions to continue the school studies for those

- a) who do not have the opportunity to assert their right to learning and the free choice of school and to be instructed in a national or ethnic minority language or at therapeutic educational-teaching institutions at their domicile, or
 - b) whose parents cannot create the appropriate conditions for learning.
- (2) Day school type service may be provided for those students who cannot be provided with hall of residence accommodation in default of room.
- (3) The tasks of halls of residence are the following:
- a) to educate students in a humane atmosphere, develop their personality, evolve their talent in accordance with their abilities and interest and assist them with their school studies;
 - b) to provide students with opportunities for sport, culture and self-education;
 - c) to develop their self-motivation, their ability to co-operate, their self-reliance and their sense of responsibility;
 - d) to facilitate the acquisition of the knowledge and abilities necessary for their choice of profession or to start an independent life in case of halls of residence belonging to secondary schools.
- (4) Halls of residence are in communication with the parents and the school students attend.

Multi-Purpose Institutions

Article 33

- (1) Multi-purpose institutions can be
- a) uniform schools and complex schools;
 - b) institutions of public education under joint management;
 - c) general community centres;
 - d) uniform therapeutic, conductive therapeutic and educational methodological institutions;
 - e) uniform institutions providing pedagogical assistance service;
 - f) uniform institutions performing kindergarten and crèche tasks.
- (2) Multi-purpose institutions may be established if the financial, material, technical and personal conditions of the establishment and the operation for the performance of every task are guaranteed.
- (3) Uniform and complex schools are organisationally uniform institutions with regard to the performance of educational tasks. Uniform schools perform the tasks of the different types of schools by applying a uniform and common syllabus and system of requirements and a syllabus and system of requirements related to the uniform and common syllabus and system

of requirements and differentiated in accordance with the types of schools. Complex schools realise the tasks of the different types of schools by applying separate syllabi and systems of requirements suitable for each task. Uniform secondary schools, which also perform the tasks of primary schools and secondary grammar schools, primary schools and secondary vocational schools or primary schools, secondary grammar schools and vocational schools, may operate with twelve or thirteen years, if the conditions stipulated in this Act are fulfilled. Uniform secondary schools may organise the education taking place in the foundation phase as education not divided into subjects. Primary schools operating with less than eight years may also operate as a member institution of a uniform secondary school.

(4) Institutions of public education under joint management shall perform the tasks of different types of institutions of public education within the scope of organisationally and professionally independent institution units. Institution units performing the tasks of uniform or complex schools may also operate within an institution of public education under joint management. Uniform institution units providing pedagogical assistance service and uniform institution units performing therapeutic methodological tasks may also operate within an institution of public education under joint management. Institution units performing activities related to education and teaching but not to public education and listed in Subsection y) of Section (1) of Article 121 of this Act may also operate within an institution of public education under joint management.

(5) General community centres shall perform at least one task of public education and at least one cultural, artistic, general educational or sports task within the scope of organisationally and professionally independent institution units. Institution units performing activities related to education and teaching but not to public education and listed in Subsection y) of Section (1) of Article 121 of this Act or the tasks of uniform or complex schools may also operate within general community centres. Uniform institution units providing pedagogical assistance service and uniform institution units performing therapeutic methodological tasks, as stated in Section (4), may also operate within general community centres.

(6) Those that have the necessary conditions for appointment as head of an independent institution performing identical tasks may be appointed head of an organisationally and professionally independent institution unit. The provisions pertaining to public tenders shall be applied in case of appointment as head regulated in this Section.

(7) An organisational and operational code, a pedagogical programme, the rules of the house and an institutional quality management programme shall be prepared at multi-purpose

institutions; a pedagogical-cultural programme shall be prepared at general community centres.

(8) Institution units pursuing different activities co-operate with each other and harmonise their activities on the basis of the pedagogical programme at institutions of public education under joint management and on the basis of the pedagogical-cultural programme at general community centres.

(9) A board of directors composed of an equal number of representatives of each institution unit shall assist in managing an institution of public education under joint management and a general community centre, and in harmonising the work of the institution units; a body of managers or a body of experts may also assist. The board of directors participate in the exercise of the employer's jurisdiction, as prescribed by statute.

(10) The following can be formed at the different institutions: an institutional parental organisation (association) operating with a uniform jurisdiction extending to every institution unit at institutions of public education under joint management and at general community centres on the basis of the unanimous decision of the interested parties or a general community centre parental organisation (association) at general community centres; an institutional student union or a general community centre student union at general community centres; an institutional board or a general community centre board at general community centres or a kindergarten, school, hall of residence parental organisation (association) operating at each institution unit; a school or hall of residence student union, a kindergarten board, a school board, a hall of residence board.

(11) Uniform institutions providing pedagogical assistance service shall perform several different pedagogical assistance services as an organisationally uniform institution. Uniform institutions providing pedagogical assistance service may participate in the performance of pedagogical assistance services, the operation of the network of travelling experts, the care of children / students with special educational needs participating in education and training along with the other children / students in the identical kindergarten group or school class, with the exception of the tasks of rehabilitation committees of experts. Uniform institutions providing pedagogical assistance service may perform the tasks of therapeutic physical education. The family assistance service and the provision of health care at school can be organised within the uniform pedagogical assistance service as an organisationally and operationally independent institution unit.

(12) Uniform therapeutic methodological institutions and uniform conductive therapeutic educational methodological institutions may be established with the aim of assisting with the

education and teaching of children / students with special educational needs along with the other children /students. Uniform therapeutic methodological institutions and uniform conductive therapeutic educational methodological institutions may perform the tasks of the pedagogical assistance service listed in Subsections a)-b), e) g) and h) of Article 34 of this Act; the operation of the network of travelling experts; the tasks of the pedagogical professional service listed in Subsections b)-e) and g) of Section (2) of Article 36, in conformity with its purposes; institution units performing kindergarten and primary school tasks within the scope of the institution. Educational counselling, family assistance service and the provision of health care at school may also be organised at uniform therapeutic methodological institutions and uniform conductive therapeutic educational methodological institutions as organisationally and operationally independent institution units.

(13) The statutes pertaining to the given activity shall be applied to the performance and control of the tasks belonging to the sphere of services not related to public education at institutions of public education under joint management and at general community centres with the difference that those stated in Sections (7)-(8) of Article 18, Articles 37-38, Sections (1)-(3) of Article 40, Article 54 and Section (3) of Article 102 shall be applied to the establishment and operation of general community centres in case of all institution units. If an institution unit performing activity related to education and teaching but not to public education also operates at an institution of public education under joint management or at a general community centre, the provisions pertaining to the authorisation of institutions to be established to perform the given task shall be applied to its establishment and the authorisation of its activity.

(14) Uniform institutions performing the tasks of kindergarten education and crèche nurture may be established for the joint education of children who have turned at least two years of age and children who can be cared for in kindergarten education (hereinafter called uniform kindergarten-crèche). Uniform kindergarten-crèches may be established if the municipal council is not obliged to operate a crèche and the number of children does not allow of the separate establishment of a kindergarten group and a crèche group, also provided that the applications of all the children having a domicile or, in default of that, a place of residence in the town or village for admission to kindergarten can be granted. Uniform kindergarten-crèches may operate as organisationally and operationally independent institution units within every multi-purpose institution of public education which can perform kindergarten tasks as prescribed by this Article.

(15) The rehabilitation activity of experts examining the ability to learn may be organised at multi-purpose institutions which do not perform kindergarten, school or hall of residence tasks.

Pedagogical Assistance Services

Article 34

The educational work of parents and educators and the performance of the tasks of educational-teaching institutions are facilitated by pedagogical assistance services. These are the following:

- a) therapeutic counselling, early intervention and care;
- b) developmental preparation;
- b) rehabilitation activity of experts examining the ability to learn as well as the national rehabilitation activity of experts;
- c) educational counselling service;
- d) speech therapeutic care;
- e) further studies and vocational guidance counselling;
- f) conductive therapeutic pedagogical care;
- g) adapted physical education.

Article 35

(1) The task of therapeutic counselling and early intervention and care is the early intervention and care of children in co-operation with the parents from the date of the establishment of special educational needs, and the provision of counselling for the parents. Children over the age of three may participate in early intervention and care if they cannot join kindergarten education.

(2) The task of developmental preparation is to provide children who cannot fulfil their compulsory education due to their special education needs with the preparation necessary for their development, with the co-operation of the parents and the provision of counselling for the parents.

(3) The following shall be conducted within the scope of the rehabilitation activity of experts examining the ability to learn and the national rehabilitation activity of experts:

a) they shall put up a proposal for the care of children / students within the scope of special care, the method, the form and the place of care and the pedagogical assistance service related to the care on the basis of the screening and examination of the disability;

b) they shall examine the existence of the necessary conditions to perform the special care.

(4) The task of educational counselling is to establish the fact that a child /student struggles with adaptive, learning or behavioural difficulties, to prepare an expert opinion on the basis of that and to provide developmental education for the child with the co-operation of the parents and the educators. Educational counselling services prepare an expert opinion for school enrolment at the request of the kindergarten, provide assistance with the kindergarten education of the child, the school education and teaching of the student, if it is justified by the child's/student's individual faculty, stage of development, ability, talent or pace of development. The assistance of educational counselling services may be requested by the parents or the kindergarten, school or hall of residence with the consent of the parents. Educational counselling services provide pedagogical and psychological support and development, and therapeutic care for the child / student; support the educational and teaching work of educators and assist with the communication with the family within the scope of their tasks. Educational counselling services may also perform the tasks of the school psychological service. Developmental preparation may take place on the basis of the expert opinion prepared within the scope of educational counselling if the child / student struggles with adaptive or behavioural difficulties within the scope kindergarten education, school education and teaching or hall of residence education and teaching. The institution performing educational counselling shall check the execution of those stated in the expert opinion. Another task of educational counselling services is to assist with the kindergarten, school or hall of residence care of those children who struggle with the chronic and serious derangement of cognitive functions and the development of behaviour ascribable to organic reasons on the basis of the expert opinion prepared by the rehabilitation committee of experts and despatched to the educational counselling service. The school developmental activity has to be provided for the students belonging to this sphere within the time allotment specified in Subsection b) of Section (6) of Article 52 of this Act. The head of the educational-teaching institution is responsible for the organisation of the developmental activities specified in the expert opinion prescribed by this Section.

(5) The tasks of speech therapeutic care are the initiation of speech, the correction of speech defects, the correction of linguistic and communication disorders and the prevention and treatment of dyslexia.

- (6) The tasks of further studies and vocational guidance counselling are the professional examination of the faculties of students, their ability to learn, their orientation and, as a result of this, the recommendation of a choice of school.
- (7) The task of the conductive therapeutic pedagogical service is the conductive education, development and care of those whose central nervous system is damaged.
- (8) The task of adapted physical education is the physical education of children / students for special medical purposes, if they are referred to adapted or lightened physical education by the screening examination performed by the school doctor or a specialist.
- (9) The further studies and vocational guidance counselling and the labour market counselling may also be organised jointly and performed in concert.

The Pedagogical Professional Services

Article 36

- (1) Pedagogical professional services facilitate the work of the institutions of public education, their maintainers and the educators as well as the activity related to the protection of the interests of students.
- (2) The following are pedagogical professional services:
- a) pedagogical evaluation, the task of which is to assess and evaluate the effectiveness of the educational teaching work performed at educational-teaching institutions and to facilitate the organisation of the performance of local, regional and national tasks of public education;
 - b) special counselling, the task of which is to introduce and disseminate educational and pedagogical methods;
 - c) the provision of pedagogical information, the task of which is to collect, safeguard, process and make professional information, data and educational documents (syllabi, textbooks, aids etc.) available and provide information;
 - d) administrative and pedagogical service, the task of which is to prepare programmes, syllabi, provide counsel on the structure of schools, convey economic, legal etc. information, introduce syllabi, textbooks, study tools and facilitate their use, co-operate in the preparation of kindergarten educational programmes, school and hall of residence pedagogical programmes;
 - e) the facilitation and organisation of the training, further training and self-education of teachers;
 - f) the organisation and co-ordination of school and talent competitions;

g) enquiries and counselling service for students, the task of which is to assist students, student associations and student unions by providing the necessary knowledge for the assertion of their rights and by conveying educational-administrative, economic and legal information.

(3) Pedagogical professional services shall be organised in compliance with the demands.

(4) Those who meet the conditions prescribed by statute can provide pedagogical professional service.

(5) The minister responsible for education – or the competent minister or the head of the competent organ on the basis of the Act on Vocation Education and Training (hereinafter called minister responsible for vocational qualification) with regard to the vocational subjects of vocational training and in cases where teaching takes place only in one or a few schools – shall determine those subjects and special fields in which pedagogical professional service is organised nationally. The minister responsible for education or the minister responsible for vocational qualification as stated in their sphere of authority specified in the Act on Vocational Education and Training assigns the institution providing the service or establishes and maintains an institution for this purpose.

(6) The national organisation of pedagogical professional service facilitating national and ethnic minority kindergarten education and school and hall of residence education and teaching shall be provided in accordance with the division of labour regulated in Section (5).

(7)

CHAPTER V

THE OPERATION OF INSTITUTIONS OF THE PUBLIC EDUCATION SYSTEM

General Rules of the Operation

Article 37

(1) Institutions of public education are institutions established to perform the tasks of public education specified in this Act. Institutions of public education are legal entities.

(2) The establishment of an institution of public education has to be reported for the purpose of registration within thirty days following the signing of the founding charter by despatching the founding charter and the authorisation to continue the service activity of public education if the maintainer does not perform the activity on the basis of authorisation by statute. The reporting has to be completed at the organisation keeping the record in case of budgetary

organs, otherwise at the public administration officer or the chief public administration officer. The expenses of the procedure related to the registration are borne by those who submit the application.

(3) Registration may be denied in case of infringement of statute.

(4) An institution of public education is formed when it is registered, retroactively on the day of signing the founding charter.

(5) The founding charter of an institution of public education contains the following:

- a) the name of the institution, the name and address of the founder and the maintainer,
- b) the type, the basic activities, the tasks in relation to national and ethnic minorities or other tasks, the member institutions of the institution, the assets serving the performance of the tasks, the right of disposition over the assets, the address of the seat and every set of premises, the maximum number of children / students to be admitted to the institution in case of educational-teaching institutions, the name of classes with differentiated curricula, the number of years in case of schools, the name of the branches of art and the departments within those in case of primary art education,
- c) privileges related to the economic management.

(6) The data appearing in the register are public. Changes occurring in the recorded data shall be reported as prescribed by Section (2).

(7) If the institution of public education has been registered by the public administration officer or the chief public administration officer, it has to be reregistered as stated in Section (2) if the competence of the public administration officer changes in case of a change of seat. The date of the establishment of the institution of public education is not affected by the repeated registration.

(8) An institution of public education shall cease to be by being deleted from the register, on the day of the deletion. Besides those specified in this Act, the institution of public education shall also be deleted if the maintainer ceases to exist without a legal successor, the private entrepreneur dies and there is nobody entitled to continue the maintainer's activity, or the maintainer's right to organise a service of public education or they desist from exercising this right, and if they announce that they do not wish to continue to exercise their maintainer's right unless the maintainer's right devolves upon somebody else as prescribed by this Act. The institution of public education which has been ceased by its maintainer or has not operated for more than one educational or academic year or the deletion of which the court has ruled shall also be deleted from the register.

(9) If the institution of public education is maintained by a state organ or a local council, statutes may establish further provisions pertaining to the content of its founding charter, registration and deletion.

(10) The provisions pertaining to the institutions of public education founded and maintained by local councils shall be applied to institutions of public education founded and maintained by municipal minority councils, regional minority councils, national minority councils unless otherwise stipulated by law or a government decree.

Article 38

(1) Institutions of public education shall meet the necessary conditions to perform their tasks. An institution of public education meets the necessary conditions to perform its tasks if it has its own permanent seat, its own permanent number of employees, as well as the tools and codes prescribed by statute and the finances necessary for its operation. An institution of public education has its own permanent seat if it has the exclusive use of the rooms prescribed by statute and necessary to perform its tasks indefinitely, unless otherwise stipulated by this Act. An institution of public education has its own permanent number of employees, if it engages at least seventy per cent of the prescribed number of employees necessary to perform its basic activity in a legal relationship by employment or a legal relationship as civil servant indefinitely. An institution of public education guarantees the performance of its tasks on the basis of the finances provided by the founding or the maintaining organisation as well as its other incomes. The maintenance and operation costs of an institution of public education shall be appropriated in the budget drawn up annually and determined by the maintainer.

(2) An institution of public education may also pursue an activity aimed at making profits if that does not encroach on the performance of its basic tasks. The proceeds of this activity shall be disregarded when drawing up the budget serving the performance of the tasks of the institution of public education and may not be withheld if they are used for the performance of the basic tasks of the institution of public education or to reward the students participating in the activity.

(3) The vocational programme of secondary vocational schools and vocational schools applied in the school-system education qualifies as an accredited programme of adult education without the process of accreditation prescribed by the Act on Adult Education and Training.

Article 39

- (1) Educational-teaching institutions are professionally independent. They make decisions on every issue which is related to their organisation and operation and not referred to the sphere of authority of another entity by statute.
- (2) Educators, students and parents or their representatives participate in the preparation, execution and control of decisions related to the operation of the educational-teaching as prescribed by statute.
- (3) The number of heads, educators, employees directly assisting with the educational and teaching work and other employees necessary for the provision of the basic service at educational-teaching institutions is specified in Annexe 1.
- (4) Parties, movements with political aims or organisations attached to parties may not operate in the rooms and in the territory of the educational-teaching institution; party activities or activities with political aims which may be connected to organisations attached to parties may neither be pursued during the time when the kindergarten, school or hall of residence performs the supervision of children / students.

Order of Operation

Article 40

- (1) The provisions pertaining to the operation, internal and external relations of an institution of public education shall be determined by the organisational and operational code.
- (2) The organisational and operational code of an institution of public education institution is prepared by the head of the institution of public education and adopted by the teaching staff at educational-teaching institutions and by the meeting of the clerical staff at other institutions of public education. The kindergarten board, the school board and the hall of residence board as well as the school or hall of residence student union exercise the right to consent at educational-teaching institutions when adopting or modifying it as prescribed by statute. The organisational and operational code of institutions of public education under joint management and general community centres contain the common rules of operation and the stipulations determining the operation of each institution unit separately.
- (3) The organisational and operational code enters into effect through the approval of the maintainer of the institution.
- (4) The data specified in Annexe 2 have to be recorded and handled at institutions of public education on the basis of this Act.

(5) Institutions of public education are obliged to keep the records prescribed by statute and furnish the data specified in the National Statistical Data Collection Programme and in the local council decree. Institutions of public education investigate and keep a record of accidents involving children or students, fulfil their prescribed obligation to report and despatches the records prepared about the accident to the maintainer, to the public administration officer or the chief public administration officer in case of council educational-teaching institutions. Institutions of public education [Articles 20-22 of this Act] as well as institutions not of public education but contributing to the performance of the tasks of public education are obliged to register with the information system of public education and furnish the information system of public education with data.

(6) The coat of arms of the Hungarian Republic can be placed in the rooms serving the performance of the basic task of an institution of public education, on its signboard, on the façade of its building as well as on its round rubber stamp.

(7) The rules of the house of a school or hall of residence shall establish the manner in which students can exercise their rights and have to fulfil their obligations prescribed by this Act and statutes besides meeting the study requirements. The rules of the house of a school or hall of residence also establish the working schedule of students at the school or hall of residence, the order of curricular, extra-curricular and hall of residence activities the prohibited behaviour of students in the course of a stay outside the hall of residence during their residence at the hall, the order of the use of the rooms, furnishings, tools of the school or hall of residence and the areas belonging to the school or hall of residence, the prohibited behaviour at events related to the execution of the pedagogical programme, organised outside the school or hall of residence by the school or hall of residence. The rules of the house of kindergartens establish the provisions related to the exercise of the rights of children and the fulfilment of their obligations and their daily routine at the kindergarten.

(8) The rules of the house may prescribe that any item taken to the kindergarten, school or hall of residence by children /students must be put in storage (in a cloakroom) and the fact of taking any item in must be reported. The rules of the house can prohibit or restrict the act of taking in items which are not necessary to attend kindergarten or to exercise the rights and fulfil the obligations resulting from a student's legal relationship or a hall of residence membership and they can make it subject to conditions. If the prescribed rules are violated, the educational-teaching institution is answerable for the occurring damage only in case of wilful damage.

(9) The rules of the house are prepared by the head of kindergarten, school or hall of residence and adopted by the teaching staff. The kindergarten board, the school board and the hall of residence board as well as the school or hall of residence student union exercise the right to consent when adopting or modifying them. They enter into effect through the approval of the maintainer.

(10) Institutions of public education shall define their quality policy for the purpose of constant improvement and development of the effective, lawful and professional execution of their tasks. They build up and operate a quality development system in order to execute the quality policy. The quality policy and the quality development system must be established in the quality management programme of the institution of public education (hereinafter called institutional quality management programme). The institutional quality management programme is prepared by the head of the institution and adopted by the community of employees. The opinion of the school board (Articles 60-60 of this Act) and the school or hall of residence student union (Article 63 of this Act) is sought before its adoption. This enters into effect through the approval of the maintainer.

(11) The institutional quality management programme specifies the long-term principles of the operation of the institution and the notions serving its implementation. The process of the operation of the institution and the tasks of management, planning, control, assessment and evaluation within the scope of the process of the operation shall be specified in the institutional quality management programme. The institutional quality management programme has to contain the aspects and the order of the evaluation of the performance of those performing managerial tasks as well as the employees and the order of the evaluation including the fact that the evaluation of performance may conclude with the following results: remarkably suitable, suitable, not very suitable or unsuitable. The period and methods of the full-scale institutional self-assessment and its relation to the maintainer's quality management system shall be defined in the quality management programme. The results of the national assessment and evaluation have to be taken into consideration when executing the quality management programme. The teaching staff evaluate the execution of the institutional quality management programme and the results of the national assessment and evaluation yearly, asking for the opinion of the parental organisation (association) and taking the individual development of students and the performance of each class into consideration. Those measures which ensure that the professional objectives and the operation of the institution continually approach each other shall be specified on the basis of the evaluation. The evaluation of the teaching staff and the parental organisation (association) and the proposed

measures have to be despatched to the maintainer. The proposed measures enter into force through the approval of the maintainer. The maintainer has to publish the evaluation and the proposed measures on their website or, in default of that, in the customary manner of the institution.

(12) The organisational and operational code, the rules of the house and the institutional quality management programme must be published on the website of the educational-teaching institution or, in default of that, in the customary manner of the institution. One copy has to be handed over to the parents and students on their enrolment at the kindergarten, school or hall of residence.

(13) A school may let another entity avail themselves of its sports facilities if it does not jeopardise the operation of the sports club of the school.

Article 41

1) The education of children and the education and teaching of students shall be organised on the basis of the freedom of conscience and the principle of toleration among people with different ideologies at educational-teaching institutions.

(2) The freedom of conscience and religion of children, students, parents and employees shall be respected at educational-teaching institutions.

(3) Children, students, parents and employees cannot be forced to avow or renounce their political, ideological convictions or their conviction of conscience.

(4) Children, students, parents and employees cannot be put at a disadvantage due to their political, ideological convictions or their conviction of conscience.

(5) Educational-teaching institutions have to ensure the supervision of children / students they are in charge of, the creation of healthy and safe conditions for education and teaching, the revelation and cessation of the reasons causing accidents involving children or students, and the organisation of the regular medical examination of children / students; they have to ensure that children attending kindergarten and students attending primary, secondary or vocational schools should participate in a dental and an ophthalmologic examination and an examination of the internal organs at least once a year within the scope of the regular medical examination until the end of compulsory education in particular.

(6) Educational-teaching institutions perform the tasks related to talent spotting and the cultivation of talent, the correction of early learning and adaptive difficulties, the coaching of disadvantaged children as well as child and youth protection; they find out the reasons jeopardising the development of children / students, and endeavour to prevent and

counterbalance the harmful effects with educational tools. They institute measures in the interest of children / students if necessary. The performance of the tasks related to child and youth protection is facilitated by the child welfare service.

Article 42

(1) The study conditions for the establishment of a student's legal relationship (hereinafter called entrance requirements) may be determined by the schools as prescribed by statute. Schools are obliged to publish the entrance requirements in the Guide to Admission at the time specified in the decree on the schedule of the academic year.

(2) If a school holds an entrance examination, it shall be taken before a committee composed of the educators of the school. The members of the committee are appointed by the head teacher. Entrance examinations can be organised in the manner and within the scope specified in the schedule of the academic year.

(3) The tasks of practical training are to be performed by the school or a legal entity, an economic partnership not having a legal personality or a private entrepreneur who meets the conditions of practical training (hereinafter called organiser of the practical training) on the basis of an agreement with the school or a student's contract. The provisions of the Act on Vocational Education and Training shall be applied when entering into a student's contract and to the practical training which takes place on the basis of a student's contract (hereinafter called student's contract). If the organiser of the practical training is not a state organ or a local council and they establish an apprentice workshop (farms, shops, wards, gardens, yards, kitchens and laboratories for educational purposes, rooms for demonstration, special classrooms for practice etc.) in accordance with the provisions pertaining to vocational training, the provisions pertaining to schools not maintained by local councils shall be applied to its registration, to the authorisation to commence its operation and when entering into an agreement of public education.

(4) The provisions of the statutes pertaining to vocational training determined for

a) providing the conditions of practical training;

b) meeting the professional requirement

shall be applied to the practical training taking place at vocational and secondary vocational schools.

(5) The maintainer may establish a maintainer's training institution of public education with the aim of cooperation in the tasks of the training and in-service training of educators organised within the scope of the pedagogical professional service. The requirements

pertaining to the performance of the activities of teacher trainers (instructing kindergarten nurses and general teachers in the first four years of primary school) [Section (9) of Article 17] shall also be applied in these institutions of public education.

(6) Vocational schools and secondary vocational schools shall provide the career monitoring system with information as prescribed by statute, and publish the data and information arising in the career monitoring system and related to the position of those completing their studies in the year of vocational training at the labour market on their website in a manner not suitable for the identification of individuals.

Article 43

(1) The maintainer may assign the hall of residence to attend to students with outstanding abilities.

(2) The working schedule of halls of residence shall be determined in such a manner that it should be in compliance with the working schedule of schools. Students cannot be obliged to go home during the academic year and exeats may only be prohibited in cases specified in the rules of the house. The prohibition of going home cannot be a means of discipline.

The Educational and the Pedagogical Programme

Article 44

(1) The educational and teaching work at educational-teaching institutions is to be implemented in accordance with educational and pedagogical programmes. Educational and pedagogical programmes are adopted by the teaching staff and become valid through the approval of the maintainer. The maintainer is obliged to ask for the opinion of an expert occurring in the National Register of Experts and registered in the special field appropriate for the given type of institution before the approval of the educational programme and the pedagogical programme. If the National Register of Experts does not contain a special field appropriate for the type of institution, an expert having at least five years' experience gained in an educator's position at the given type of institution has to be asked to give their opinion.

(2) The educational and pedagogical programmes shall be published on the website of the educational-teaching institution or, in default of that, in the customary manner of the institution. Parents have to be informed about the textbooks, teaching aids, study tools, clothing and other equipment which will be needed for the educational and teaching work in the following academic year at the end of the preceding academic year. They also have to be

informed what assistance the school can provide in reducing the parental expenditure and about textbooks, study tools and other equipment which can be borrowed from the school.

Article 45

(1) Kindergartens shall prepare an educational programme on the basis of the Basic National Programme of Kindergarten Education or select one from the educational programmes prepared in this manner.

(2) Schools shall prepare a pedagogical programme and a local curriculum on the basis of the National Core Curriculum as part of the pedagogical programme, unless otherwise stipulated by this Act; or select one from the local curricula prepared in this manner which is then built into their pedagogical programme as a local curriculum. Schools may prepare their local curriculum on the basis of the framework curricula issued by the minister responsible for education or a framework curriculum can be built into their pedagogical programme as a local curriculum. Secondary schools also take account of the examination requirements for the examination subjects of the secondary school leaving examination when preparing their local curriculum.

(3) Institutions of primary art education shall prepare their local curriculum on the basis of the Requirements and Curricular Programme of Primary Art Education, or select one from the local curricula prepared in this manner which is then built into their pedagogical programme as a local curriculum.

(4) Schools shall use a local curriculum which embraces all years. Multi-purpose institutions use a uniform pedagogical programme which embraces every educational and teaching task, and a kindergarten educational programme, a local school curriculum or a hall of residence pedagogical programme to perform each task within the scope of the uniform pedagogical programme. The pedagogical programme of educational-teaching institutions operating at general community centres is part of the pedagogical-cultural programme which also determines the activity of institution units not performing tasks of public education. The pedagogical-cultural programme has to guarantee the implementation of the services of public education and the services not of public education in accordance with uniform principles.

(5) The pedagogical programme may elaborate the syllabus or part of it into thematic units which focus on tasks of everyday life which can be planned and carried out by the students. The elaboration of the thematic units and the solution of the task are founded on the interest of students, the joint activity and co-operation of students and educators by means of solving the problem and revealing the correlations (hereinafter called project teaching). It is possible to

deviate from the provisions pertaining to the organisation of student's activities when organising project teaching while complying with the stipulations pertaining to the specification of school time allotments.

(6) The statutes pertaining to vocational training shall be applied to the preparation of the vocational programme of the vocational training taking place in the year of vocational training at schools.

(7) If a student participates in practical training outside the school on the basis of an agreement between the school and the organiser of the practical training, they harmonise the programmes of the vocational theoretical and practical training taking place at the school.

Article 46

(1) The local curriculum of the school is to guarantee that students can change schools and be taken over by taking a supplementary examination or, if necessary, by repeating a year with the exception of vocational training.

(2) If a primary school operates with less than eight years, its local curriculum has to be in conformity with the local curriculum of the school in which students can continue their studies after having completed its last year as the school ensuring compulsory admission.

Article 47

The educational programme of kindergartens shall contain the following:

- a) the basic educational principles and the objectives of the kindergarten,
- b) the educational tasks and activities which ensure the development of children's personality, their preparation for community life, the assistance with the development and the differentiated development of socially disadvantaged children,
- c) the pedagogical activity related to child and youth protection,
- d) the forms of co-operation between parents, children and educators and the possibilities of improving it,
- e) the tasks involving the fostering of the culture and language of the minority in case of kindergartens participating in national or ethnic minority kindergarten education,
- f)
- g) the inventory of the tools and equipment facilitating the educational work and necessary for the execution of the educational programme.

Article 48

(1) The pedagogical programme of a school shall specify the following:

a) the educational programme of a school, within the scope of which the following are specified:

- the basic pedagogical principles, objectives, tasks, tools and procedures of the educational and teaching work performed at the school,
- the pedagogical tasks related to the development of personality,
- the tasks related to the development of community,
- the pedagogical activity related to adaptive and behavioural difficulties,
- the activity facilitating the evolvment of talent and ability,
- the tasks related to child and youth protection,
- the programme facilitating the coaching of students exposed to learning failure,
- the activity facilitating the alleviation of social disadvantages,
- the inventory of the tools and equipment facilitating the educational work and necessary for the execution of the pedagogical programme,
- the forms of co-operation between parents, children and educators and the possibilities of improving it,

b) the local curriculum of a school, within the scope of which the following are specified:

- the subjects taught in each year of the school, the compulsory and optional curricular activities and their number of lessons, the prescribed syllabus and its requirements,
- the principles of selecting the textbooks, teaching aids and study tools which can be used in teaching, taking the obligation to guarantee the free use of textbooks into consideration,
- the conditions for passing to the next year,
- the requirements and forms of giving account of and being tested on knowledge at school, the requirements for the evaluation and assessment of the comportment and diligence of students as well as the forms of the evaluation and assessment of the performance, comportment and diligence of students within the scope of statute,
- the evaluation and assessment of each module in case of modular education and their inclusion in the successful completion of the year,
- the topics of the intermediate level secondary school leaving examination,
- a syllabus about the mother tongue, the history, the geography, the knowledge of the culture and the people of the national or ethnic minority in case of national or ethnic minority school education and teaching,
- a syllabus which guarantees the mastering of the Hungarian language and culture for students participating in national or ethnic minority school education and teaching,

- a syllabus for students not belonging to the national or ethnic minority to become acquainted with the culture of the national or ethnic minority living in the town or village,

- the methods necessary to measure the physical condition of students,

c)-d)

e) the vocational programme in case of secondary vocational schools and vocational schools.

(2) At least three physical education lessons per week in each of the first four years and a weekly average of two and a half physical education lessons in the other years have to be built into the local curriculum. An additional one or more physical education lessons can be built into the local curriculum within the time allotment of non-compulsory curricular activities. The number of the compulsory curricular activities of a student specified in Section (3) of Article 52 of this Act can be increased by the extra physical education lessons. The physical education lessons have to be built into the local curriculum for every school day – for either the morning or the afternoon teaching period – if all-day education and teaching take place at a school. The extra physical education lessons in the first four years may be taught by teachers with qualifications in physical education and special qualifications, suitable for the conditions specified in Section (8) of Article 17 of this Act.

(3) The health and environmental educational programme of the school shall be prepared as part of the educational programme of the school. The health educational programme of the school has to contain the school tasks related to health development, including the programme serving the execution of the tasks of everyday physical training. The school health care service shall be asked to give their opinion to prepare the health educational programme of the school.

(4) The following shall be specified in the pedagogical programme of a school:

a) the forms and order of and the restrictions on written testing at school and its weight and role in the evaluation of the knowledge of students,

b) the principles of and the restrictions on the specification of the written and oral tasks prescribed for home (day care and daytime) preparation.

(5) The pedagogical programme of a school or an institution of primary art education may prescribe that students are obliged to participate in rehearsals and performances of art within the scope of compulsory curricular activities (orchestra, choir, corps de ballet etc.) if raised level education takes place in the field of learning of arts at a primary school or a vocational school or a secondary vocational school prepares students for the vocational art examination.

(6) Complex schools, institutions of public education under joint management and general community centres apply a separate local curriculum for the implementation of each

educational and teaching purpose of the different types of schools. Uniform schools apply one local curriculum for the implementation of each educational and teaching purpose of the different types of schools, which contains the common syllabus and requirements to be imparted to every student, and the additional syllabus and requirements founded on the educational and teaching purposes of each type of school as well as the study conditions on the basis of which students can join the mastering of the additional syllabus and requirements.

(7) Schools build the vocational preparatory knowledge into their local curriculum on the basis of the central programme (curriculum) or the National Core Curriculum and the requirements for the examination subjects of the secondary school leaving examination.

(8) The pedagogical programme of institutions of primary art education shall specify the following:

a) the educational programme of a school, within the scope of which the following are specified:

- the basic pedagogical principles, objectives, tasks, tools and procedures of the educational and teaching work taking place at the school,
- the system of goals and tasks of each artistic activity,
- the pedagogical tasks related to the development of personality,
- the tasks related to the development of community,
- the activity facilitating the evolvment of talent and ability,
- the inventory of the tools and equipment facilitating the educational work and necessary for the execution of the pedagogical programme,
- the forms of co-operation between parents, children and educators and the possibilities of improving it,

b) the local curriculum of a school, within the scope of which the following are specified:

- the general development requirements of each department,
- the subjects taught in each year of the school, the compulsory and optional curricular activities and their number of lessons, the requirements of the departments and subjects and their tasks in accordance with the special field; the prescribed syllabus,
- the principles of selecting the textbooks, teaching aids and study tools which can be used in teaching,
- the conditions for passing to the next year,
- the requirements and forms of giving account of and being tested on knowledge at school, the forms of the evaluation and assessment of the performance and diligence of students,
- the requirements for and the topics of the basic and the final examinations in arts.

(9)

(10) If a uniform school performs at least one of the tasks of secondary grammar schools, secondary vocational schools or vocational schools besides the tasks of primary schools, they are to guarantee the conditions for continuous progress and define the requirements of its content and organisation in their pedagogical programme. This provision shall be applied even if a primary school operating with less than eight years operates as the member institution of a uniform school performing the tasks of both a primary school and a secondary school.

Article 49

(1) Halls of residence prepare a pedagogical programme on the basis of those stated in the Basic National Programme of Hall of Residence Education while taking the pedagogical programme of the interested schools into consideration.

(2) The pedagogical programme of a hall of residence contains the following:

- a) the basic educational principles and objectives of the hall of residence,
- b) the pedagogical principles of the organisation of the daily routine, learning and leisure of students,
- c) the development, cultivation of talent, coaching, choice of profession of students as well as the principles of the activity facilitating the start of an independent life in case of halls of residence belonging to secondary schools,
- d) the tasks related to the hall of residence education of those belonging to national and ethnic minorities on their culture and their instruction in their mother tongue,
- e) the plan of coaching activities and activities which cultivate talent and facilitate social adaptation organised for disadvantaged students,
- f) the methods and tools of improving community life at the hall of residence, the principles of the organisation of cultural and sporting activities,
- g) the activity related to child and youth protection,
- h) the traditions of the hall of residence and the plan for its improvement,
- i) the forms of communication and co-operation with the parents and the school,
- j)
- k) the inventory of the tools and equipment facilitating the educational work and necessary for the execution of the educational programme.

Article 50

- a) In case of kindergarten education of children with special educational needs, the educational programme of the kindergarten also contains the special developmental activity serving the reduction of disadvantages resulting from the special education needs.
- b) In case of school education and teaching of students with special educational needs, the local curriculum contains the developmental programme conforming to the type and degree of the disability. The local curriculum and the vocational programme may specify a longer time for the fulfilment of the requirements of each year than one academic year.

Article 51

- (1) Schools may introduce their pedagogical programme or its modification in a bottom-up system from the academic year following its approval.
- (2) If a school does not prepare the students for the secondary school leaving examination, it has to call attention to that in its guide to admission.

The Schedule of the Academic Year, the Time of Teaching and Training, Extra-Curricular Activities

Article 52

- (1) The school term-time or the academic year commences on the first working day of September every year and concludes on 15th June every year or on the working day which precedes 15th June if it is not a working day, except for the year of the secondary school leaving examination and the vocational examination. The academic year may also be commenced in February in the years of vocational training at vocational schools and secondary vocational schools, as prescribed by the schedule of the academic year. School education has to be organised in accordance with the working schedule of full-time education [Subsection z) of Section (1) of Article 121] and by providing non-compulsory curricular activities, extra-curricular activities, divided classes, individual activities and the basic school services [Subsection 1 of Section (1) of Article 121] (hereinafter called full-time education system), unless otherwise stipulated by this Act. Students may last commence an academic year in the full-time education system when they turn
 - a) sixteen years of age in case of primary schools with eight years,
 - b)
 - c) twenty-two years of age in case of secondary schools and vocational schools.

The time limit specified in Subsection c) may be extended by one year in case the student commenced their studies in the first year of primary school at the age of seven or eight, or if they participate in such vocational training where the number of years of vocational training exceeds two. Three years have to be added to the ages specified in Subsections a)-c) in case of students with special educational needs and students struggling with severe adaptive, learning or behavioural difficulties, or if a student could not fulfil the study requirements because they received prolonged medical treatment.

(2) The minister responsible for education shall specify the schedule of the academic year and teaching (the schedule of the academic year). The tasks related to the organisation of the academic year shall be specified in the schedule of the academic year, the following in particular: the commencing and concluding days of the academic year, the period within the scope of which school education and teaching take place (term-time, academic year), the period and duration of the organisation of the school holidays, the period when decisions are made about applications for admission, and the period of the secondary school leaving examination and the vocational examination. Those stated in the schedule of the academic year are obligatory for every school. Schools prepare an annual working plan which contains the working days without teaching and the holidays which can be freely determined, with regard to those stated in the schedule of the academic year.

(3) The number of the compulsory activities of students may not exceed the following number of lessons, with the exception of Sections (4) and (6):

- a) four lessons per day from years one to three;
- b) four or five (a weekly average of four and a half) lessons per day from years four to six;
- c) five lessons per day in years seven to eight;
- d) five or six (a weekly average of five and a half) lessons per day in years nine and ten;
- e) six lessons per day from year eleven at secondary schools, with the exceptions specified in Subsections f)-g).
- f) The practical training at and outside the school in vocational training may not exceed the time defined in the Act on Vocational Education and Training.
- g) The number of vocational theoretical lessons may not exceed seven lessons per day and the number of vocational theoretical and practical lessons may not exceed eight lessons per day on one school day in a year of vocational training; if a vocational school or secondary vocational school prepares students for the vocational examination in art, a weekly average of eight lessons per day in case of parallel education. If a vocational school or secondary vocational school prepares students for the vocational examination in art within the scope of

parallel education, the average number of lessons devoted to imparting the requirements for the pedagogical phase establishing general knowledge in an academic year may not be less than fifty per cent of the curricular activities prescribed for the year in Subsections b)-e) of Section (3).

(4) The duration of compulsory curricular activities determined in Section (3) rises by ten per cent in national or ethnic minority school education and teaching.

(5) The compulsory curricular activities of students may not exceed seven lessons per day in case of coaching as specified in Section (8) of Article 27 of this Act.

(6) Compulsory habilitation and rehabilitation curricular activities with the purpose of health care and education have to be organised for students with special educational needs at educational-teaching institutions participating in therapeutic education and teaching, in addition to the curricular activities specified in Section (3). Students participate in as many habilitation and rehabilitation curricular activities with the purpose of health care and education as necessary to reduce their disadvantage resulting from their special educational needs.

The weekly time allotment for the organisation of the compulsory habilitation and rehabilitation curricular activities with the purpose of health care and education expressed as a percentage of the weekly lessons specified for a year in Section (3) is the following:

- a) fifteen per cent in case of mentally disabled students,
- b) fifteen per cent in case of students with other disabilities not listed here, with the exception of autism,
- c) thirty-five per cent in case of partially sighted students,
- d) forty per cent in case of students living with physical or lalopathic disabilities and students who are blind or hard of hearing,
- e) fifty per cent in case of deaf and autistic students.

The weekly time allotment is to be specified for each class separately if the student is taught in a separate class. If the student is taught along with the other students without disabilities in the same class, the weekly time allotment has to be specified for groups of eight in such a manner that the number of students entitled to identical care is divided by eight. The time allotment falling on the group can be used even if there are not eight students in the group on the basis of the division. The number of students has to be taken into account on the basis of the actual number of students when calculating in this manner. If a school class is organised from students in several different years (hereinafter called amalgamated class) and Section (3) specifies a different extent of weekly compulsory curricular activities for each year, the

weekly time allotment of the habilitation and rehabilitation curricular activities has to be determined on the basis of the extent of weekly compulsory curricular activities specified for the higher year. The weekly time allotment can be rearranged between the different years and classes as well as the different school weeks during the academic year. The educational and teaching tasks are organised within the scope of habilitation and rehabilitation curricular activities with the purpose of health care and education for students with a moderate mental disability by the school in the time allotment specified in Section (3) and Subsection a) of this Section [hereinafter the activities under Subsections (3)-(6) called compulsory curricular activities].

(7) Schools organise non-compulsory (optional) curricular activities in accordance with the interest and demand of students for the purposes of coaching, development, cultivation of talent, consultation and imparting special or additional knowledge (hereinafter called non-compulsory curricular activities). If the head teacher, with the agreement of the maintainer, does not specify a larger time allotment, the weekly time allotment of non-compulsory curricular activities for each class expressed as a percentage of the weekly compulsory curricular activities specified for a year in Sections (3)-(5) is the following:

- a) ten per cent from years one to four,
- b) twenty-five per cent from years five to six,
- c) thirty per cent from years seven to eight,
- d) forty-five per cent from years nine to ten,
- e) sixty per cent from years eleven to thirteen,
- f) five per cent in the year of vocational training.

If Section (3) specifies a different extent of weekly compulsory curricular activities for each year in amalgamated classes, the weekly lesson allotment of non-compulsory curricular activities has to be determined on the basis of the extent of weekly compulsory curricular activities specified for the higher year. The weekly time allotment can be rearranged between the different years and classes as well as the different school weeks during the academic year. Schools may use the time allotment available for holding non-compulsory curricular activities for the organisation of extra-curricular activities and the division of classes, including the preparatory and foundation vocational education. One lesson a week per class at the school from the time allotment specified in this Section may be used to arrange the community programme of the class and for the tasks of the individual care of the students.

(8) Three lessons are available per week for the organisation of therapeutic physical education for groups of sixteen above the lesson allotment of the school.

(9) Schools are obliged to ensure that lightened physical education is organised within the scope of the compulsory curricular activities. Schools are obliged to create the conditions necessary for the everyday physical training of students and they are also obliged to ensure the operation of the school sports club, if there are at least four years operating at the school and at least one class in each year. The time allotment necessary for everyday physical training has to be created within the time allotment available for holding compulsory and non-compulsory curricular activities. Schools organise the activities of the school sports club within the time allotment available for the organisation of non-compulsory curricular activities. The activities of the school sports club have to be included in the organisation of everyday physical training. The tasks of the school sports club may be performed by the student sports association operating at the school, on the basis of the agreement with the school. At least two times forty-five minutes per week have to be provided for the organisation of the school sports club activities for each school group formed in accordance with the different sports and forms of activity (hereinafter called sports group) from the time allotment calculated on the basis of Section (7) available for the organisation of non-compulsory curricular activities. At least twenty per cent of the time allotment calculated for the whole school on the basis of Section (7) available for the organisation of non-compulsory curricular activities (hereinafter called minimum time allotment) has to be guaranteed for the organisation of the school sports club activities if the school sports groups attain ten per cent of the time allotment calculated for the whole school and available for the organisation of non-compulsory curricular activities on the initiative of the school sports club. The minimum time allotment can be reduced proportionately if the number of sports groups is less than ten per cent of the time allotment available for non-compulsory curricular activities. The sports club activities are held by teachers with qualifications in physical education and special qualifications.

(10) Everyday physical exercise has to be guaranteed from years one to four of primary schools. Everyday physical exercise is realised within the scope of at least three physical education lessons per week and playful physical exercise specified in the local curriculum. The playful, health developmental physical exercise conforming to the age and stage of development of students has to be organised on every school day without physical education lessons and in every morning teaching period without physical education lessons, in the first four years of primary school and in case of all-day education and teaching respectively. The duration of the playful, health developmental physical exercise is at least thirty minutes a day, which may also be held within the scope of several activities of at least fifteen minutes. The

playful, health developmental physical exercise can be organised as part of the lessons and, if necessary, by using a maximum of fifty per cent of the duration of one break at most.

(11) Individual activities organised for one to three students can be held

a) in the branch of musical art of primary art education within the lesson allotment available for the organisation of curricular activities, with the exception of the introductory year, in three lessons per week if at least an average of four activities per week are provided for the student in an academic year for the duration specified by statute, and in one and a half lessons per week if less than four activities are provided; individual activities have to be provided for one student in the branch of musical art of primary art education in case of musical instrument and singing lessons as the main subject;

b) in five lessons per week for each student within the lesson allotment for the organisation of curricular and extra-curricular activities at secondary vocational schools and vocational schools, if the school prepares students for the vocational examination in musical art or acrobatics;

c) in twelve per cent of the weekly compulsory curricular activities specified in Section (3) above the lesson allotment available for the organisation of compulsory and non-compulsory curricular activities at primary schools, secondary schools and in years nine and ten of vocational schools, if the head teacher, with the agreement of the maintainer, does not specify a larger time allotment for holding the individual activities for each class and week, for the purposes of the evolvment of talent, the coaching of disadvantaged students, and the effective preparation of students in the first four years;

d) schools determine how many per cent of the time allotment available for the organisation of compulsory and non-compulsory curricular activities they use to organise individual activities besides those stated in Subsections a)-c).

(12) The lesson allotment available for individual activities has to be reduced by the number of lessons corresponding to the individual activities which have been organised. The weekly time allotment can be freely rearranged between the different years and school weeks, the compulsory and non-compulsory or extra-curricular activities during the academic year within the school.

(13) A weekly average of ten lessons is available for each student above the time allotment for the organisation of compulsory and non-compulsory activities for the preparation of those who pursue their studies as private students because of their severe illness or on the basis of Section (1) of Article 120 within the scope of individual activities. The time allotment can be rearranged between the different weeks and students.

(14) The school determines how many per cent of the time allotment available for the organisation of compulsory and non-compulsory curricular activities they use by dividing the classes and what curricular activity is to be held in that time allotment. The time allotment available has to be reduced in compliance with the number of lessons held to the study groups which have been formed.

(15) An academic year is composed of five-day school weeks. Saturdays and Sundays are rest days without teaching. Students are also due for rest days without teaching on public holidays. The timetable of teaching changes in accordance with the timetable of working hours due to the public holidays; a summer holiday composed of at least thirty consecutive days has to be provided following the last day of the academic year.

(16) School weeks can also be organised with six school days using Saturdays on the initiative of the school board and the school student union, with the agreement of the maintainer in case at least forty-two hours of uninterrupted weekly rest time and the use of cancelled weekly rest days can be guaranteed for the students in the course of the academic year as one or more unbroken school holidays. The head teacher of the school may order the organisation of school weeks composed of six days or teaching exceeding the time allotment specified in Section (3) with the maintainer's agreement even if the use of cancelled weekly rest days is not provided, if the imparting and mastering of the prescribed requirements cannot be solved due to extraordinary school holidays. Students have to be provided with school holidays at least on three occasions in an academic year, composed of a minimum of six consecutive days on two occasions and a minimum of four consecutive days on one occasion, as prescribed by the schedule of the academic year.

(17) Those stated in this Article shall not be applied with regard to institutions of primary art education, with the exception of Sections (2) and (11). The timetable of teaching at institutions of primary art education is determined by the school, taking the provisions pertaining to the schedule of the academic year, the rest days without teaching and school holidays into consideration.

(18) The statutes pertaining to vocational training shall be applied to the organisation of the practical training in vocational training.

Article 53

(1) Schools organise extra-curricular activities in accordance with the interest and demand of students besides the curricular activities.

(2) The extra-curricular activities are the following:

- a) day care and daytime study activities;
- b) study circles, interest circles, debating circles, artistic troupes [hereinafter those under Subsection b) jointly called student circles];
- c) the school sports club;
- d) study, vocational and cultural competitions, in-school tournaments, interschool competitions, championships, student days;
- e) class or group activities defined in the pedagogical programme of the school which are not realisable within the scope of the lessons, particularly study outings, environmental education, cultural and sporting events.

(3) Schools are obliged to organise day care and daytime study activities for students in need of supervision in every year until the completion of year ten at schools participating in therapeutic education and teaching, on the basis of the demand of the parents.

(4) The day care and daytime study activities shall be organised in such a manner that they can complete the tasks related to school preparation and the daytime care of children in accordance with the demands of the parents. The following time allotment, which has to be increased by the necessary time for the tasks related to the daytime care of children if justified, is available for the organisation of day care and daytime study activities: four and a half hours per day in the first four years, three hours per day from years five to eight and all the other years at schools participating in therapeutic education and teaching and two hours per day in years nine and ten. The weekly time allotment has to be specified for the day care and daytime groups which have been formed. The weekly time allotment can be rearranged between the different years and groups as well as the different school weeks during the academic year. The day care and daytime study activities may be organised for the students of several schools at one school. The tasks of the day care and daytime study activities can be solved within the scope of hall of residence activities.

(5) Those stated in Sections (1)-(4) cannot be applied at institutions of primary art education. Artistic troupes in accordance with the purpose of the given branch of art and choirs can operate at institutions of primary art education and study, vocational and cultural competitions, events, artistic study outings can be organised.

(6) The school library operating at the school is to guarantee that students and educators can use its services on every school day.

(7) Halls of residence organise coaching activities, activities for the evolvment of talent and preparatory activities providing special knowledge, as well as activities listed in Subsections b) and d) of Section (2) for passing leisure and activities which provide individual care for the

students admitted to the hall of residence and receiving day school type accommodation. The time allotment available for the organisation of hall of residence preparatory activities cannot be less than fourteen hours per week per hall of residence group; the time allotment available for other hall of residence activities cannot be less than ten hours per week per hall of residence group. The weekly time allotment can be rearranged between the hall of residence tasks and the different study groups as well as the school weeks during the academic year. Hall of residence activities may be organised within the scope of individual or group activities. Those stated in Subsection b) of Section (10) of Article 52 and Section (12) of Article 52 shall be applied when organising individual activities.

(8) Halls of residence shall provide pedagogical supervision for those students who are not at school or do not participate in hall of residence activities. The working schedule of halls of residence has to be determined in such a manner that students can go home at will on a regular basis. Going home during the academic year including the holidays during the year may not be made compulsory.

(9) The playful, health developmental physical education conforming to the age and stage of development of students shall be guaranteed between unbroken day care, daytime study and hall of residence activities exceeding three hours per day, and in every afternoon teaching period in which there are no physical education lessons in case of all-day education and teaching. The playful physical education has to be organised in the open air if it is allowed of by the weather conditions. The duration of the playful physical education is at least forty-five minutes per day.

The Head of an Institution of Public Education

Article 54

(1) The head of an institution of public education is responsible for the professional and legitimate operation and the economical management of the institution, exercises the employer's rights and makes decisions on every issue which is related to the operation of the institution and not referred to the sphere of authority of another entity by statute or by a collective agreement (civil servants' provisions). They exercise their jurisdiction with regard to the issues pertaining to the engagement and the living and working conditions of employees by fulfilling their obligation of harmonisation prescribed by statute. The head of an educational-teaching institution is also answerable for the pedagogical work, the operation of the control, assessment, evaluation and quality management programme of the institution, the

organisation and performance of the tasks of child and youth protection, the creation of healthy and safe conditions for the educational and teaching work, the prevention of accidents involving students or children and the organisation of the regular medical examination of children and students. The head of an educational-teaching institution may order an extraordinary holiday if the operation of the educational-teaching institution cannot be guaranteed due to extreme weather conditions, epidemics, natural disasters or other reasons beyond control or if cancelling the measure involved considerable danger or irreparable damage. They have to ask for the consent of the maintainer to their measure, or inform the maintainer without delay if that is not possible.

(2) The head of an institution of public education represents the institution.

(3) The head of an institution of public education may delegate their jurisdiction specified in Sections (1)-(2) to their deputy or another employee of the institution occasionally or within a well-defined sphere of cases.

Article 55

(1) a) An independent institution is headed by

- a head of kindergarten in case of kindergartens,
- a head teacher in case of schools, halls of residence and other institutions of public education,
- a head teacher or a director general in case of institutions providing national pedagogical professional service, depending on the decision of the employer.

b) A member institution or an institution unit of an independent institution is headed by

- a head of hall of residence in case of halls of residence,
- a head of member institution or a head of institution unit in case of other institutions of public education.

(2) The scope of duties of a head of an educational-teaching institution includes the following in particular:

- a) directing the teaching staff;
- b) controlling and checking the educational and teaching work;
- c) preparing the decisions falling within the jurisdiction of the teaching staff and the professional organisation and control of their execution;
- d) guaranteeing the personal and material conditions necessary for the operation of the educational-teaching institution on the basis of the disposable budget;

- e) co-operation with the school board, the interest representation body of employees, the student unions and the parental organisations (associations);
- f) the due organisation of national and school festivals conforming to the working schedule;
- g) directing the work of child and youth protection;
- h) directing the activities related to the prevention of accidents involving children or students.

(3) If the member institutions of an institution of public education are situated in different towns or villages or the number of the member institutions of a multi-purpose institution of public education exceeds five within one town or village, or if the number of organisationally and professionally independent institution units of a multi-purpose institution of public education exceeds five, a director general can be appointed to head the institution of public education, and a head teacher or head of kindergarten can be appointed to head the member institution or the institution unit. These provisions may be applied even if the number of children / students who can be admitted attains one thousand five hundred according to the founding charter of the institution of public education. The provisions pertaining to heads of an institution shall be applied to directors general otherwise, with the difference that Section (4) of Article 16 and the provisions of Annexe 1 specifying the compulsory number of lessons shall not be applied to their working hours, depending on the decision of the entity who exercises the employer's rights. The provisions pertaining to heads of organisationally and professionally independent institution units shall be applied to the engagement of head teachers and heads of kindergarten.

(4) The application for appointment as head of an institution which has been submitted, the opinion formed in relation to the application by those entitled to give an opinion on the basis of this Act and the result of the ballot related to the formation of the opinion are public data in the public interest which have to be published on the website of the institution of public education or, in default of that, in the customary manner of the institution.

(5) Maintainers of institutions of public education, employees holding high office or civil servants holding an appointment of authority at maintainers of institutions of public education cannot be heads as specified in Section (1). This restriction does not pertain to the members of the body exercising the maintainer's right (general assembly, body of representatives, board of trustees).

The Teaching Staff

Article 56

(1) The teaching staff is the community of the educators of an educational-teaching institution, the most important consultative and deliberating body of the institution in educational and teaching issues.

(2) Every employee filling an educator's position, the business executive and the employees with tertiary qualifications directly assisting with the educational and teaching work at the educational-teaching institution are members of the teaching staff.

(3) The teaching staff of the educational-teaching institution has a jurisdiction to make decisions in educational and teaching issues, matters related to the operation of the educational-teaching institution as well as issues specified in this Act and other statutes; otherwise it has a jurisdiction to give opinions and put up proposals.

Article 57

(1) The jurisdiction of the teaching staff to make decisions includes the following:

- a) adopting the educational and pedagogical programmes and their modifications;
- b) adopting the organisational and operational code and its modifications;
- c) preparing the annual working plan of the educational-teaching institution;
- d) adopting the analyses, evaluations and reports embracing the work of the educational-teaching institution;
- e) selecting the educator acting on behalf the teaching staff;
- f) adopting the rules of the house and the institutional quality management programme;
- g) determining whether a student can pass to the next year;
- h) making decisions about the disciplinary cases of students, admitting students to the marking examination;
- i) forming an expert opinion related to the managerial programme prepared for the application for the post of the head of an institution or institution unit;
- j) other matters prescribed by statute.

(2) The teaching staff may express their opinion and put up proposals in every issue related to the operation of the educational-teaching institution. The teaching staff have to be asked for their opinion before the adoption of the distribution of subjects, during the share-out of the separate assignments of each educator and before appointing deputy head teachers or annulling their appointment.

(3) The teaching staff of the educational-teaching institution makes decisions about

a) filing a petition to the court against the ruling in case the approval of the educational programme or the pedagogical programme or the organisational and operational code is denied;

b)

(4) The teaching staff may establish a committee composed of its members for a definite time or on an ad hoc basis to prepare and make decisions about matters falling within their sphere of duties or delegate the exercise of certain jurisdictions to a professional team of teachers of the same subject, the school board or the student union. Those exercising the delegated jurisdiction are obliged to inform the teaching staff about the matters in which they act on behalf of the teaching staff at intervals and in the manner specified by the teaching staff. These provisions cannot be applied when adopting the educational programme, the pedagogical programme, the organisational and operational code, the rules of the house and the institutional quality management programme.

(5) A teaching staff composed of the head of the institution, the business executive and the employees listed in Section (2) of Article 56 engaged

a) at the institution unit act in matters which affect only one institution unit performing the tasks of an educational-teaching institution;

b) at every interested institution unit in matters which affect more institution units performing the tasks of an educational-teaching institution

at educational-teaching institutions under joint management and general community centres.

(6) External teachers do not have a right to vote in matters falling within the jurisdiction of the teaching staff to make decisions, with the exception of matters falling under Subsections g)-h) of Section (1).

(7) The meeting of the clerical staff [Subsection dd) of Section of Article 121] exercise the privileges due to the teaching staff on issues concerning the whole of the institution at institutions (institution units, member institutions) of public education which are not educational-teaching institutions, as well as at institutions of public education under joint management and general community centres, except for those related to a student's legal relationship.

The Professional Team of Teachers of the Same Subject

Article 58

(1) The educators of an educational-teaching institution may form professional teams of teachers of the same subject. These teams provide assistance to plan, organise, evaluate and control the educational and teaching work performed at the educational-teaching institution on professional and methodological issues. Teams of teachers may also be established to assist with the tasks of child and youth protection, tasks related to useful ways of passing leisure and tasks serving the integration of students with special educational needs and multi-disadvantaged students. The teams of teachers participate in the internal audit of the professional work taking place at the institution, according to an annual plan. Members and heads of the teams of teachers may participate in the internal audit and evaluation even if they do not appear in the National Register of Experts. The teams of teachers shall provide professional assistance for those engaged as educators as prescribed in the organisational and operational code. The organisational and operational code may stipulate further tasks for the teams of teachers. Inter-institutional teams of teachers may also be established on the initiative of educators to perform the tasks specified in this Section.

(2) One professional team of teachers can be established for each subject and each field of learning or to perform identical tasks at kindergartens, schools and halls of residence. A separate team of teachers may operate at member institutions and in classes with differentiated curricula.

The Parental Organisation

Article 59

(1) Parents may establish parental organisations (associations) to assert their rights and fulfil their obligations at kindergartens, schools and halls of residence.

(2) If there are more parental organisations (associations) operating at a kindergarten, school or hall of residence, the one which has been elected by more than fifty per cent of the parents of the students admitted to the kindergarten, school or hall of residence, can act on behalf of all the parents of the kindergarten, school or hall of residence. In default of such a parental organisation (association), the parental organisations (associations) can form a joint organisation to administer matters affecting the whole of the educational-teaching institution or appoint one of the parental organisations (associations) to act on behalf of them (hereinafter called kindergarten, school and hall of residence parental organisation).

(3) Parental organisations (associations) make decisions on their own order of operation, the adoption of their working schedule and the election of their officials.

(4) Kindergarten, school and hall of residence parental organisations (associations) can initiate the establishment of a kindergarten board, school board or hall of residence board, and they decide who will act on behalf of the parents in the kindergarten board, school board or hall of residence board.

(5) Kindergarten, school and hall of residence parental organisations (associations) monitor the assertion of the rights of children /students and the effectiveness of the pedagogical work. They shall notify the teaching staff and the maintainer of their findings. They can ask the head of the educational-teaching institution for information about any issue affecting a larger group of children / students and their representative may participate in the meetings of the teaching staff in an advisory capacity when discussing issues belonging to this sphere. The notion of a larger group of children /students shall be specified in the rules of the house of the educational-teaching institution.

(6) Statutes as well as the organisational and operational code of the kindergarten, school or hall of residence may give additional rights to parental organisations (associations).

The School Board

Article 60

(1) School boards may be established to facilitate the educational and teaching work at schools and to promote the co-operation of the teaching staff, the parents and the students, the maintainers of the institution as well as other institutions involved in the operation of the institution.

(2) The parents, the teaching staff and the school student union may send an equal number of delegates to the school board.

(3) One delegate can be sent to the school board by each of the following: the interested

a) maintainer,

b) foster home or child and youth protection institution,

c) municipal or regional minority council, or the national minority council in case of schools performing regional or national tasks and if it is not their maintainer,

d) regional chamber of economy at vocational schools and secondary vocational schools.

(4) The establishment of the school board may be initiated by

a) at least twenty per cent of the members of the teaching staff,

b) the representative of the parental school organisation (association) or, in default of that, at least twenty per cent of the parents of the students attending the institution,

c) the representative of the school student union, or, in default of a school student union, at least twenty per cent of the students attending the school [hereinafter those under Subsections a)-c) jointly called the interested groups].

(5) Those representing

a) the parents are elected by the parental school organisation (association) or, in default of that, by the parents of the students studying at the school,

b) the teaching staff are elected by the members of the teaching staff,

c) the school student union are elected by the members of the school student union or, in default of that, by the students attending the school
to the school board.

(6) A school board has to be established if the representatives of at least two of the interested groups initiate its establishment and participate in its work.

(7) If the establishment of a school board is initiated by the representative of the parental school organisation (association) or, in default of that, by at least twenty per cent of the parents or by the representative of the school student union or, in default of a school student union, at least twenty per cent of the students attending the school, the representatives of the teaching staff have to co-operate in the establishment and the work of the school board.

(8) Those whose children do not study at the school may also act on behalf of the parents in the school board on the basis of the ballot specified in Subsection a) of Section (5).

(9) People who have come of age and are not students or employees at the school and whose children do not study at the school may also act on behalf of the school student union in the school board on the basis of the ballot specified in Subsection c) of Section (5).

(10) If any of the interested groups initiate the establishment of a school board, the head teacher forms a committee composed of an equal number of delegates sent by the interested groups participating in the work of the school board to prepare the establishment of the school board within thirty days after the initiation.

Article 61

(1) The jurisdiction of the school board to make decisions includes the adoption of its order of operation and working programme, the election of its officials, as well as those matters in which the teaching staff or the non-council maintainer delegates their right to decide to the school board.

(2) The school board participates in the decision-making about the requests submitted against the measures taken and the decisions made by the educational-teaching institution in relation to the assertion of the rights of students and the fulfilment of their obligations.

(3) The school board exercises the right of consent

a) when adopting the organisational and operational code on issues specified by statute;

b) when adopting the rules of the house;

c) when specifying the conditions of the participation in education taking place on an entrepreneurial basis and in the related service.

(4) The school board may express its opinion on every issue related to the operation of the educational-teaching institution. The school board has to be asked to give an opinion before the adoption of the pedagogical programme and the conclusion of the agreement of public education specified in Subsection e) of Section (1) of Article 81.

(5) The school board has a jurisdiction to put up proposals on every issue related to the operation of the educational-teaching institution, with special regard to the issues concerning the management of the educational-teaching institution, the person of the head, the whole of the institution or a larger group of the students.

(6) The school board may use the rooms and furnishings of the school to perform its tasks free of charge, if it does not impede the operation of the school.

(7) The provisions pertaining to school boards shall be applied to the establishment, operation, legal status and tasks of kindergarten boards, hall of residence boards, institution boards and general community centre boards, with the differences that the provisions pertaining to the student union shall not be applied as regards kindergarten boards, the activity of general community centre boards also covers the institution units not performing tasks of public education and other organs and organisations besides those listed in Section (4) of Article 60 may also send delegates among its members on the basis of the agreement of the interested groups.

Associations of Students and the Student Union

Article 62

(1) The student of a school or hall of residence may establish student circles to organise their common activities, as prescribed by the rules of the house.

(2) The student associations exercise the jurisdiction to make decisions about the planning and organisation of their own community life while giving a hearing to the opinion of the teaching staff, the election of their officials, and are entitled to representation in the student union.

Article 63

(1) Students, student associations and student circles may establish a student union to represent the interest of students. The activity of student unions covers every issue concerning the students. The work of student unions is facilitated by a person who has come of age, has been invited by the students and may act on behalf of the student union on the basis of appointment by the student union.

(2) If there are more than one student unions functioning at the school or hall of residence, the one in the election of which the most students participated may act in matters affecting the whole of the educational-teaching institution provided that the representation of more than fifty per cent of the students is guaranteed in this manner. In default of such a student union, the student unions operating at the school or hall of residence can form a joint organisation to administer matters affecting the whole of the educational-teaching institution or appoint one of the student unions (hereinafter called school or hall of residence student union).

(3) Student unions make decisions about their own operation while asking the teaching staff to give their opinion, the use of the pecuniary means provided for the operation of the student union, the exercise of their spheres of authority, the programme of a working day without teaching, the establishment and operation of the information system of the school or hall of residence student union and the appointment of the student leader (managing editor) and the other members of the editorial staff of the information system (student newspaper, school radio etc.).

(4) The organisational and operational code of the student union is adopted by the elective student association and approved by the teaching staff. The approval of the organisational and operational code may only be denied if it is contrary to statute or inconsistent with the organisational and operational code or the rules of the house of the school. The teaching staff has to issue a statement on the approval of the organisational and operational code within thirty days following the submission. The organisational and operational code and its modification shall be regarded as approved if the teaching staff does not issue a statement within thirty days.

(5) Student unions may express their opinions and make suggestions on every issue related to the operation of the educational-teaching institution and the students.

(6) Student unions may use the rooms and furnishings of the school to perform its tasks free of charge if it does not impede the operation of the school.

(7) A student general assembly has to be organised at least on one occasion per year at the school or hall of residence for the purpose of reviewing the operation of student unions and the assertion of the rights of students.

Article 64

(1) Student unions are entitled to establish and join alliances. The alliance cannot exercise the rights of the student unions at the school or hall of residence.

(2) The school or hall of residence student union exercises the right of consent on the following issues concerning students:

- a) when adopting and modifying the organisational and operational code of the school on issues specified by statute;
- b) when determining the principles of the distribution of social benefits among the students;
- c) when using the pecuniary means provided for the purposes of youth policy;
- d)

(3) The school or hall of residence student union exercises the right of consent when adopting or modifying the rules of the house.

(4) The provisions pertaining to school and hall of residence student unions shall be applied to the establishment, operation and legal status of institutional student unions and general community centre student unions.

Kindergarten Admission, Formation of the Student's Legal Relationship and the Hall of Residence Membership

Article 65

(1) Children are admitted and taken over to kindergartens on the basis of application. Children may be admitted to kindergartens after they have attained (?) three years of age. Parents may request that a kindergarten admit or take their children over at any time. The reception of children takes place continually in the kindergarten educational year.

(2) Children principally shall be admitted or taken over to the kindergarten in the district of which they live or their parents work. The head of the kindergarten decides whether to admit or take a child over. If the number of applicants exceeds the number of the children who can be admitted, the head of kindergarten or the maintainer of the kindergarten in case of several

kindergartens organises a committee which will put up a proposal for admission. Children who are obliged to attend kindergarten on the basis of Section (3) of Article 24 must be admitted or taken over by kindergartens, including designated kindergartens, if their domicile or, in default of that, their place of residence is situated in the district of the kindergarten (kindergarten ensuring compulsory admission). Designated kindergartens [Section (4) of Article 30] may only deny admission to a child due to lack of space if they do not perform the tasks of a kindergarten ensuring compulsory admission. Kindergartens ensuring compulsory admission may not deny admission to a multi-disadvantaged child or to a child who is entitled to the daytime care of children on the basis of Article 41 of the Act on Child Protection and Guardianship Administration or whose admission has been instituted by the office of the public guardian.

(3) The head of kindergarten decides about the division of the children admitted to the kindergarten into groups, taking the opinion of the parents and the kindergarten educators into consideration. The rules of the organisation of kindergarten groups are specified in Annexe 3 of this Act.

Article 66

(1) Students (private students) are in a student's legal relationship with the school. The student's legal relationship is formed by admitting or taking students over. Students are admitted or taken over on the basis of application. The head teacher decides whether to admit or take students as prescribed in Sections (1)-(2) of article 42 and Articles 46-47. Entrance examinations may not be organised at primary schools.

(2) School-age children whose domicile or, in default of that, place of residence is situated in the district of a primary school must be admitted or taken over by that primary school (hereinafter called primary school ensuring compulsory admission). If there are more primary schools operating in the village or town, the proportion of multi-disadvantaged students calculated for each admissions district may exceed the proportion of multi-disadvantaged students calculated for the whole of the town or village by fifteen per cent at most. The proportion of multi-disadvantaged students within the town or village shall be specified in the following manner: the number of all the multi-disadvantaged students with a domicile or, in default of that, a place of residence in the given town or village has to be divided by the number of all the students with a domicile or, in default of that, a place of residence in the town or village. The number of all the multi-disadvantaged students with a domicile or, in default of that, a place of residence in each admissions district has to be divided by the

number of all the students with a domicile or, in default of that, a place of residence in the admissions district to specify the proportion of multi-disadvantaged students within an admissions district (hereinafter called the proportion of multi-disadvantaged students in the district).

(3) If the provision pertaining to the transgression of the proportion of multi-disadvantaged students in the district cannot be observed when forming the district of a primary school, it may not be assigned as a school ensuring compulsory admission provided that the proportion of multi-disadvantaged students in the district would attain fifty per cent and otherwise the other schools of the town or village have a sufficient accommodating capacity to admit all the school-age students of the town or village. The existence of a sufficient accommodating capacity has to be determined on the basis of the maximum number of students specified in the deeds of the foundation of the school.

(4) Designated schools [Section (4) of Article 30] may deny admission to a student only due to lack of space even if they are not schools ensuring compulsory admission. Applicants belonging to a national or ethnic minority have to be admitted or taken over to schools (classes with special curricula, classes, groups) where the education takes place in the language of the national or ethnic minority or in the language of the national or ethnic minority and in Hungarian, if they meet the entrance requirements. Maintainers may also assign vocational schools and secondary schools as schools ensuring compulsory education.

(5) If a primary school can also grant additional applications for admission or taking a student over after having fulfilled its admissions obligation, it is obliged to grant the applications of multi-disadvantaged students first. The possibility of additional admission has to be published in the customary manner of the institution at least fifteen days before the first day of the period available for the submission of applications for admission or taking a student over. Preference has to be given to those multi-disadvantaged students whose domicile or, in default of that, place of residence is in the town or village where the seat of the school is situated. After the admittance of multi-disadvantaged students preference has to be given to those applicants whose domicile or, in default of that, place of residence is in the town or village where the seat of the school is situated when passing judgement on the applications for admission. If a primary school cannot grant all the applications for admission due to lack of space according to the given order, they decide between the applicants belonging to the group affected by drawing lots. Those who have submitted an application for admission or taking them over have to be invited to the draw. Students with special educational needs and students whose admission is justified by their special situation may be admitted without a draw after

having granted the applications of multi-disadvantaged students for admission or taking them over. The special situation is established by the local council in a decree. It shall not be checked whether the school proportion has been maintained in case it has been exceeded due to the fulfilment of the obligation to give preference specified in this Section. Those stated in Sections (2)-(5) shall be applied with regard to all places of the performance of the tasks of primary schools even if the seat of the school is not situated in the town or village.

(6) Schools ensuring compulsory admission may not tie the act of admitting or taking applicants over to the fulfilment of entrance requirements provided that the domicile or, in default of that, place of residence of the applicant is situated in the district of the school. Those stated in this Section shall be applied even if a multi-purpose institution of public education also performs the tasks of a primary school.

(7) If a multi-purpose institution of public education performs any of the tasks of secondary grammar schools, vocational schools or secondary vocational schools besides the tasks of a primary school, it may not hold an entrance examination for those students who have completed their primary school studies within the scope of the multi-purpose institution of public education. Students continue their studies in the education in accordance with the appropriate type of school as prescribed in the pedagogical programme. If a uniform school performs at least two of the tasks of a secondary grammar school, a vocational school or a secondary vocational school besides the tasks of a primary school, the conditions which have to be fulfilled and the additional studies which have to be pursued after the fulfilment of the common requirements have to be specified in its pedagogical programme. Preference has to be given to multi-disadvantaged students when passing judgement on the applications for admission. The conditions of giving preference have to be established in the pedagogical programme.

(8) The student's legal relationship is formed on the day of enrolment. Students may exercise their rights based on the student's legal relationship from that date. The exercise of certain rights may be tied to the commencement of the first academic year by statute or the rules of the house.

(9) School-age students have to be enrolled in the first year in the period specified by the council of the village, the town, a district of the capital city or a town of county rank. The specified enrolment period has to be published in the customary manner of the institution.

(10) The head teacher makes a decision on the division of the students admitted to the school into groups, asking the professional team of teachers of the same subject or, in default of that,

the teaching staff, to give their opinion. The rules of the organisation of classes and groups are specified in Annexe 3 of this Act.

(11) Schools may not deny admission to day care activities or classes of all-day education to students in case of the office of the public guardian has initiated the admission.

Article 67

(1) The statute pertaining to vocational education determines the conditions of participation in vocational training in accordance with the school and vocational grounding. Those who have no primary qualifications may also participate in the mastering of the knowledge necessary for taking up work and starting an independent life from the academic year in which they turn sixteen years of age.

(2) If a vocational school or secondary vocational school prepares students to obtain a vocational qualification for which they have to meet medical fitness and vocational aptitude requirements, the expert opinion pertaining to their medical fitness and vocational aptitude have to be taken account of when they are admitted or taken over to the first year of vocational training or when they pass to the next year.

(3) If a vocational school or secondary vocational school prepares students to obtain a vocational qualification for which they have to meet professional aptitude requirements, they may be admitted or taken over to the first year of vocational training or permitted to pass to the next year if they have fulfilled the requirements of the professional aptitude examination. Those who have entered into a student's contract cannot be refused to be admitted or taken over to the year of vocational training or pass to the next year provided that they have the prescribed school and vocational grounding, meet the age conditions as well as the prescribed medical, vocational aptitude and professional aptitude requirements. If the precondition for the entry into the student's contract was meeting the vocational aptitude and professional aptitude requirements, the school decides whether to admit or take the student over or let them pass to the next year on the basis of the results of these examinations unless they took place more than two years earlier. The requirements of the professional aptitude examination are determined by the head teacher in concert with the organiser of the practical training.

(4) The vocational aptitude requirements and the requirements for the professional aptitude examination have to be published in the guide to admission.

(5) The vocational training at vocational schools and secondary vocational schools may be organised in such a manner that vocational schools and secondary vocational schools operating only with years of vocational training or vocational schools and secondary

vocational schools which are authorised by their founding charter to do so (hereinafter called school preparing students for the vocational examination) shall prepare students of one or more other vocational schools or secondary vocational schools (hereinafter called despatching school) partly or wholly for the requirements of the year of vocational training in their year of vocational training. In case the tasks of vocational training are solved within the scope of joint performance of tasks, the number of the years of vocational training of the despatching school can be reduced or the despatching school may also operate without a year of vocational training. Students of vocational schools or secondary vocational schools may pass to the year of vocational training of the school preparing students for the vocational examination on the same conditions as if they continued their studies in the despatching school, in accordance with the provisions pertaining to taking students over. The tasks related to vocational training which are solved within the scope of joint performance of tasks have to be defined in the founding charter of the schools affected. The teaching staffs of the school preparing students for the vocational examination and the despatching school harmonise the pedagogical programmes of the schools with regard to the inclusion of the studies in the vocational training.

(6) The statute pertaining to vocational training may stipulate further conditions for participation in vocational training.

Article 68

(1) Students may apply for admission to a hall of residence or for day school type accommodation either through the school or directly.

(2) The head of hall of residence decides whether to admit a student to an independent hall of residence, and the head teacher decides whether to admit a student to a non-independent hall of residence with the approval of the head of hall of residence. The head or director of the hall of residence decides in what activities each student should participate in, asking the teaching staff of the hall of residence to give an opinion. The rules of the organisation of hall of residence activities are determined in Annexe 3.

(3) Students are to be admitted to the hall of residence on the initiative of the office of the public guardian. Those students who participate in full-time education system and whose accommodation at a children's home ceased because they had come of age have to be admitted to the hall of residence.

(4) Admission to a hall of residence or day school type accommodation is valid until the cessation of the student's legal relationship in cases specified in Section (3), otherwise for one

academic year. The acceptance and refusal of applications for admission to a hall of residence or for day school type accommodation may not be a means of discipline.

Fulfilment of the Obligations of Children and Students

Article 69

(1) Heads of kindergarten may exempt children from participation in kindergarten education on the basis of Section (3) of Article 24 on request, if it is justified by their family conditions, the evolvment of their talent or their special situation.

(2) Head teachers may partly or wholly exempt students from participation in the compulsory curricular activities at school at their request if it is justified by their individual faculties, special educational needs or special situation. The head teacher may exempt students from learning the subjects requiring skills at their request, if it is justified by their individual faculty or special situation.

(3) Private students shall be exempted from all the compulsory curricular activities of the school.

(4) Those who have been exempted from participation in the compulsory curricular activities give account of their knowledge on a date specified by the head teacher and in a manner specified by the teaching staff.

(5) The legal relationship of those students who have been permitted to interrupt their studies and those who have been prohibited from continuing the academic year by a disciplinary resolution is suspended. During the suspension of the student's legal relationship students still have the right to avail themselves of the facilities of the school, to receive information on issues concerning them or to apply for being taken over by another school. Students may exercise their rights based on a student's legal relationship even during its suspension, unless otherwise provided by statute.

Article 70

(1) The performance and progress of students are regularly evaluated by educators during the academic year by grades and assessed in the middle and at the end of the academic year by marks with the exception specified in Section (3). The assessment and evaluation of the comportment and diligence of students are performed by the form teacher, asking the educators who teach the class to give their opinion. The students and the parents of those students who are under age have to be regularly informed about the grades they had received.

The marks in the middle and at the end of the year have to be determined on the basis of the grades. The students and the parents of those students who are under age have to be informed about the mark. Specifying the grades and marks when evaluating and assessing the performance and diligence of students cannot be a means of discipline.

(2) The marks and grades are the following, with the exception of Section (3):

- a) when evaluating and assessing the knowledge of students: very good (5), good (4), satisfactory (3), pass (2) and fail (1);
- b) when evaluating and assessing the comportment of students: exemplary (5), good (4), variable (3), bad (2);
- c) when evaluating and assessing the diligence of students: exemplary (5), good (4), variable (3), indolent (2).

(3) It is to be expressed in a written assessment whether students have done excellently, well or satisfactorily or need coaching in the middle and at the end of the academic year from the years one to three and in the middle of the academic year in year four. If a student is assessed as one who needs coaching, the school has to evaluate the performance of the student involving the parents, reveal the factors impeding their development and progress, and has to put up a proposal as regards the necessary measures to cease them. The pedagogical programme of the school may prescribe a different marking system from those specified in Section (2) or a written assessment for the evaluation and assessment of the performance, diligence and comportment in lieu of the grades given during and the marks given in the middle and at the end of the academic year. If a school does not apply those prescribed in Sections (1)-(2) but it is necessary due to a change of schools or further studies, it is obliged to carry out the assessment in the middle and at the end of the academic year with marks. The rules of conversion from the marking system and evaluation applied by the school to mark and grades have to be specified in the local curriculum. The pedagogical programme of the school may specify the syllabi and subjects in which the performance and progress of a student do not have to be evaluated or assessed and it may also forbear from evaluating and assessing comportment and diligence. However, the evaluation and assessment of the performance and progress of students in those subjects in the requirements of which a state examination shall or can be taken may not be ignored. The number of subjects within the scope of which the knowledge mastered within the scope of preparatory and foundation vocational education and the knowledge mastered within the scope of career orientation and the foundation education of sets of vocations is evaluated and assessed has to be specified in the pedagogical programmes of vocational schools and secondary vocational schools,

respectively. The evaluation and assessment of modules in case of modular education also has to be specified in the pedagogical programmes.

(4) The teaching staff takes stock of the marks to be given to each student at the end of the year in a marking meeting and decide whether students can pass to a higher year on the basis of the marks determined by the educators and the form teacher. In case the mark to be given to a student at the end of the year significantly differs from the average of grades given during the academic year to the disadvantage of the student, the teaching staff invite the interested educator to provide information about the reason for that and change their decision if justified. If the educator does not change their decision, and the teaching staff does not agree with their justifications, they modify the mark to the student's benefit on the basis of the grades during the academic year.

(5) Those specified in Sections (1) and (4) shall be applied when evaluating and assessing students even if the school does not use the designations 'mark' and 'grade', with the exception of the provisions pertaining to the application of marks and grades.

(6) If the practical training of students is not held by the school, their performance, comportment and diligence with regard to their activities carried out within the scope of the practical training are evaluated by the organiser of the practical training as stated in Section (2). The teaching staff decides what marks should be given to students in the middle and at the end of the year on the basis of the evaluation of the organiser of the practical training and whether students can pass to the next year and be admitted to the vocational examination. If the school organises module-closing examinations, the marks to be given to students in the middle and at the end of the year shall be determined on the basis of the evaluation of the organiser of the practical training and the result of the module-closing examination. Those stated in Sections (1) and (4) shall also be applied with regard to students participating in non-school practical training.

(7) Students admitted to year one are exempted from evaluation and assessment by the head teacher in accordance with the division of labour specified by statute, on the basis of the expert opinion of the rehabilitation committee of experts or the educational counselling service, if it is necessitated by the individual faculty or stage of development of the student, or are permitted to pass to the next year conforming to their individual faculty or level or stage of development (hereinafter called individual progress).

(8) If a student has been exempted from evaluation and assessment, they do and complete year one as a preparatory year in the identical class as the other students. Students prepare to fulfil the school requirements within the scope of playful preparation during the preparatory

year. The preparatory year may also be organised within the scope of the morning day care activities. Students may only attend a preparatory year for one academic year and only in case they have commenced their studies at the age of seven at the latest.

(9) In case of individual progress it has to be determined in the permit until the last school day of which year and in which subjects the student has to catch up with the others on the basis of the expert opinion specified in Section (7). The individual progress may last until different years in all or certain subjects, but has to be concluded at the end of year four at the latest.

(10) The preparatory year may be converted into individual progress until the last school day of the month following the first term on the basis of the expert opinion specified in Section (7).

Article 71

(1) Students may pass to a higher year or to the year of vocational training if they have successfully fulfilled the prescribed study requirements. Students may only be ordered to repeat a year from years one to three in case they could not fulfil the study requirements due to their justified and unjustified absence from school. This regulation shall be applied with regard to foreign languages in the first year of teaching a foreign language, irrespective of the year and the type of school. If the existence of the secondary school leaving examination is a precondition for passing to the year of vocational training, students may commence their studies in the year of vocational training even if they have commenced the examination but have not completed it. However, they can only complete their studies in the given year if they obtain the secondary school leaving certificate until the last day of the first term of the academic year.

(2) Students who pass to a higher year or to the year of vocational training do not have to be enrolled.

(3) Students may fulfil the study requirements set for two or more years in one academic year or within less time than prescribed with the permission of the head teacher.

(4) Participation in individual activities on at least two occasions per week has to be allowed of for students attending the first four years if it is necessitated by their effective preparation, within the time allotment specified in Section (7) and in Subsection c) of Section (11) of this Act. This provisions shall also be applied if school-age students have already repeated the same year at least once because they have failed to fulfil the study requirements [Subsection nn) of Section (1) of Article 121].

(5) Students attending the first four years cannot be denied admission to day care activities or classes of all-day education if it is necessitated by their effective preparation.

(6) Parents have to be informed about the opportunities the school has to provide assistance with the effective preparation of their children. When applying these provisions, effective preparation is the mastering of that knowledge and those abilities and skills which are necessary to pass to year five by the end of year four.

(7) Students may be permitted to repeat the year even if they could pass to a higher year. The head teacher decides whether to give permission at the request of students or parents in case of students who are under age. Children have to be permitted to repeat the year from years one to four at the request of the parents. The year of vocational training cannot be repeated. Joining a second or a further course of vocational training cannot be regarded as repeating the year of vocational training.

(8) Those who have taken a basic examination in arts organised as prescribed by statute may pass to the further training year from the primary year of an institution of primary art education.

Article 72

(1) Students receive a certificate on the fulfilment of the study requirements of each year as well as the secondary school leaving examination, the vocational examination and the basic and final examinations in arts. Certificates are official documents. Certificates shall be issued in Hungarian or in two languages: in Hungarian and in the language of a national or ethnic minority or in another foreign language if the language of instruction is partly or wholly the language of the national or ethnic minority or that foreign language. The printed certificates contain the coat of arms of the Republic of Hungary.

(2) Only those printed certificates and forms necessary to issue a certificate can be applied at schools which have been approved by the minister responsible for education or the minister responsible for vocational training and adult education in case of certificates verifying a vocational qualification. The permission of the minister responsible for education is needed to manufacture and distribute printed certificates and forms serving as the basis of issuing a certificate, and the permission of the minister responsible for vocational training and adult education is needed in case of certificates verifying a vocational qualification. School forms may be prepared and stored electronically with the exception of the certificates issued at the end of the year and the certificates on the completion of a state examination by meeting the requirements of personality, data and safety protection and by applying the system approved

by the minister responsible for education or the minister responsible for vocational training and adult education in case of certificates verifying a vocational qualification.

(3) A central record has to be kept of the secondary school leaving certificates and the certificates verifying a vocational qualification as prescribed by the examinations code.

Article 73

If a vocational school or a secondary vocational school prepares students for the vocational examination in art within the scope of parallel education, separate certificates may be issued and separate decisions may be made whether a student can pass to a higher year with regard to the requirements for the pedagogical phase establishing general knowledge and the requirements for vocational training.

Cessation of Kindergarten Education, the Student's Legal Relationship and the Hall of Residence Membership

Article 74

(1) Kindergarten education ceases

- a) on the day when the child is taken over by another kindergarten if they are taken over;
- b) on the day indicated in the written statement made by the parents on the dropout of the child;
- c) on the day when the decision made on the subject of cessation enters into effect if the head of kindergarten has ceased kindergarten education due to payment arrears after fruitlessly demanding the payment from the parents and examining the social conditions of the child;
- d) on the last day of the educational year if the child has been admitted to school;
- e) on the last day of the educational year in which the child turns seven years of age if the child has not been admitted to school.

(2) Kindergarten education also ceases if the unjustified absence of the child from the kindergarten activities exceeds that permitted by statute.

(3) Those stated in Subsections b)-c) of Section (1) and in Section (2) cannot be applied if the child has been admitted to the kindergarten due to the measure of the office of the public guardian or if the child participates in kindergarten education on the basis of Section (3) of Article 24 of this Act. Those stated in Subsection c) of Section (1) and in Section (2) may neither be applied if the child is disadvantaged.

Article 75

(1) The student's legal relationship ceases

- a) on the day when the student is taken over by another school if they are taken over;
 - b) on the day when the certificate about the completion of the last year of primary school is issued;
 - c) on the last day of the term-time of the last year of compulsory education, if the student does not wish to continue their studies;
 - d) on the last day of the first examination period following the completion of the last year in case of secondary grammar school studies;
 - e) on the last day of the first examination period following the completion of the last secondary year in case of secondary vocational school studies, if the student does not wish to continue their studies in vocational training or cannot continue their studies in default of the necessary conditions to continuing their studies;
 - f) in vocational training taking place at vocational schools and secondary vocational schools
 - on the last day of the first vocational examination period following the completion of the last year,
 - on the last day of the first vocational examination, if the student participates in practical training on the basis of a student's contract,
 - if the student has become unfit to continue their studies
- and if there is no other suitable course of vocational training taking place at the school, or if the student does not wish to continue their studies or cannot continue their studies in default of the necessary conditions to continue their studies;
- g) on the day indicated in the written statement made by the parents or the students if they have come of age on the dropout of the student at institutions of primary art education, or on the last day of the last primary year, if the student does not take the basic examination in arts, or on the day when the student sits the final examination of the last further training year, or on the day when the certificate verifying the completion of the last year and in cases indicated in Subsection i) if the student does not take the final examination;
 - h) after the cessation of compulsory education, on the day when the statement made by the student on their dropout is taken cognisance of;
 - i) on the day when the decision made on the subject of cessation enters into effect if the head teacher has ceased the student's legal relationship due to payment arrears after fruitlessly demanding the payment from the parents or the student in case of a student who has come of

age and examining the social conditions of the student, with the exception of school-age students. These provisions may not be applied if the child is disadvantaged.

(2) If a student has turned sixteen years of age and has not completed year six of the primary school, the primary school will initiate proceedings within the scope of which the student is taken over by a vocational school ensuring compulsory admission at the end of the academic year even without request if there is no adult education taking place at the school and the student does not wish to continue their studies there.

(3) The student's legal relationship also ceases if the student is absent from the compulsory activities of the school more than the time permitted by statute and without justification, with the exception of school-age students.

(4) The student's legal relationship ceases on the day when the disciplinary resolution about expulsion from the school enters into effect.

(5) The school may cease the student's legal relationship of students who are not of school age on the last day of the academic year by a unilateral statement if they have not fulfilled the study requirements of the same year on the second occasion. The school may also cease the legal relationship of those students who cannot participate in full-time education system as prescribed in Section (1) of Article 52 of this Act on the last day of the academic year by a unilateral statement provided that there is no adult education at the school or the student does not wish to participate in it.

(6) If a multi-purpose institution of public education performs the tasks of several types of schools, the student's legal relationship may not be ceased during the time of compulsory education until they have an opportunity to continue their studies in any institution unit performing school tasks. The provisions pertaining to the type of school complying with the tasks performed shall be applied to the cessation of the student's legal relationship after the cessation of compulsory education at complex schools as well as the institution units of institutions of public education under joint management and general community centres performing school tasks; the provisions pertaining to secondary schools shall be applied to uniform schools.

(7) The hall of residence membership of students ceases

a) when the student's legal relationship ceases in cases specified in Section (4) of Article 68, otherwise at the end of the academic year;

b) when the disciplinary resolution about expulsion from the hall of residence enters into effect;

c) on the day when the decision made on the subject of cessation enters into effect if the head of hall of residence has ceased the hall of residence membership of a student due to payment arrears after fruitlessly demanding the payment from the parents or the student;

d) on the day indicated in the written statement if the student resigns their membership with the consent of their parents;

e) on the day when the student is taken over by another hall of residence if they are taken over.

(8) Those stated in Subsections b)-c) of Section (7) may not be applied in case a student cannot complete their compulsory education without the existence of their hall of residence membership. If a student was admitted on the basis of the measure of the office of the public guardian, those stated in Subsection c) of Section (7) may not be applied and those stated in Subsection d) of Section (7) may be applied with the consent of the office of the public guardian. Those stated in Subsection c) may not be applied with regard to disadvantaged students.

(9) Students who are under age may make a statement with the consent of their parents, as a consequence of which their legal relationship as students or their hall of residence membership ceases.

(10) Kindergarten education, the student's legal relationship and the hall of residence membership cease if the educational-teaching institution ceases to exist and there is no legal successor.

Liability of Students for Damages, Their Disciplinary Responsibility and the Liability of the Educational-Teaching Institution for Damages

Article 76

(1) If a student breaches their obligations culpably and severely, they can receive disciplinary punishment by a written resolution on the basis of a disciplinary action.

(2) The disciplinary punishment may be

a) a reprimand,

b) a severe reprimand,

c) the reduction or withdrawal of certain allowances and benefits,

d) transfer to another class, study group or school,

e) prohibition from continuing the academic year in the given school,

f) expulsion from the school.

(3) The disciplinary punishments specified in Subsections e)-f) of Section (2) cannot be applied in case of school-age students. The disciplinary punishment regulated in Subsection d) of Section (2) may be applied if the head teacher has agreed with the head teacher of the other school that they take the student over. The disciplinary punishment specified in Subsection c) of Section (2) may bear no relation to social allowances and benefits.

(4) The regional chamber of economy shall be involved in the disciplinary action brought against students of vocational schools or secondary vocational schools if they have entered into a student's contract.

(5) If a member of a hall of residence offends against the order of the hall of residence, the following disciplinary punishments may be imposed on them:

a) a reprimand,

b) a severe reprimand,

c) expulsion.

(6) The age and mental stage of development of the student, and the severity of the deed they have committed have to be taken into consideration when meting the disciplinary punishment out. The disciplinary punishment is imposed by the teaching staff. The school or hall of residence student union has to be asked to give their opinion in the course of the disciplinary action.

(7) Students and the parents of students who are under age have to be informed about the act of taking disciplinary action, indicating its grounds. In the course of the disciplinary action the student has to be given a hearing and an opportunity to present their point of view and defence. A trial has to be held if the student disputes the breach of obligation imputed to them or if it is justified by the clarification of the case. The student and the parents of the student who is under age have to be invited to the trial. Parents always have to be involved in the disciplinary action in case of students who are under age. The parents or other representatives may act on behalf of the student during the disciplinary action. The disciplinary trial can be held even if the student, their parents or their representative do not appear despite repeated and due notifications. Disciplinary action has to be taken and conducted on the initiative of the student or their parents in case of students or students who are under age.

(8) Only one disciplinary punishment may be meted out to the student for one breach of obligation. If a disciplinary punishment should be meted out both at the school and at the hall of residence due to the breach of obligation, the disciplinary punishment should be meted out at the institution where the action was taken earlier, in default of an agreement between the educational-teaching institutions to the contrary.

(9) The disciplinary action for a breach of obligation committed within the scope of practical training has to be conducted at the school.

(10) Only disciplinary resolutions which have entered into effect may be executed. The rules for conducting a disciplinary action are specified by statute.

(11) No disciplinary action may be taken if three months have passed since the breach of obligation. If a prosecution has been brought against a student for a criminal or a minor offence due to the breach of obligation, and it has not resulted in an acquittal (in the rejection of the motion), the deadline is as of the announcement of the legally binding resolution.

Article 77

(1) If a student unlawfully causes damage to the educational-teaching institution or the organiser of the practical training in relation to the fulfilment of their study requirements, they shall be held accountable in accordance with the rules of the Civil Code of the Republic of Hungary.

(2) The extent of damages may not exceed

a) fifty per cent of the monthly amount of the compulsory minimum wage established in accordance with the provisions valid on the day of the damage, if the damage was caused by negligence;

b) the amount covering the damage but not more than fivefold the amount of the compulsory minimum wage established in accordance with the provisions valid on the day of the damage or five times the monthly minimum wage if the damage was caused wilfully, and the student lacks legal capacity or has limited legal capacity.

(3) Kindergartens, schools, halls of residence and organisers of practical training answer for damage caused to children / students in relation to kindergarten education, the student's legal relationship and the hall of residence membership or the practical training in full measure, regardless of their culpability. The provisions of the Civil Code of the Republic of Hungary shall be applied to the damages, with the rider that the educational-teaching institution or the organiser of practical training is only exempted from their responsibility if they prove that the damage was caused by reasons beyond their control and falling outside their sphere of operation. No compensation has to be paid if the damage was caused by the unpreventable behaviour of the party adversely affected.

4) If a student of a secondary vocational school or a vocational school has entered into a student's contract, the provisions of the Act on Vocational Education and Training shall be

applied to the compensation for the damage caused to the organiser of the practical training or the student.

*Special Provisions Pertaining to School Education and Teaching Conforming to the
Occupations of Students*

Article 78

(1) Those who cannot or do not wish to participate in the full-time education system may commence or continue their studies in school teaching conforming to their occupations related to employment, family or other things, to their existing knowledge and age (hereinafter called adult education) from the year in which they turn sixteen years of age.

(2) The school studies may exclusively be continued within the scope of adult education from the year in which students turn

a) seventeen years of age in case of primary schools with of eight years,

b)

c) twenty-three years of age in case of secondary schools and vocational schools.

The time limit specified in Subsection c) may be extended by one year in case the student commenced their studies in year one of the primary school at the age of seven, or if they participate in vocational training in which the number of years of vocational training exceeds two. Three years have to be added to the ages specified in Subsections a)-c) in case of students with special educational needs and students struggling with severe adaptive disorder, learning difficulty or behavioural derangement or if a student could not fulfil the study requirements because they received prolonged medical treatment.

(3) Students or in case of students who are under age the parents and the student jointly decide whether they continue their school studies in the full-time education system or in adult education until the date specified in Section (2) with the proviso that they can only participate in education organised in accordance with the order of full-time education system until the end of the academic year in which they turn eighteen years of age.

(4) Adult education may be organised

a) at schools established for that purpose and listed in Subsections b)-d) and f) of Section (1) of Article 20 of this Act or

b) in the adult education classes, groups or classes with special curricula of schools established for the purpose of the full-time education system.

5) A youth class or group may be organised for students from 16-20 years of age in adult education.

6) Education and teaching in adult education may be organised in accordance with the working schedule of the full-time, evening, correspondence or other special education. Teaching may be organised in accordance with the working schedule of full-time education for those who can participate in the full-time education system on the basis of those stated in Section (1) of Article 52.

7) The following may or shall be conducted in adult education:

- a) school education and teaching may be founded on the individual preparation of students;
- b) if teaching is not organised in accordance with the working schedule of full-time education, the school days specified in the schedule of the academic year have to be counted along with the days prescribed by the school and devoted to learning within the scope of individual preparation, and the provisions pertaining to the five-day school week shall not be applied;
- c) it is not obligatory to apply the provisions pertaining to non-compulsory curricular activities, divided classes and individual activities, extra-curricular activities, and everyday physical training;
- d) Students may use the services of the institutions performing the tasks of the pedagogical assistance service if they pursue their studies in accordance with the working schedule of full-time education. If students do not use the services of the institutions performing the tasks of the pedagogical assistance service, the decision whether they are entitled to special care will be made on the basis of the expert opinion of the expert prescribed by statute.

Special Rules Pertaining To Institutions of Public Education Not Maintained by Local Councils

Article 79

(1) If an educational-teaching institution is not founded by a local council, it needs a permit to commence its operation. The permit may be issued if the educational-teaching institution meets the necessary conditions for its operation as prescribed by Section (1) of Article 38 of this Act, or gradually creates the conditions.

(2) The following shall be attached to the application for the issuance of the permit: the deeds of the foundation, the pedagogical programme and the programme of the activities of the educational-teaching institution, as well as the documents from which it can be established that the personal and material conditions necessary for the commencement of the operation

and the educational and teaching work are available or can be created gradually. The application and its supplements may be submitted in a form specified by statute.

(3) The public administration officer or the chief public administration officer decides whether to issue the permit. The public administration officer or the chief public administration officer is obliged to obtain an expert opinion with regard to Subsection a) of Section (4) before their decision in relation to the issuance of the permit. An expert opinion can be given by experts appearing in the National Register of Experts. The costs of the procedure in relation to issuing the permit are borne by those who have submitted the application.

(4) The public administration officer or the chief public administration officer can refuse to issue the permit in the following cases:

a) the educational and pedagogical programmes of the educational-teaching institution do not comply with those specified in this Act or its vocational programme does not comply with those specified in the Act on Vocational Education and Training;

b) the educational-teaching institution does not meet the personal and material conditions necessary for its operation and in compliance with those stated in this Act, or if it cannot be established from its budget what resources are used to cover the expenses necessary to perform its tasks.

(5) The permit necessary for the operation of an educational-teaching institution can be issued if the educational-teaching institution has its own permanent seat and it has been founded to operate at least one kindergarten group or hall of residence group suitable to hold the maximum number of children / students specified in Annexe 3 of this Act or at least one school class in each year in compliance with the given type of school, and the personal and material conditions necessary for that and prescribed by statute are met or can gradually be created. An educational-teaching institution has a permanent seat if its maintainer attests that the right of disposition of the rooms necessary to perform its tasks and specified by statute is guaranteed so that the educational-teaching institution can operate for at least five educational or academic years (hereinafter called time of disposition over the seat). The permit can be issued even if the rooms are not suitable to hold children / students in compliance with their average number but they are suitable to hold the likely number of children / students in case of educational-teaching institutions established for national or ethnic minority education. If the seat of the educational-teaching institution is situated in a property also used by another educational-teaching institution, it also has to be examined in the course of the issuance of the permit whether the undisturbed operation of all the educational-teaching institutions, the

reception of the maximum number of children / students indicated in the founding charter and the operation of the teaching staffs can be guaranteed in the building.

(6) If the activities or the seat of the educational-teaching institution changes, the maintainer has to apply for the permit specified in Section (1) with regard to the change.

(7) On wishing to hand over the maintainer's right of a non-council educational-teaching institution while not changing the operation and activity of the educational-teaching institution, the public administration officer or the chief public administration officer examines whether the new, non-council maintainer can guarantee the conditions for its uninterrupted operation. The agreement made on the subject of the handover of the maintainer's right becomes valid with the legally binding resolution of the public administration officer or the chief public administration officer. Those stated in Section (6) shall also be applied to the procedure if the operation and activity of the educational-teaching institution is affected by the handover the maintainer's right.

(8) If the public administration officer or the chief public administration officer refuses to issue the permit necessary for the commencement of the operation, they also have to refuse to register the educational-teaching institution; if they have already registered the educational-teaching institution, they delete it from the register. The public administration officer or the chief public administration officer appeals to the organisation keeping the record with the purpose of deletion in case of budgetary organs.

Article 80

(1) The public administration officer or the chief public administration officer performs the legal inspection of the maintaining activities of an educational-teaching institution not maintained by a local council in accordance with the working schedule specified in Section (3) of Article 79. This provision cannot be applied if the educational-teaching institution is maintained by the municipal or regional minority council.

(2) The public administration officer or the chief public administration officer examines whether the maintainer operates the educational-teaching institution as prescribed in the founding charter and the permit necessary for operation within the scope of the legal inspection.

(3) The public administration officer or the chief public administration officer invites the maintainer to cease the breach of the law within the scope of the legal inspection, providing an appropriate deadline. If the maintainer has not taken measures within the given deadline, the public administration officer or chief public administration officer may initiate the judicial

establishment of the unlawful measure, decision or default. The lawsuit has to be instituted within thirty days after the expiry of the deadline established to cease the breach of the law. If the court establishes the breach of the law and the maintainer does not cease it within the deadline established by the court, the public administration officer or the chief public administration officer revokes the permit necessary for operation and deletes the educational-teaching institution from the register or appeals to the organisation keeping the record with the purpose of deletion in case of budgetary organs.

(4) The public administration officer or chief public administration officer performing the legal inspection may suspend the operation of an educational-teaching institution if the educational and teaching work performed there is an affront to public security, public order, public hygiene or public morals, or it is directed against the rights or civil liberties of others, or if the educational-teaching institution does not meet the necessary conditions to perform its tasks. The maintainer has to be invited to cease the deplored activity or to remedy the deficiencies before the operation is suspended, providing a due deadline, unless the delay would mean severe or irreparable damage or danger. The public administration officer or the chief public administration officer may order that the resolution should be executed immediately. The public administration officer or the chief public administration officer is obliged to file a lawsuit in accordance with Section (3) within fifteen days after the resolution has entered into effect and to act in accordance with those stated in Section (3), unless the cause of a lawsuit has ceased to exist.

(5) If the educational-teaching institution has other premises besides its seat, it has to apply for a permit for the premises as stated in Article 79. The public administration officer or the chief public administration officer has to conduct the procedure as prescribed in Article 79 with regard to the member institution operating on the premises and they exercise the spheres of authority specified there and in this Article with the difference that the public administration officer or the chief public administration officer takes measures to delete the institution from the register on appeal.

(6) The public administration officer or chief public administration officer despatches the legally binding public administrative resolution and thus takes measures to suspend the payment of the normative budget contribution if the maintainer has not ceased the breach of the law or the deplored activity albeit the public administration officer has invited them to do so as regulated in Sections (3)-(4) and consequently initiated the establishment of the breach of the law in court.

Article 81

- (1) If an educational-teaching institution is not maintained by a local council or a state organ,
- a) the educational-teaching institution may also operate as a committed institution with regard to religion or ideology and, in compliance with that, it may stipulate that children / students should accept a certain religion or ideology as a precondition for admission, build the philosophical, ethical and cultural knowledge corresponding to the religious or ideological commitment into its pedagogical programme, restrict or exclude the exercise of the right regulated in Subsection d) of Section (1) of Article 19 of this Act and establish rights and obligations in relation to the practice of religion for the children / students in the rules of the house;
 - b) and the subject of religious education appears in the syllabus of the school, the religious education teacher or instructor has to have qualifications in teaching religious education or religious education instruction obtained at a church higher education institution or a tertiary qualification in relation to religious life (e.g.: clergyman, theologian) and be appointed by the competent church authority;
 - c) the provisions pertaining to the provision of the preparation of the English language [Subsection b) of Section (1) of Article 11], the provisions pertaining to the midterm school enrolment plan when founding and maintaining a school [Section (2) of Article 28], Section (7) of Article 28 and Section (3) of Article 29 from the provisions pertaining to the initiation of a linguistic preparatory year, Article 46, the first, third, fourth fifth and sixth sentences of Section (2) of Article 65, Section (2) of Article 66, Section (3) and the first sentence of Section (4) of Article 68 from the provisions pertaining to the admission of children / students, the provisions pertaining to the performance of the daytime supervision of children [Section (4) of Article 24 and Sections (3)-(4) of Article 53], Section (8) of Article 18 from the provisions pertaining to the selection of a head of institution, Annexe 3, which specifies the number of children / students in a class or group with the exception of the provisions pertaining to the maximum number shall not be applied;
 - d) the admission to kindergartens, schools and halls of residence, the retention of kindergarten education, the student's legal relationship and the hall of residence membership may be tied to payment obligation in a written agreement and deviation from Articles 74-75 of this Act is permissible in a written agreement with regard to the cessation of kindergarten education, the student's legal relationship and hall of residence membership;
 - e) educational-teaching institutions may participate in the implementation of the council tasks specified in this Act within the scope of a written agreement concluded between the

maintainer and the local council responsible for the performance of the task (hereinafter called agreement of public education). Education and teaching becomes free of charge for children / students within the scope of the agreement of public education and the rules pertaining to local council educational-teaching institutions shall be applied to the admission of children / students but those stated in Subsection d) may not be applied. An agreement of public education may be concluded with the council of the capital or a county or a town of county rank for the performance of the tasks specified in Section (3) of Article 86 of this Act.

(2) If a religiously or ideologically committed educational-teaching institution co-operates in the performance of the tasks of the local council on the basis of an agreement of public education concluded on the basis of Subsection e) of Section (1), the conclusion of the agreement does not exempt the local council from its obligation to perform tasks with regard to those children whose parents do not want to send them to a school which is religiously or ideologically committed. Disproportionate burden may not fall to the lot of these parents, children or students due to the agreement of public education.

(3) The contents of an agreement of public education agreement are established freely by the parties with the proviso that the agreement should contain the following:

- a) the educational and teaching tasks,
- b) the number of children / students,
- c) the participation in kindergarten educational tasks and in the tasks related to the completion of compulsory education and school education and teaching and, in relation to that, the possible delegation of the exercise of certain privileges of the maintainer's control to the employer,
- d) the period for which the agreement has been made,
- e) the resources which can be used by the maintainer to perform the tasks, the amount of the supplementary subsidy provided in addition to those as well as the services which become free of charge for the children / students and parents, and the services which they can use for a fee on the basis of the agreement.

(4) The amount of the supplementary subsidy has to be specified in such a manner that it should allow of the performance of the tasks assumed free of charge or on payment of a fee as prescribed in Articles 114-115 and 117 of this Act within the scope of the number of children / students specified in the agreement.

(5) The period stipulated in the agreement of public education has to guarantee that the interested children /students can complete their kindergarten education and school studies respectively on the basis of the agreement.

(6) The provisions of the Civil Code of the Republic of Hungary pertaining to delegation shall be applied otherwise to the agreement of public education.

(7) The agreement of public education has to be published in the customary manner of the institution.

(8) The minister responsible for education may also conclude an agreement of public education if the institution of public education performs regional or national tasks provided that the maintainer of the institution of public education has initiated the conclusion of an agreement of public education in accordance with Subsection e) of Section (1) without success.

(9) The minister responsible for education may conclude an agreement of public education in agreement with the minister responsible for vocational qualifications in case of secondary vocational schools and vocational schools.

(10) The minister may also conclude an agreement of public education with the national minority council. The minister responsible for education is obliged to conclude an agreement of public education with the national minority council if the performance of school or hall of residence tasks belonging to national or ethnic minorities is not solved within the scope of the performance of the tasks of the local council and the school or hall of residence performs national tasks. If the local council assigns the proprietary or the maintainer's right of an institution of public education possessed or maintained by it to the national minority council, it is obliged to conclude an agreement of public education as stated in Sections (3)-(4).

(11) If a church legal entity and the government have concluded an agreement which also extends to the performance of tasks of public education, the church legal entity may undertake to co-operate in the performance of the tasks of the council by its unilateral statement despatched to the council of the village, the town, the district of the capital city or the town of county rank competent on the seat of the educational-teaching institution, with regard to the educational-teaching institution maintained and operated by the church legal entity, with the exception of a handover of an institution specified in Section (13). The Catholic Church in Hungary is entitled to make the unilateral statement on the basis of the agreement concluded between the Republic of Hungary and the Apostolic See. Those stated in Subsections a)-d) of Section (3) shall be included in the statement; those stated in Section (5) shall be applied when preparing it and those stated in Section (6) shall be applied when fulfilling it. The municipal council despatches the statement to the council of the capital city or the county within three working days. The supplementary subsidy specified in Sections (1)-(2) of Article 6 of Act No. CXXIV of 1997 on the Financial Conditions of the Religious and Public Purpose

Activity of Churches (hereinafter called the Act on the Financial Conditions of the Public Purpose Activity of Churches) has to be provided within the central budget from the academic year commencing after the despatch of the statement onwards.

(12) The minister responsible for education is obliged to conclude an agreement of public education with the church legal entity if the school or hall of residence maintained by it performs national tasks, unless the educational-teaching institution falls within the effect of Section (13). The minister responsible for education concludes an agreement to provide the pedagogical professional service and the pedagogical assistance service on the basis of the agreement specified in Section (11) at the request of the church legal entity. The minister responsible for education is obliged to conclude an agreement to provide the pedagogical professional service and the pedagogical assistance service if the budget act does not provide normative contribution to perform these tasks.

(13) The local council is obliged to conclude an agreement of public education on the appeal of the church legal entity if the property does not fall within the effect of the Act on the Settlement of Ownership of Former Properties of Churches and the local council hands over its educational-teaching institution maintained by it and operating in the property so that it will be maintained by the church legal entity. A statement of agreement of the signatory of the agreement in case of a church legal entity concluding the agreement listed in Section (11), otherwise the organ of the independent organisation of the church legal entity (monastic organisation etc.) entitled to make a statement at the time of the judicial registration of the organ of the independent organisation of the church legal entity (hereinafter jointly called church organ entitled to make a statement) has to be attached to the handover and the conclusion of the agreement of public education if it is not initiated by the church legal entity. The church legal entity becomes entitled to the supplementary subsidy on the basis of the agreement of public education from the academic year following the conclusion of the agreement of public education onwards. The supplementary subsidy shall be paid within the central budget and charged to the local council handing over the property in accordance with Section (9) of Article 118 of this Act.

(14) Those stated in Section (13) shall also be applied in case the church legal entity re-establishes the educational-teaching institution operating in the building it has taken over. When applying these provisions, the educational-teaching institution is re-established if less than four months pass between the cessation and the establishment, and more than fifty per cent of the teaching staff of and the children / students admitted to the ceased and the established educational-teaching institution are identical.

(15) If it is the minister responsible for education who concludes an agreement of public education agreement, they despatch a copy of it to the council of the capital city or the county competent on the seat of the educational-teaching institution.

Article 82

(1) If the institution of the pedagogical assistance service or the pedagogical professional service is not maintained by a local council or a state organ, Sections (1)-(3) and the second sentence of Section (5) of Article 80 and those stated in Subsection e) of Section (1) as well as in Sections (7)-(8) and (10) of Article 81 shall be applied to its activity. A payment obligation may be stipulated for the pedagogical assistance services and the pedagogical professional services. The spheres of authority specified in this Article are exercised by the chief public administration officer with the exception of the conclusion of the agreement of public education.

(2) The permit specified in Section (1) of Article 79 of this Act has to be obtained to perform the tasks of early intervention and care and developmental preparation. The chief public administration officer is competent to issue the permit. Those stated in Sections (1)-(2), Subsection b) of Section (4) and Sections (6)-(7) of Article 79 shall be applied in the procedure related to the issuance of the permit. It shall also be examined whether the right of disposition of the rooms necessary to perform its tasks and prescribed by a separate statute is guaranteed for three years. The existence of the conditions has to be examined both on the seat and on the premises. Those stated in Sections (5)-(6) of Article 80 shall also be applied with regard to the institution co-operating in the performance of the tasks.

(3) If the permit in accordance with Section (2) is not necessary for the operation of an institution of pedagogical assistance service and the existence of the prescribed conditions has to be examined in the procedure preceding the registration in case of institutions of pedagogical professional service, those stated in Sections (5)-(6) of Article 80 of this Act shall be applied with regard to the institution co-operating in the performance of the tasks.

(4) The minister responsible for the state budget has to be asked to give consent for the conclusion of the agreement of public education specified in Sections (8)-(10) of Article 81 and in this Article.

(5) The chief public administration officer performs the jurisdictions specified in Article 80 of this Act and in Section (1) with regard to institutions of public education maintained by the national minority councils.

(6) If a non-state or non-council maintainer becomes entitled to supplementary contribution on the basis of an agreement of public education concluded with the minister responsible for education or a unilateral statement, the kindergarten or primary school operated and maintained by them participates in the performance of the tasks of kindergartens and schools ensuring compulsory admission. The town or village or the district of the capital city where the seat or the premises of the kindergarten or primary school are situated shall be regarded as an admissions district in the course of that. The maintainer, in concert with the local council responsible for the performance of the tasks, specifies the number of children /students the admission of whom the kindergarten or primary school cannot deny. This number may not be less twenty-five per cent of the maximum number of children / students who can be admitted, specified in the founding charter of the kindergarten or primary school for the given place of the performance of tasks. Multi-disadvantaged children / students have to be given preference when granting the applications for admission within the scope of the performance of the tasks of kindergartens and schools ensuring compulsory admission.

(7) The obligation established in Section (6) does not affect the obligations of kindergartens and schools ensuring compulsory education on the basis of Section (2) of Article 65 and Section (2) of Article 66 of this Act.

(8) If an educational-teaching institution participates in national or ethnic minority kindergarten education or school education and teaching, those stated in Section (6) do not affect the national or ethnic minority education and teaching or the obligation to give preference related to children / students belonging to the national or ethnic minority. The obligation established in Section (6) can only be enforced with regard to educational-teaching institutions maintained by church legal entities, if it is not contrary to the entitlement specified in Subsection a) of Section (1) of Article 81 of this Act.

(9) The educational authority acting in its scope of public educational duties may initiate the suspension of the payment of the supplementary contribution at the minister responsible for education if an educational-teaching institution has not fulfilled its obligation specified in Section (6). This regulation cannot be applied if the educational-teaching institution could not fulfil its obligation in default of an appropriate number of applicants.

(10) The kindergartens and primary schools of institutions of higher education participate in the performance of the tasks of compulsory admission as prescribed by Section (6).

Rules of Procedure

Article 83

(1) Educational-teaching institutions shall inform the students and the parents in writing about their decisions related to the children /students, in cases and forms specified by statute.

(2) Students and parents may bring proceedings against a decision, measure or the failure of a kindergarten, school or hall of residence to take measures (hereinafter jointly called decision) in the interest of children / students within fifteen days after they were notified or, in default of that, took cognisance of the decision, with the exception of the evaluation and assessment of comportment, diligence and studies. Proceedings may also be brought against the assessment of comportment, diligence and studies if the assessment did not occur as prescribed by the local curriculum applied by the school, or the procedure related to the assessment is contrary to a statute or the provisions pertaining to the student's legal relationship.

(3) If the petition initiating the proceedings is filed on grounds of

- a) a breach of individual interests, it is a petition for revision;
- b) a breach of statute, it is a petition of legitimacy.

(4) It is the representative of the maintainer who acts and makes a decision of appeal with regard to

- a) petitions of legitimacy and
- b) petitions for revision filed in relation to admission to and exclusion from kindergartens, the establishment and cessation of student's legal relationships and hall of residence memberships and the disciplinary cases of students.

(5) The representative of the maintainer can reject the petition in the proceedings specified in Section (4) or

- a) change the decision or
- b) repeal the decision and order the educational-teaching institution to make a new decision in case of breach of individual or interest or statute.

(6) Petitions for revision are examined by the school board or, in default of that, a committee of at least three members, composed of the members of the teaching staff, with the exception of the petitions for revision listed in Section (4). The school board or the committee

- a) rejects the petition for revision;
- b) orders those failing to make a decision to make a decision;
- c) repeals the decision and orders the decision-maker to make a new decision as a result of the examination.

(7) The provisions of the Act on General Rules of Public Administration Procedures shall be applied to the calculation of the deadline for filing a petition of legitimacy or a petition for revision, to negligence and to the proceedings related to passing judgement.

(8) Students and parents may request a court review of the decision made by the maintainer on the subject of a petition of legitimacy or a petition for revision, with the exception of disciplinary cases specified in Subsections a)-b) of Section (2) of Article 76 and Subsections a)-b) of Section (5) of Article 76, within thirty days after notification, on grounds of breach of statute or its being contrary to provisions pertaining to the student's legal relationship.

(9) The decision of the educational-teaching institution is final, provided that no petition instituting proceedings was filed within the deadline specified in Section (2), or it was decided that no petition instituting proceedings should be filed. The decision of appeal enters into force from the notification. The provisions of the Act on General Rules of Public Administration Procedures shall be applied to the notification. The final decision can be executed unless a court review has been requested. The decision-maker may order the immediate execution of the decision of appeal if it justified by the cogent interest of the other students attending the educational-teaching institution.

(10) The person or organisation entitled to take measures in public education is obliged to give a definite response within fifteen days, at the suggestion of the student union, the teaching staff, the school board or the parental organisation (association); the body of representatives (general assembly) of the local council is obliged to give a definite response in the first session following the fifteenth day at the latest.

Article 84

(1) If the maintainer does not approve the educational or pedagogical programme of the educational-teaching institution, the pedagogical-cultural programme of a general community centre or the organisational and operational code of an institution of public education, the teaching staff or the meeting of the clerical staff may request the review of the decision from the court on grounds of breach of statute within thirty days after notification with the exception specified in Section (3).

(2) The school board, the student union and the parental organisation (association) can file a petition of legitimacy to the maintainer within fifteen days in case of the violation of their rights. One can appeal to court against the decision of the maintainer as stated in Section (1), with the exception specified in Section (3).

(3) If the decision in accordance with Sections (1)-(2) has been made by the body of representatives (general assembly) of the maintaining council, a legal inspection can be initiated at the public administration office.

(4) Chapter XX of Act No. III of 1952 on the Code of Civil Procedure shall be applied in the court cases specified in Section (8) of Article 83 and in Sections (1)-(2). The court may change the decision. The court passes judgement in the case in an extraordinary session.

(5) Parents and students may file a petition of legitimacy against a decision, measure or the failure of the independent examination board, the secondary examination board or the vocational examination board to take measures (hereinafter jointly called decision) to the educational authority acting in its scope of public educational duties on the grounds of breach of statute within three days following the decision. The educational authority acting in its scope of public educational duties passes a judgement on the petition of legitimacy within three working days. Sections (5) and (7)-(9) of Article 83 and Section (4) of Article 84 of this Act shall be applied to its procedure with the difference that default on the deadline specified for filing the petition involves the forfeiture of rights and there is no room for excuse.

(6) Those who exercise the right of consent when making a decision related to public education at an educational-teaching institution may make their statement within thirty days. This time limit may be extended by thirty days before the expiry of the deadline with a statement addressed to the other party on one occasion at most. Default on the deadline involves the forfeiture of rights and there is no room for excuse. The provisions of the Act on General Rules of Public Administration Procedures shall be applied to the calculation of the deadline. If the issue in dispute between the interested parties cannot be settled through conciliation between each other in the course of the exercise of the right of consent, a committee with nine members has to be created at the educational-teaching institution. The teaching staff and those who exercise the right of consent send three representatives to the committee. Three members are invited by the maintainer of the educational-teaching institution from the experts occurring in the National Register of Experts at the expense of the budget of the educational-teaching institution. The committee specifies its own order of operation with the proviso that it makes its decisions with a majority. The decision substitutes for consent.

(7) Decisions which have been made within the sphere of institutional authority or under the maintainer's direction and infringe the requirement of equal treatment or are contrary to the children's interest, which is put above everything else, are null and void. Anyone may refer to the invalidity of the decision which has been declared null and void without a time limit.

(8) One can request that a decision should be declared null and void within the scope of the procedure regulated in Sections (4) and (8) of Article 83 or from the court if there is no possibility of contesting the decision on the basis of Section (4), with the exception specified in Section (10). Those entitled to institute proceedings have to initiate a precursory procedure of conciliation at the decision-maker before the institution of legal proceedings. The establishment of nullity may be requested by those who are affected by the decision or by anybody if it cannot be established. The establishment of nullity can be initiated without a time limit, provided that the precursory conciliation procedure conducted with the decision-maker proves unsuccessful in cases specified in Section (8).

(10) If the decision has been made by a local council or its organs, the existence of nullity can be established by the public administration office on the basis of Subsection a) of Section (2) of Article 98 of the Act on Local Councils within the jurisdiction of legal inspection. If the procedure of the public administration office proves unsuccessful, it can contest the decision in court on the basis of the provisions of the Act on Local Councils. The public administration office can request the establishment of nullity from the court and the application of the legal consequences specified in this Act.

(11) It is the decision-maker who has to prove that the cause of nullity does not exist in the proceedings instituted to establish nullity.

(12) If a statute stipulates that precursory opinion, consent or an expert opinion shall be sought to make a certain decision belonging to the sphere of the maintainer's control, a decision made by failing to do so can be contested. The decision which has been contested successfully becomes void with effect from the date when it was made. The aggrieved party is entitled to contest the decision as well as those in whose legal interest it is to contest it. The contestation shall be announced within three months in writing, and then enforced within fifteen days in case the announcement is unsuccessful. The establishment of invalidity may be initiated as prescribed by Sections (8) and (10). The time limit of three months commences on the day when the interested party is notified of the decision. If this day cannot be established, the day of announcement is the fifteenth working day after the decision was made. Default on the deadline guaranteed for contestation involves the forfeiture of rights and there is no room for excuse.

(13) The establishment of nullity or invalidity (hereinafter called violation) does not affect the rights obtained and exercised in good faith.

(14) The court

a) may order the violator

- i) to cease the violation and may prohibit them from further violation;
 - ii) to give satisfaction with a statement or in another appropriate form, and guarantee the appropriate publicity at their own expense;
 - iii) to restore the state preceding the violation, cease the violating state, destroy the item produced through violation or deprive it of its violating nature at their expense;
 - iv) to pay the savings arising from the violation and calculated for one budget year to the Estimates for the Development of Public Education;
- b) obliges the maintainer to establish or specify the boundaries of the admissions district of the school in such a manner that it should comply with those stated in Sections (1)-(2) of Article 66 and Article 90 of this Act;
- c) may prohibit the establishment of new legal relationships of kindergarten education, student's legal relationships, hall of residence memberships with regard to the given educational-teaching institution for a definite time or until certain conditions are fulfilled, provided that the admission of the children / students affected can be solved at another institution in the town or village.
- (15) The violating decision may be declared valid if the cause of nullity or invalidity can be ceased.

CHAPTER VI

THE ORGANISATION AND CONTROL OF PUBLIC EDUCATION

The Public Duties of Public Education and Obligation of Local Councils to Perform Tasks

Article 85

- (1) Local councils perform their tasks related to public education as prescribed by this Act.
- (2) The state also participates in the solution of the tasks related to public education directly by establishing and maintaining institutions and through agreements concluded with maintainers of institutions not established by the state or by a local council.
- (3) Both legal and natural entities may participate in the fulfilment of the tasks related to public education specified in Section (1) by establishing and maintaining educational-teaching institutions, pedagogical assistance service or institutions of pedagogical professional service.
- (4) Local councils are obliged to prepare a plan for performing tasks and operating and developing a network of institutions serving the preparation of the council decisions (hereinafter called council action plan) necessary for the organisation of their tasks of public

education independently or in concert with other local councils. The council action plan shall take the development plan of the county or the capital city into consideration. The council action plan shall contain the manner in which the council performs its compulsory tasks and the non-compulsory tasks it wishes to perform. It shall also contain the propositions related to the operation, maintenance, development and reorganisation of the system of institutions. The municipal minority council has to be asked to give consent on issues affecting the national or ethnic minority when preparing the action plan. The heads of the institutions of public education operating in the town or village as well as the parental and student organisations, non-state and non-council maintainers of institutions, trade unions on a municipal level and the interested national minority council if there is no municipal minority council operating shall also be asked to give an opinion in order for the action plan to be prepared. Local councils evaluate the execution of the local action plan at least biennially and revise it if necessary. Local councils examine whether the educational and pedagogical programmes are in compliance with those stated in the council action plan on the basis of Subsection a) of Section (2) of Article 103 of this Act. Local councils shall not prepare a local action plan if they are members of a multi-purpose micro-regional partnership provided that the independent action plan of the multi-purpose micro-regional partnership contains everything a council action plan should, broken down into towns and villages.

(5) If a local council provides kindergarten education or school education and teaching partly or wholly not at institutions maintained by it, it has to specify the manner in which it fulfils the obligation specified in this Act in the council action plan. It also has to prepare the council action plan in concert with the local council the educational-teaching institution maintained by which performs the tasks of the school and the kindergarten ensuring compulsory admission with regard to those living in its territory of competence.

(6) The local council has to seek an expert opinion from the council of the capital city or the county on the issue of whether the council action plan is in conformity with those stated in the development plan of the capital city or the county when preparing or revising the council action plan. If the council action plan or its modification is not in conformity with the development plan of the capital city or the council according to those stated in the expert opinion, a qualified majority regulated in Section (2) of Article 16 of Act No. LXV of 1990 on Local Councils is needed.

(7) Local councils as maintainers of institutions prepare the quality management programme of the operation of the system of council institutions of public education (hereinafter called council quality management programme). The council quality management programme

specifies the expectations of the maintainer, the tasks of each institution related to the maintainer's expectations, the connections of the system of public education with other branches affecting public education (child and youth protection, welfare policy, labour force administration, general education and health care), the order of professional checks, legal inspections and financial audits planned within the scope of the maintainer's control for the whole of the system of council public education. The institutional quality management programme has to be in conformity with the council quality management programme.

Article 86

(1) The council of a village, a town, a district of the capital city or a town of county rank is obliged to guarantee kindergarten education, primary school education as well as the kindergarten education and primary school education and teaching of those belonging to a national or ethnic minority in towns and villages inhabited by a national or ethnic minority.

(2) The obligation stated in Section (1) includes the care for children / students with special educational needs if they can be educated and taught along with the other children / students.

(3) A county council and the council of the capital city are obliged to guarantee the following, unless otherwise regulated by Section (4):

- a) hall of residence service and national and ethnic minority hall of residence service,
- b) secondary vocational school and vocational school service,
- c) secondary vocational school and vocational school service for national and ethnic minorities,
- d) adult education,
- e) primary art education,
- f) further studies and vocational guidance counselling, educational counselling, speech therapy service, adapted physical education

in case the council of the village, the town or the district of the capital city does not undertake the performance of the task or the performance of the task is not solved in the territory of the county or the capital city.

(4) The council of a district of the capital city is obliged to guarantee the following, unless otherwise regulated by an agreement concluded between the council of the capital city and the council of the district of the capital city:

- a) the primary school education of students with slight mental disabilities;
- b) primary art education;
- c) primary school adult education;

d) educational counselling, speech therapy service and adapted physical education.

(5) The obligation of local councils to perform tasks does not extend to the organisation of vocational training in adult education with the exception of the working schedule of full-time education.

(6) If the number of students belonging to the identical national or ethnic minority does not allow of the organisation of the minority education within one town or village, the council of the capital city or the county organises the teaching of the requirements for the mother tongue and the studies into the people connected to the phase establishing general knowledge (hereinafter called supplementary minority education) on the initiative of the national minority council affected as prescribed by statute. Supplementary minority education may be organised as a division of a given school, by establishing a separate minority language teaching school or by employing travelling educators.

Article 87

(1) The council of a county and the council of the capital city are obliged to guarantee the following, unless otherwise regulated by Section (2):

a) the change of schools of students at the domicile or, in default of this, place of residence of whom the conditions of school education and teaching are not provided until the end of compulsory education without a supplementary examination or the repetition of a year following the primary school;

b) the activity of providing information related to secondary vocational school and vocational school admissions;

c) the pedagogical professional service of councils;

d) education for children receiving prolonged medical treatment necessary for the completion of their compulsory education at children's health farms, health care institutions and rehabilitation institutions;

e) kindergarten, school and hall of residence service for those children / students with special educational needs who may not be educated along with the other children / students;

f) the conditions necessary for the completion of developmental preparation;

g) the organisation of therapeutic teaching counselling, early intervention and care, the rehabilitation activity of experts examining the ability to learn and conductive therapeutic service;

h) the operation of the network of travelling experts necessary for the performance of the tasks specified in Subsections e)-f) as well as the tasks of adapted physical education.

(2) The council of a district of the capital city is obliged to guarantee the performance of the pedagogical professional service of councils with regard to kindergarten education and primary school education and teaching unless otherwise regulated by an agreement concluded between the council of the capital city and the council of the district of the capital city.

(3) The council of the capital city is obliged to guarantee the performance of the national rehabilitation activity of experts necessary for the establishment of the type of disability. The national rehabilitation tasks of experts are specified by statute.

(4) The council of the capital city or the county guarantees the operation of the permanent system of supply teaching of educators and other experts with special qualifications in the capital city or the county as prescribed by statute.

Article 88

(1) A plan for development, for the performance of tasks and for the operation of the system of institutions serving the preparation of council decisions necessary for the organisation of the tasks of public education (hereinafter called development plan) is prepared by the council of the capital city and the county councils, in concert with and asking for the opinion of the councils of the districts of the capital city and the local councils operating in the territory of the county respectively. The statistical office of the capital city or the county and the public employment organ (hereinafter jointly called contributors), the regional chamber of economy, the parental and student organisation of the capital city or the county, the non-state and non-council maintainers of institutions and the trade union of teachers of the capital city or the county have to be asked to give their opinion when preparing the development plan. County councils and towns of county rank prepare the development plan for their own territories and then approve them jointly in the arbitration committee. The plan pertaining to the performance of the compulsory tasks of county councils specified in Articles 86-87 of this Act and to the satisfaction of the demands for the continuation of secondary studies after the completion of year eight within the scope of the plan appears as an independent chapter in the county development plan. The county development plan has to contain the basic principles of co-operation among councils with regard to the performance of educational tasks and the assurances and conditions for the possibility of shifting within the system of educational institutions. The interested municipal or regional minority council may express its opinion on the preparation of the development plan and co-operate in preparing it. The national minority council has to be asked to give its opinion on the preparation of the development plan. The contributors are obliged to furnish the data necessary for the preparation of the development

plan at the request of the council of the capital city or the county. The development plan of the capital city and the county development plan are issued by the council of the capital city and the county council respectively by a resolution and in the form of a recommendation. Those organisations qualify as parental and student organisations and professional organisations of educators which have registered with the council of the capital city or the county by presenting their charter and certifying their registration at court when applying this Section.

(2) The development plan contains the evaluation of the situation of the organisation of the service of public education, the tasks to be solved and a midterm school enrolment plan pertaining to the territory of the capital city or the county. The development plan shall be prepared in such a manner that the manners in which each council fulfils its obligation to perform the tasks related to public education and the places where children / students with a domicile or, in default of that, place of residence in each town or village may avail themselves of the services of public education specified in this Act can be determined, kindergartens and schools ensuring compulsory admission and pedagogical assistance services in particular. The total capacity of each type of school with regard to the expected number of students and the task of each school to complete compulsory education and create the conditions of further studies shall be specified in the school enrolment plan. Institutions of public education not maintained by state organs or local councils shall be taken into consideration when preparing or modifying the development plan if they co-operate in performing the compulsory task of the local council within the scope of an agreement of public education or the maintainer has forwarded their statement to the municipal council in cases specified in Section (11) of Article 81 or has concluded an agreement of public education with the minister responsible for education. Institutions of public education not maintained by state organs or local councils may not be indicated in the development plan in default of an agreement of public education or a statement.

(3) The development plan is prepared for a period of at least six years. The development plan has to be reviewed at least once every four years and also if it is requested by at least five per cent of the local councils affected or the local minority or national minority councils or all the interested parties.

(4) Councils may perform their tasks by establishing and maintaining institutions, participating in partnerships or through agreements concluded with other councils or maintainers. If councils perform the tasks specified in this Act through partnerships, they shall agree on the bearing and sharing of expenses in the articles of partnership.

(5) Local councils may establish a new institution of public education or expand the tasks of an existing institution if the personal and material conditions necessary for the commencement of the operation or the performance of the new tasks can be created and the budget funds are available. The council of the capital city or the county has to be asked to give an expert opinion founded on the development plan for the decision.

(6) Local councils may partly or wholly wind their institution of public education up, cease the provision of a service or reorganise their institution of public education if they continue to provide the given activity or service on an appropriate level in such a manner that its use means no disproportionate burden for children, students or parents. The council of the capital city or a county has to be asked to give an expert opinion founded on the development plan to make a decision on that. Local councils are obliged to seek an opinion from an expert occurring in the National Register of Experts and ask them to give an opinion on their planned measure. The expert has to decide whether the proposed solution guarantees the further performance of the given activity or the further provision of the given service as prescribed by this Section. The opinion of the expert shall be despatched to the council of the capital city or the county contemporaneously with the act of seeking an expert opinion. The educational authority acting in its scope of public educational duties puts up a proposal for the independent expert at the request of the local council. These provisions shall be applied even in case the local council withdraws the assets put at the disposal of the institution of public education for the performance of tasks or the right of disposition over the assets from the institution of public education.

(7) Local councils may partly or wholly assign the proprietary or the maintainer's right of an institution of public education possessed or maintained by it to maintainers formed on the basis of an ideology or other maintainers if they continue to guarantee the service on an appropriate level for children / students whose parents do not want to send their children to an institution which is committed or has been handed over in such a manner that its use means no disproportionate burden for children, students or parents. The council of the capital city or the county has to be asked to give an expert opinion founded on the development plan to make a decision on that.

(8) If a local council wishes to wind one of its institutions of public education up or partly or wholly assign the proprietary or the maintainer's right of the educational-teaching institution to a non-state organ or a non-council maintainer contrary to those stated in the expert opinion of the council of the capital city or the county founded on the development plan, a qualified majority regulated in Section (2) of Article 16 of Act No. LXV of 1990 on Local Councils is

needed to make the decision. Those stated in Sections (6)-(7) shall be taken into consideration even if the decision was made in such a manner.

(9) If the council of a town, a village or a district of the capital city does not undertake the performance of the task listed in Section (3) of Article 86 with the institution of public education possessed by it, they notify the handover of the task to the council of the capital city or the county which decides whether the operation of the institution performing the task is necessary for the task which has been handed over taking those specified in Section (6) into consideration and following the procedures specified in Section (3) of Article 102. The council handing over the task is obliged to let the council of the capital city or the county use the assets of the institution serving the performance of the task or assign them as those exercising the trustee's right (hereinafter the right of use and the trustee's right jointly called right of use) at the request of the council of the capital city or the county. The handover takes place free of charge. The date of the assignment of the task and the use is 1st July in the year following the announcement in case of educational-teaching tasks and institutions and 1st January in the year following the announcement in case of other tasks and institutions of public education, unless otherwise agreed by the parties. If the council of a town, a village or a district of the capital city performs the task within the scope of a multi-purpose institution and the institutional assets serving the performance of the task cannot be divided, all the assets of the institution have to be assigned for use along with the tasks performed by the institution at the request of the council of the capital city or the county. The duration of the assignment of use regulated in this Section may not be less than ten years. The provisions of the Civil Code of the Republic of Hungary shall be applied to the assignment of use otherwise.

(10) If the council of the capital city or the county does not request that the right of use should be assigned to them as prescribed in Section (9), the assets of the institution may only be alienated if the local council possessing it completes its tasks specified in Section (1) of Article 86 as the maintainer of the institution. Those who continue to use the institutional assets to perform a task of public education will have pre-emption rights when the institution is alienated. A ten-year-long restraint on alienation and encumbrance shall be registered for properties purchased in this manner.

(11) The decision of the general assembly made as prescribed by Section (8) to wind an institution of public education maintained by the capital city or a county up or to partly or wholly assign the proprietary or the maintainer's right to a non-state or non-council maintainer in case the decision is not in conformity with those stated in the development plan.

The arbitration committee has to be asked to give an opinion on the issue in case of an institution of public education maintained by a county.

(12) If national or ethnic minority kindergarten education or school education and teaching take place at a kindergarten or a school, the local council has to ask the municipal or regional minority council depending on the maintainer competent on the seat of the institution to give consent and the national minority council to give an opinion for in order for the decision specified in Sections (6)-(7) and (9) to be made.

(13) If an educational-teaching institution is wound up with a legal successor, the act of winding it up does not affect the kindergarten education, the student's legal relationship or the hall of residence membership of children. In case parents do not want to send their children to the legal successor educational-teaching institution or if an educational-teaching institution is wound up without a legal successor, the local council indicates the educational-teaching institution which parents may request to take their children over before the educational-teaching institution is wound up taking those stated in Sections (6)-(7) into consideration. The head of the indicated educational-teaching institution may only deny admission to a child / student due to lack of space.

Article 89

The council of the capital city or the county initiates the conclusion of an agreement of co-operation with the council operating in the territory of the capital city or the county for the organisation of services of a district nature and related to public education for the sake of the undisturbed provision of the tasks of public education, the following in particular:

- a) the performance of the tasks related to the completion of compulsory education (forming a school network, guaranteeing the education taking place in years nine and ten, enrolment, transfer, operating pedagogical assistance services);
- b) the solution of kindergarten and school care for children / students belonging to a national or ethnic minority and children / students with special educational needs;
- c) the creation of the necessary conditions for developmental preparation, the operation of the network of travelling therapeutic teachers, speech therapists, conductive therapists;
- d) assurance that those for whom the conditions of school education and teaching are not provided at their domicile until the end of compulsory education can change schools without a supplementary examination or the repetition of a year;
- e) the settlement of issues related to admission matters at secondary schools and vocational schools and the solution of particular tasks;

f) the specification of the operational (admissions) district of institutions providing regional service (schools and student hostels receiving children / students with special educational needs, halls of residence, speech therapeutic institutions etc.) and the determination of the necessary contribution for operating and maintaining them.

Micro-Regional Organisation of the Tasks of Public Education

Article 89/A

(1) Those stated in Articles 85-89 of this Act shall be applied in case of the formation of a multi-purpose micro-regional partnership of municipal councils (hereinafter called multi-purpose micro-regional partnership) with the differences specified in this Article.

(2) If a multi-purpose micro-regional partnership guarantees the performance of the task specified in Section (3) of Article 86 of this Act, the obligation of the county council to perform tasks ceases with regard to those tasks in the territory of competence of the municipal councils performing tasks of public education in the multi-purpose micro-regional partnership (hereinafter called territory of the multi-purpose micro-regional partnership) and the multi-purpose micro-regional partnership becomes entitled to take over tasks as regulated in Section (9) of Article 88 of this Act (hereinafter called micro-regional task which has been taken over). Multi-purpose micro-regional partnerships may perform the tasks of the county council specified in Sections (4)-(5) of Article 86 and Article 87 of this Act. Multi-purpose micro-regional partnerships may conclude an agreement of public education with regard to the tasks they perform as prescribed by Article 81 of this Act.

(3) The county council is obliged to assign the right of use of the institutional assets which are let be used by the town or village councils participating in the micro-regional partnership on the basis of Section (9) of Article 88 of this Act and which are necessary for the performance of the micro-regional task which has been taken over to the multi-purpose micro-regional partnership. If the county council does not wish to perform the micro-regional task which has been taken over in the territory of the multi-purpose micro-regional partnership with the institution of public education possessed by it, they inform the multi-purpose micro-regional partnership on the initiative of which they are obliged to assign the right of use of the institutional assets serving the performance of the micro-regional task which has been taken over to the micro-regional partnership. Those specified in Section (9) of Article 88 and Sections (9) and (11)-(12) of Article 102 of this Act shall be applied to the acts of handing

over the task and letting the institutional assets be used with the difference that the act of letting them be used is valid until the multi-purpose micro-regional partnership exists.

(4) The president of the partnership board despatches the agreement of multi-purpose micro-regional partnership and its modifications to the county council affected and initiates the conclusion of an agreement related to the tasks which have been taken over if necessary. The county council is obliged to make a decision on the initiative in its following session but within sixty days at most.

(5) Multi-purpose micro-regional partnerships prepare an independent development plan for the tasks performed by them in accordance with Section (4) of Article 85 of this Act.

(6) If a multi-purpose micro-regional partnership ceases to exist, the obligation specified in Section (3) of Article 86 of this Act to perform tasks and the right of use of the institutional assets available for the performance of the task pass to

a) the county council with regard to those village or town councils which were not performing the given task at the time of the entry into force of this Act on 1st September 1993 (hereinafter called entry into force in 1993),

b) the village or town council which was performing the task at the time of the entry into force of this Act in 1993

as prescribed by Sections (9)-(10) of Article 102 of this Act.

(7) If a village or town council withdraws from the multi-purpose micro-regional partnership, the obligation specified in Section (3) of Article 86 of this Act to perform tasks and the right of use of the institutional assets available for the performance of the task pass to

a) the county council if the village or town council withdrawing was not performing the given task at the time of the entry into force of this Act in 1993,

b) the village or town council withdrawing if it was performing the given task at the time of the entry into force of this Act in 1993

as prescribed by Section (9) of Article 102 of this Act.

(8) The county council can refuse to take over the task specified in Section (9) of Article 88 of this Act for five years from the act of taking over the task onwards in cases specified Subsection b) of Section (6) and Subsection b) of Section (7).

(9) Multi-purpose micro-regional partnerships maintaining institutions of public education establish partnership committees of public education for the preparation of their decisions related to public education.

(10) Multi-purpose micro-regional partnerships maintaining institutions of public education may perform their activity related to public education with regard to villages or towns which

are not members of the partnership and, within the scope of that, they may agree to take over the right of the maintainer of an institution and they may operate member institutions in villages or towns which do not belong to the multi-purpose micro-regional partnership on the initiative of the village or town council affected.

(11) The partnership board makes decisions on the issues specified in Section (10).

(12)

The Regional Organisation of the Tasks of Vocational Training

Article 89/B

(1) The regional committee of development and training formed on the basis of a separate law co-operates in the harmonisation of the demands of the labour market and the development of vocational training taking place in public education and, within this sphere, the following in particular:

- a) elaborates the direction of the development of the school-system vocational training as part of the long-term and midterm regional development plan and the development programme of the region;
- b) co-operates in the harmonisation of the school-system vocational training and the vocational training outside the school system as well as the vocational training taking place in public education and higher education;
- c) specifies the directions of the development and the school enrolment proportions of vocational training in the region;
- d) participates in the preparation and arrangement of tenders and development programmes related to the development of school-system vocational training;
- e) participates in the operation of the career monitoring system;
- f) initiates the formation of a vocational training organisation partnership at the local councils operating in the region.

(2) Partnerships organising vocational training may be established to execute the council tasks related to the vocational training specified in this Act. Every local council which maintains a school participating in the tasks of vocational training may join a partnership organising vocational training. Those affected may join a partnership organising vocational training on condition that they adopt the decisions made by the regional committee of development and training in relation to the harmonisation of the development of vocational training.

(3) Partnerships organising vocational training are legal entities. Partnerships organising vocational training may conclude agreements of public education or other agreements within the sphere of vocational training.

(4) Partnerships organising vocational training may

a) establish and maintain vocational schools, secondary vocational schools and halls of residence;

b) participate in the organisation of vocational training outside the school system;

c) operate the permanent system of supply teaching of educators and the system of the network of travelling experts in the field of vocational training.

(5) Partnerships organising vocational training

a) specify the number of classes that can be initiated in the years of vocational training at schools maintained by the partnership or the members of the partnership, with regard to the directions of the development and the school enrolment proportions of vocational training;

b) exercise the right of consent when approving the pedagogical programme of the school with regard to the vocational programme

in accordance with the decision of the regional committee of development and training.

(6) The provisions of the Act on the Partnerships and Co-operation of Local Councils shall be applied to the operation of partnerships organising vocational training with regard to the issues not regulated in this Act.

(7) The obligation of the county council to perform tasks ceases in the territory of competence of municipal councils participating in a partnership with regard to the tasks performed by the partnership organising vocational training and the partnership organising vocational training becomes entitled to take over the tasks in accordance with the regulations of Section (9) of Article 88 of this Act. Partnerships organising vocational training may take over the right of use of the institutional assets necessary for the performance of the task which has been taken over. Those specified in Section (9) of Article 88 and Sections (9) and (11)-(12) of Article 102 of this Act shall be applied to the acts of handing over the task and letting the institutional assets be used with the difference that the act of letting them be used is valid until the partnership organising vocational training exists.

(8) Partnerships organising vocational training prepare an independent development plan for the tasks performed by them in accordance with Section (1) of Article 88 of this Act.

(9) If a partnership organising vocational training ceases to exist, the obligation specified in Section (3) of Article 86 of this Act to perform tasks and the right of use of the institutional assets available for the performance of the task pass to the local council which has assigned

them to the partnership organising vocational training as prescribed by Sections (9)-(10) of Article 102 of this Act.

(10) If the council wants to withdraw from the partnership organising vocational training, they have to make their intention known at least one academic year earlier.

(11) Those stated in this Article shall be applied with regard to the capital city with the following differences: the council of the capital may perform the tasks of a partnership organising vocational training within the scope of a partnership established with the council of a district of the capital city. Village and town councils in Pest County may also join the partnership established by the council of the capital city and the council of a district of the capital city.

(12) Multi-purpose micro-regional partnerships maintaining institutions of public education, higher education institutions, non-state and non-council maintainers of institutions may agree with partnerships organising vocational training to organise the tasks jointly. The precondition of the agreement is that the multi-purpose micro-regional partnership, the higher education institution, the non-state and non-council maintainer of institutions should undertake to organise vocational training in accordance with the decision of the regional committee of development and training as prescribed by Subsection a) of Section (5).

(13) Non-state and non-council maintainers of institutions may establish non-profit economic partnerships to perform the tasks specified in Subsections a)-b) of Section (4) and Section (5). Partnerships organising vocational training and partnerships established on the basis of this Section may agree with each other to organise vocational training jointly. Those stated in this Article shall be applied to the organisation of vocational training in case of the establishment of a non-profit economic partnership, with the exception of those stated in Sections (6)-(9).

Article 90

(1) Local councils maintaining institutions of public education specify and publish the operational (admissions) districts of kindergarten and schools. Kindergartens and schools may not refuse to admit or take children / students living in that district over [Section (2) of Article 65 and Section (2) of Article 66]; they also specify the operational district of institutions providing pedagogical assistance service as well as the order of the opening hours of kindergartens in conformity with the development plan of the capital city or the county. The council of the capital city or the county has to be asked to give an expert opinion founded on the development plan for the establishment of the operational district of an institution providing pedagogical assistance service.

- (2) The maintaining local council has to ask the council of the capital city or the county to give an expert opinion founded on the development plan and the interested councils to give an opinion in order to be able to determine the operational district of kindergartens, kindergarten groups with differentiated curricula, kindergarten groups, schools, school classes with differentiated curricula, class, groups as well as speech therapeutic institutions.
- (3) The minister responsible for education has to be asked to give an opinion before the specification of the operational (admissions) district of educational-teaching institutions maintained by the council of the capital city or a county providing education and teaching for students with special educational needs embracing several counties or regions.
- (4) The local council seeks consent from the interested municipal or regional minority council or the national minority council in case of a school performing a regional or a national task depending on the maintainer before the specification of the operational (admissions) district of an educational-teaching institution providing kindergarten education and school education and teaching for children belonging to a national or ethnic minority.
- (5) The public employment organ has to be asked to provide information on the expected change in the structure of employment influencing the number of students who can be admitted to schools for the preparation of the guide related to admissions to secondary schools and vocational schools.
- (6) Those stated in this Article shall also be applied with regard to kindergartens and schools operating as member institutions.

Article 91

- (1) The chief public administration officer
- a)
- b) orders an extraordinary holiday and contemporaneously notifies the minister responsible for education if the educational-teaching institutions in the territory of the county or the capital city are not possible to operate due to extreme weather conditions, epidemics, natural disasters or other reasons beyond control. The chief public administration officer asks the public administration officers of the interested councils to give an opinion in order that they can make a decision unless delay involves considerable danger or irreparable damage. If there had been no possibility of seeking an opinion, the chief public administration officer informs the public administration officers of the interested councils without delay.
- (2) The chief public administration officer as well as public administration officers

a) co-operate in preparing and holding the secondary school leaving examinations as prescribed by the secondary school leaving examination regulations;

b) co-operate in operating the information system of public education.

(3) The chief public administration officer draws up and keeps a register of the institutions of public education not maintained by local councils and despatches it to the health insurance organ by 31st August every year and they also guarantee that the interested parties can inspect the register through the institution providing pedagogical professional services.

(4) The public administration officer or the chief public administration officer of the council maintaining the institution of public education or the council indicated in the agreement in case of council partnerships

a) co-operates in the organisation of the tasks of assessment and evaluation related to the pedagogical activity taking place at kindergartens, schools and halls of residence;

b) passes judgement on the petitions listed in Section (4) of Article 83;

c)

d) performs the preparatory tasks related to the conduct of the procedure of public tenders related to the selection of heads of institutions of public education maintained by the local council;

e) informs the competent rehabilitation committee of experts which institutions listed in Sections (1)-2) of Article 30 are the ones which meet the necessary conditions for the performance of the special care of children / students with special educational needs;

f) facilitates and checks the activity of educational-teaching institutions aimed at the prevention of accidents involving students or children and despatches the records of accidents involving students or children to the minister responsible for education semi-annually;

g) co-operates in the operation of the information system of public education, the preparation and execution of decisions and measures related to the maintainer's control and exercises the privileges of the maintainer's control specified in this Act;

h) performs all the tasks referred to their sphere of authority or duties by statute.

(5) Public administration officers despatch one copy of their legally binding resolution concerning registration, deletion from the register, authorisation to commence operation and the withdrawal of the authorisation of kindergartens and primary schools not maintained by local councils.

(6) The public administration officer or the chief public administration officer avail themselves of the contribution of experts occurring in the registers regulated by this Act or institutions providing pedagogical professional service as prescribed by statute or, in default

of that, may avail themselves of them on the basis of an agreement for the performance of the task specified in Subsections a)-b) of Section (2) and Subsections a) and c) of Section (4).

(7) a) The competent mayor at the domicile or, in default of that, place of residence of the child / student provides assistance for parents with the school enrolment and travelling of their children during the period of compulsory education if there are no schools educating and teaching them until the end of compulsory education.

b) The competent public administration officer at the domicile or, in default of that, place of residence of the child / student

- keeps a record of children / students who are obliged to participate in the activity preparing them for the way of life at school taking place within the scope of kindergarten education as well as school-age children / students and those who have to participate in developmental preparation and monitors the fulfilment of the obligations specified in Subsection a) of Section (2) of Article 14 of this Act;

- despatches the record kept of children attending kindergarten and school-age students to the competent kindergarten and primary school at the domicile or, in default of that, place of residence;

- orders participation in the activity preparing children for the way of life at school taking place within the scope of kindergarten education, the completion of compulsory education or developmental preparation if parents fail to fulfil their duty, if reported or ex officio;

- orders that parents should appear at educational counselling or at the examination of the rehabilitation committee of experts with their children if it is necessary for the completion of compulsory education, if reported or ex officio.

(8) Public administration officers order an extraordinary holiday at educational-institutions operating in the town or village and contemporaneously notify the minister responsible for education in case the conditions specified in Subsection b) of Section (1) are met. They ask the interested maintainers of institutions to give an opinion before their measure unless the delay involves considerable danger or irreparable damage. If there had been no possibility of seeking an opinion, they inform the interested maintainers of institutions without delay.

(9) The competent council at the domicile or, in default of that, place of residence, reimburses the costs of travelling to kindergartens ensuring compulsory admission and schools ensuring compulsory admission and, if necessary, provides an accompanying person for the child / student if the kindergarten or school is situated outside the town or village and the council does not guarantee the transport to the kindergarten or school.

The Regulatory Tasks of Branch Governance, the Minister Responsible for Education and the Government

Article 92

- (1) The minister responsible for education performs the branch governance of public education as prescribed by this Act.
- (2) The sphere of authority of branch governance of the minister responsible for education extends to all the activities falling within the effect of this Act, regardless of what institution or organisation the activity is performed at and who the maintainer of the institution is.
- (3) The spheres of authority of governance are specified by the Act on Vocational Education and Training with regard to vocational training taking place at secondary vocational schools and vocational schools.

Article 93

- (1) The minister responsible for education
 - a) issues the Guidelines on Bilingual School Education, the Guidelines on the Kindergarten Education of Children with Special Educational Needs, the Guidelines on the School Teaching of Students with Special Educational Needs, the Guidelines on the Developmental Education of Students with Severe or Multiple Disabilities, the Basic National Programme of Hall of Residence Education, the framework curricula, the Requirements and Curricular Programme of Primary Art Education, the Guidelines on the Kindergarten Education of National and Ethnic Minorities, the Guidelines on the School Teaching of National and Ethnic Minorities after having asked the National Public Education Council to give consent and the Council of Public Education to give an opinion and performs the tasks related to the revision of those above; the National Minority Commission has to be asked to give consent to the issues of the framework curriculum and the Basic National Programme of Hall of Residence Education affecting national and ethnic minority education and teaching and to the issuance of the Guidelines on the Kindergarten Education of National and Ethnic Minorities and the Guidelines on the School Teaching of National and Ethnic Minorities;
 - b) evaluates the experiences related to the introduction and application of the Basic National Programme of Kindergarten Education and the National Core Curriculum regularly but at least every five years in concert with the National Public Education Council and the National Minority Commission and, if necessary, initiates the necessary modification on issues affecting the children / students belonging to a national or ethnic minority at the government,

having asked the National Public Education Council and the National Minority Commission to give consent and the Council of Public Education to give an opinion; the minister responsible for education also guarantees that they have kindergarten educational programmes and school curricula elaborated, involving national minority councils for the kindergarten education and the school education and teaching of national and ethnic minorities;

c) specifies the requirements for the secondary school leaving examination and performs the tasks related to their revision;

d) co-operates in the preparation of credit where the state acts as surety and subsidy not to be repaid provided for the publication of textbooks;

e) provides national pedagogical professional services;

f) decides whether a book should be entered in the textbook register in concert with the National Public Education Council, guarantees the publication of the textbook register and releases the inventory of the obligatory tools and equipment of institutions of public education;

g) guarantees the professional check on and the evaluation of the pedagogical work taking place at educational-teaching institutions on the level of the country, regions, counties and the capital city in concert with the educational authority acting in its scope of public educational duties;

h) operates the information system of public education;

i) establishes and operates the office of the commissioner for educational rights;

j) specifies the requirements related to the planning, the healthy and safe operation, the furnishing and the degree of the supply of study tools of institutions of public education;

k) puts up proposals for statistical data supply;

l) approves the printed certificates used by schools and the forms necessary for the issuance of a certificate, permits their manufacture and release as well as approves the electronic data registration replacing obligatory educational registration;

m) performs the tasks related to the handling and use of the basic vocational training part of the Labour Market Fund as prescribed by statute;

n) performs the tasks of educational policy related to regional development.

(2) The minister responsible for education may order national and regional professional checks and the preparation of pedagogical professional assessments, vetting and analyses within the budget of the ministry headed by them and they may invite maintainers to have a professional check or a pedagogical professional assessment, vetting or analysis carried out at the educational-teaching institutions maintained by them and to notify the minister

responsible for education of its results. If a maintainer fails to fulfil this request, the educational authority acting in its scope of public educational duties acts on the measure of the minister responsible for public education.

(3) The minister responsible for education establishes the Body of Pedagogical In-service Training and Accreditation for the purposes of the preparation of decisions related to the approval of the programmes of in-service teacher training. The establishment and operation of the Body of Pedagogical In-service Training and Accreditation is stipulated by statute. The Body of Pedagogical In-service Training and Accreditation informs the National Pedagogical In-service Training and Accreditation Committee of its operation on at least two occasions a year.

(4) The minister responsible for education is obliged to initiate that the public administration office should invite the local council affected to cease the breach of the law related to the performance of the tasks of public education and set a deadline on the basis of their jurisdiction specified in Subsection c) of Article 97 of Act No. LXV of 1990 on Local Councils and if the request proves unsuccessful, they should institute legal proceedings at court, the State Audit Office or the Constitutional Court depending on the nature of the case.

(5) If the minister responsible for education deems that the operation or management of an institution of public education violates the law, they inform the public administration officer or the chief public administration officer so that they can assert their jurisdiction specified in Article 80 of this Act with regard to institutions of public education not maintained by local councils.

(6) The minister responsible for education and the ministers responsible for vocational qualification exercise the spheres of authority related to the control of vocational training as prescribed by the Act on Vocational Education and Training.

Article 94

(1) The minister responsible for education regulates

a) the issuance and introduction of the Guidelines on the Kindergarten Education of National and Ethnic Minorities, the Guidelines on the School Teaching of National and Ethnic Minorities, the Guidelines on Bilingual School Education, the Guidelines on the Kindergarten Education of Children with Special Educational Needs, the Guidelines on the School Teaching of Students with Special Educational Needs, the Basic National Programme of Hall of Residence Education, the framework curricula and the Requirements and Curricular Programme of Primary Art Education complying with the procedural rules specified in

Subsection a) of Section (1) of Article 93; the national minority councils have to be asked to give consent to the issues of the framework curricula and the Basic National Programme of Hall of Residence Education affecting national and ethnic minority education and teaching and to the issuance of the Guidelines on the Kindergarten Education of National and Ethnic Minorities and the Guidelines on the School Teaching of National and Ethnic Minorities;

b) the professional rules of the operation of institutions of public education, the schedule of the academic year, the procedure related to the appointment of heads of institutions of public education; the issues related to the use of names of institutions of public education and the admission of students, the relationship between student sports associations and educational-teaching institutions, the general rules of the transaction of affairs and document handling of institutions of public education, as well as educational registers, the order of data handling, the tasks related to the prevention of accidents involving students or children and the activity related to the investigation, registration and report of the accidents;

c) the order and principles of the performance of the quality policy tasks of the branch, the organisation of national assessment tasks and the evaluation of performance of the activity related to the quality assurance of public education, the institutional professional qualifying procedure, the establishment and operation of the professional qualifying body, the conditions of co-operation in the qualifying procedure as an expert, the professional criteria which can be specified by the qualifying body, the qualifications which can be issued in the course of the professional qualifying procedure, the order of budget subsidies related to qualification, the order of the determination and the extent of the fee that can be charged for a professional qualifying procedure, the rules of payment, the use of the amount received;

d) the procedure related to the preparation of expert opinions related to the education and teaching of children with special educational needs as well as expert opinions related to children struggling with adaptive, learning or behavioural difficulties, the operation of the rehabilitation committee of experts and national and other rehabilitation tasks of experts;

e) the tasks related to the completion of compulsory participation in kindergarten education, compulsory education and developmental education, certain issues related to the student's legal relationship and the benefits and allowances due to students in agreement with the minister responsible for the state budget;

f) the order and the conditions of declaring a book a textbook, the preparation and publication of the textbook register, the order of deletion from the textbook register and of the textbook subsidy as well as the order of declaring a tool a study tool and the deletion of a study tool,

the preparation and publication of the study tool register, the publication of the register of obligatory tools and equipment and the order of approving the framework curricula;

g) the tasks and the rules of operation of the office of the commissioner for educational rights;

h) the schedule of examinations with the exception of the secondary school leaving examination as well as the issuance of the examination requirements for the secondary school leaving examination;

i) the supplements related to the issuance of the permit necessary for the commencement of the operation of educational-teaching institutions not established by a local council, the conditions of co-operation in the provision of the pedagogical assistance services and the pedagogical professional services;

j) the preparation of the National Register of Experts and the National Register of Examiners, the additional professional conditions and the procedural issues of registration, the conditions of the renewal of the registration, the issues of the further training of experts and chairs of examination boards, the consequences of neglecting further training, the procedure of investigation into reports against experts and chairs of examination boards, the tasks of special advisors not attaching to a subject or special field organised within the scope of the national activity of special advisors, their organisation as well as the additional professional requirements related to the national activity of special advisors, the expert activity of the experts registered in the National Register of Experts, the sphere, areas and organisation of national professional services not attaching to a subject or a special field, the conditions of participation in the national pedagogical professional service, designation as a national pedagogical professional service institution, the establishment and operation of the Body of Pedagogical In-service Training and Accreditation;

k) the training courses serving the performance of the tasks related to public education;

l)

m) the conditions on which the salary supplement for the outstanding execution of work has to be determined, and the minimum amount of the salary supplement;

n) the organisation of the pedagogical assistance service, the order of the use of pedagogical assistance service, the operation of the institution providing pedagogical assistance service; the preparation of the expert opinion, the order of check, the conditions when consideration may be requested for the use of the pedagogical assistance service, the order of the school entrance procedure, the order of the determination and the extent of the administrative service fee related to examining students at schools, to the accreditation procedure, to the compilation of the registers of experts, examiners and mediators, to registration as experts, examiners or

mediators and to certain services, the rules of the payment of the specified amount, the issues of the use of the amount received as well as the issues of the determination of the remuneration related to the act of examining, expert and other service activity;

o) the conditions of the establishment of uniform kindergarten-crèches, the professional rules of establishment, operation and co-operation in education, the conditions of the admission of children who have not turned three years of age, the order of the use, the tasks and the operation of the educational mediating service.

(2) The minister responsible for education exercises their jurisdiction specified in Section (1) in agreement with

a) the minister responsible for vocational qualification with regard to vocational training,

b) the minister responsible for welfare provision with regard to uniform kindergarten-crèches,

c) the minister responsible for fiscal policy with regard to the administrative service fee related to certain services stated in Subsection n) of Section (1).

(3) The government is given the authorisation to regulate the following by decree:

a) the introduction and issuance of the Basic National Programme of Kindergarten Education;

b) the introduction and issuance of the National Core Curriculum;

c) the introduction and issuance of the secondary school leaving examination regulations;

d) the issues related to the issuance and use of student identity cards;

e) the establishment and operation of the permanent system of supply teaching of educators in the capital city and in the counties;

f) the introduction of the post-professional examination in pedagogy, the system of in-service teacher training, the benefits and allowances of those participating in in-service training;

g) the conditions of the use of the contribution provided for educators to purchase literature on the special field of pedagogy (books, textbooks, notes, journals etc.) and the rules of expense accounting;

h) the formation and operation of the information system of public education, the order of data supply to the information system;

i) the conditions of the use of the educator identity card, the rules of the issuance and handling of the identity card;

j) the order of the procedure related to the claim for and the accounting of state contributions and subsidies due to non-council maintainers of institutions and specified in the Budget Act;

k) the detailed rules of the operation of the Estimates for the Development of Public Education;

l) the possibility of the financial recognition of those completing in-service teacher training and the reduction of the time of waiting, the conditions on which the salary supplement for the outstanding execution of work has to be determined, the minimum amount of the salary supplement, the order of the financial recognition that can be given on the basis of the aspects and order of evaluation specified in the institutional quality management programme as well as the employer's order to teach more than the compulsory number of lessons with regard to an educator's position, the remuneration for the teaching that has been ordered, the conditions on which the timetable of teaching, the time allotment of teaching as well as the extraordinary execution of work at educational-teaching institutions, the act of being on duty or standby can be ordered, the rules of the specification and the extent of the flat rate also including the remuneration for being on duty and the execution of work ordered while being on duty, the conditions of the determination of the supplementary wage and the additional remuneration of those performing the tasks of a head of institution or deputy head, educators performing a task which is different from the average or working under more demanding conditions or starting their career, the issues of the voluntary statement of the parents of multi-disadvantaged children / students related to their school qualifications;

m) designation of the educational authority or authorities;

n) the competence rules related to the performance of the sphere of public educational duties of the public administration officer and the chief public administration officer;

o) the detailed rules of the operation of the career monitoring system, the procedural order of data supply to the career monitoring system; they also designate the organ responsible for the operation of the career monitoring system;

p) the issues related to the remuneration of the educators participating in the secondary school leaving examination, the principles of the determination of the examination fee determinable by the educational authority and related to the participation in the secondary school leaving examination, the issues of the determination, payment and use of the administrative service fee related to the issuance of the student identity card and the educator identity card, the order of the determination and payment of the administrative service fee related to the information system of public education, the order of the use of the amount received, the order of the determination, collection and payment of the administrative service fee related to the claim for the educator identity card and the order of the use of the amount received, the order of the determination of the administrative service fee related to the accreditation procedure related to in-service teacher training and the remuneration related to certain service activities, the use of the amount received, the order of payment, the establishment of the educator grant.

(4) The government may establish a grant for educators for the purposes of the support and recognition of public educational research. The grant established by the government is exempt from public dues.

(5) The National Public Education Council has to be asked to give consent in order that the Basic National Programme of Kindergarten Education and the National Core Curriculum can be submitted to the government and the National Minority Commission has to be asked to give consent and the Council of Public Education has to be asked to give an opinion on issues affecting the kindergarten education and the school education and teaching of those belonging to a national or ethnic minority.

(6) The national minority councils have to be asked to give consent to issues affecting the kindergarten education and the school education and teaching of those belonging to a national or ethnic minority in order that the government decrees specified in Subsections a)-c) and f) of Section (3) can be submitted to the government.

(7) The minister responsible for education appoints and dismisses the commissioner for educational rights on the proposal of the National Public Education Council.

Article 95

(1) The tasks of the minister responsible for education related to the development of public education are as follows:

- a) elaborate the long-term and midterm development plans of public education;
- b) establish, operate, develop and modernise the national system of examinations;
- c) elaborate a development programme for the transformation of the school network and the school structure and monitor the transformation;
- d) examine the pedagogical problems emerging in public education and evolve pedagogical solutions and procedures;
- e) provide the financial and institutional conditions of pedagogical researches;
- f) create the conditions of the in-service training necessary for the renewal of the knowledge of educators and heads of institutions of public education and facilitate the in-service training of those co-operating in the state and council tasks of control of public education;
- g) provide professional assistance with the preparation of the development plans of the capital city and counties and council action plans;
- h) establish and operate the national service system necessary for building up and operating the system of quality policy;

- i) build up and operate the national service system facilitating the execution of the tasks related to the education and teaching of disadvantaged children and Roma children among them in particular;
- j) elaborate and issue teaching programmes (pedagogical systems), the following in particular: recommended pedagogical programmes and curricula and the system of tools evaluating and assisting with teaching and learning and founded on the recommended pedagogical programmes and curricula, the range of accredited teacher training and in-service training courses enabling and assisting with their practical application, pedagogical professional service activity;
- k) create and develop the professional conditions for the activity of chairs of examination boards and experts;
- l) build up and operate the system of national pedagogical professional service and the pedagogical professional service facilitating national and ethnic minority teaching;
- m) have the new pedagogical methods, solutions and organisational forms – kindergarten-schools, uniform schools, general community centres, project teaching, all-day teaching, activities of disadvantaged students outside the school facilitating their school successfulness, open-air schools in particular – elaborated and support their spread;
- n) announce and support national schools competitions, publish the competitions code;
- o)
- p) order national and regional assessment and evaluation tasks yearly and provide the necessary conditions.

(2) The national institutions of pedagogical professional service co-operate in the performance of the task of the minister responsible for education specified in Section (1).

(3) The minister responsible for education and the minister responsible for health care facilitate the execution of health development tasks taking place at educational-teaching institutions by issuing joint programmes, inviting tenders and providing in-service teacher training.

(4) The minister responsible for education and the minister responsible for sports policy may facilitate the execution of the tasks of everyday physical training, the formation and operation of sports schools by issuing joint programmes, inviting tenders and providing in-service teacher training.

(5) The minister responsible for education and the minister responsible for environment protection facilitate the execution of the tasks of environmental education and teaching and

the realisation of the Open-air School Programme by issuing joint programmes and inviting tenders.

(6) The minister responsible for education summons the student parliament in co-operation with the National Council for Student Rights. The student parliament is the national information forum of students related to public education which takes stock of the assertion of student rights on the proposition of the National Council for Student Rights and may adopt a recommendation in which it draws up its opinion and proposal.

(7) The minister responsible for education

a) takes measures related to the organisation and the act of holding the secondary school leaving examination on request or ex officio by a resolution within the scope of branch governance and on the basis of their jurisdiction specified in Subsection b) of Section (1) if the arrangement of the secondary school leaving examination as prescribed by statutes would be jeopardised on a national level without taking measures;

b)

(8) The minister responsible for education can take a measure which is different from those stated in the examination regulations and the schedule of the academic year to the extent necessary for the settlement of the given case in the course of their measures specified in Section (7) if it is not possible to take the necessary measure without that. The minister responsible for education is obliged to make a decision and publish it within three working days. The measure of the minister responsible for education can be executed forthwith after its publication. The minister responsible for education may publish their measure through the telecommunication media.

(9) The minister responsible for education may revoke the right of the organisation and arrangement of the secondary school leaving examination and the vocational examination, nullify the results of the secondary school leaving examination and the vocational examination and declare the certificates issued void as prescribed by the examination regulations and within the scope of the procedure regulated in the Act on General Rules of Public Administration Procedures if it is proved that the examination was organised and arranged unlawfully, the certificate was issued unlawfully or the school does not meet the necessary conditions of the safe organisation of the examination. The certificates which are declared void shall be withdrawn and destroyed. The resolution may be declared as one that can be executed in advance. The minister responsible for education publishes their resolution in the official gazette of the Republic of Hungary without justification. The minister responsible for education seeks consent from the minister responsible for vocational

qualification before making a decision related to vocational examinations and certificates verifying a vocational qualification.

(10) The minister responsible for education prescribes the tasks related to the operation and management of institutions of public education and the organisation of the educational year and the academic year in a resolution in case of an extraordinary period specified in the Constitution or by law. The minister may order the immediate execution of the resolution. The announcement of the resolution may take place through a telecommunication medium.

The Educational Authority Acting in Its Scope of Public Educational Duties

Article 95/A

(1)

(2) The tasks of the educational authority acting in its scope of public educational duties are the following in particular:

- a) to co-operate in the direction, organisation and co-ordination of tasks of control, assessment and evaluation within the scope of the branch governance of public education;
- b) to co-operate in the performance of the tasks of the authorities specified in this Act and belonging to the sphere of authority of the minister and exercise official jurisdiction as a court of common pleas;
- c) to co-operate in the organisation of the secondary school leaving examination and in the passing of judgements on appeals for legal redress as well as to operate the independent examination board of examinations taken during studies, as specified in the examination regulations;
- d) to co-operate in the tasks related to the National Register of Experts and Examiners;
- e) to co-operate in the tasks related to regional development belonging to the scope of branch governance and the funding related to that;
- f) to co-operate in the tasks related to the statistical system of public education.

(3) The educational authority acting in its scope of public educational duties co-operates with the National Minority Commission when performing its tasks related to national and ethnic minority kindergarten education, school teaching and hall of residence education.

(4) The educational authority acting in its scope of public educational duties examines whether the provisions pertaining to

- a) the requirement of equal treatment,
- b) the performance of tasks pertaining to compulsory admission,

- c) the number of students/children in a class or group, the prevention of accidents involving students or children, the lesson load of students;
- d) the organisation and arrangement of state examinations;
- e) the conditions of employment, the administration and authenticity of obligatory educational documents, the claim for budget subsidy;
- f) the existence of the minimum (obligatory) tools and equipment;
- g) the fulfilment of the obligation to furnish data as specified in this Act and the publication of the data;
- h) the gratuitousness of education, the provision of textbooks and other equipment for students within the scope of an official inspection.

(5) The educational authority acting in its scope of public educational duties performs the tasks related to the supervision of the expert opinions of rehabilitation committees of experts as prescribed by statute and exercises official jurisdiction over minor offences in a sphere specified by statute.

(6) The educational authority acting in its scope of public educational duties may do the following in order to cease the contravention revealed in the course of the official inspection:

- a) invite the head of the institution of public education to cease the contravention and notify it to the maintainer of the institution,

- b) institute proceedings

- i) at the public administration officer or the chief public administration officer for the sake of the cessation of the breach of the law related to the activity of maintainers of non-council institutions,

- ii) at the payment organ to revise the normative budget subsidy and contribution, to cease its payment and to admit or take the children / students affected over to another educational-teaching institution if necessary in case of non-state and non-council institutions,

- iii) at the minister responsible for education to exercise their jurisdiction specified in Sections (4)-(5) of Article 93 of this Act,

- c) impose a supervisory fine the amount of which may not exceed one million Forints,

- d) institute a prosecution for a minor offence while imposing or not imposing a supervisory fine,

- e) institute legal proceedings for the sake of the establishment of nullity and the invalidity of the contestable decision.

(7) The supervisory fine shall be imposed to match the severity of the act committed.

(8) The minister responsible for vocational qualification co-operates in the inspection of the vocational examination.

(9) The educational authority acting in its scope of public educational duties carries out its tasks of official inspection regularly, on the basis of a working schedule approved by the minister responsible for education. The provisions the Act on General Rules of Public Administration Procedures shall be applied to official inspections otherwise, including the collection of unpaid supervisory fines.

(10) The educational authority acting in its scope of public educational duties transfers sixty per cent of the fine received to the account of the Estimates for the Development of Public Education. The rest of the amount is its own income which may also be used to cover personal expenses related to the official inspection.

(11) The educational authority acting in its scope of public educational duties may permit the act of exceeding the maximum number of children / students specified in Part I of Annexe 3 of this Act by twenty per cent and the number of children / students calculated as prescribed by Clauses 7-8 of Part II by ten per cent if it is justified by reasons of educational administration. The permit may be issued at the request of the maintainer. The consents of the school board, the parental school organisation (association) and the school student union have to be attached to the application.

(12) The educational authority acting in its scope of public educational duties carries out an examination at the request of the parliamentary commissioner in compliance with those stated in Article 107 of this Act.

(13)

(14) The educational authority acting in its scope of public educational duties may collect an examination fee for the secondary school leaving examinations it organises with the exceptions specified in Subsection b) of Section (1) of Article 114, Subsection (e) of Section (1) and Section (2) of Article 116 of this Act. The educational authority acting in its scope of public educational duties sets the examination fee as prescribed by Section (3) of Article 117 of this Act with the difference that the stipulations pertaining to the act of taking the study results into consideration shall not be applied. The educational authority acting in its scope of public educational duties publishes the extent of the examination fee on its website.

Article 95/B

The educational authority acting in its scope of public educational duties takes the following into consideration when setting the amount of the supervisory fine specified in Subsection c)

of Section (6) of Article 95/A imposed for violations revealed in the course of an official inspection including malpractice committed by failure to take a necessary measure:

- a) the severity of the violation,
- b) the effect of the violation on the operation of the institution of public education,
- c) the breach of the interests of children, students and parents and the number of those affected,
- d) the damage caused by the violation,
- e) the concealment of data, facts and information serving as the basis of their measure and the intention to conceal them,
- f) the duration of the existence of the violating state as well as the recurrence and frequency of the violation,
- g) the co-operation in the revelation of the violation, the measures taken in order to eliminate the violation and the results attained as well as the extent of the mitigation of damages,
- h) in case there were several different violations during the period examined, their number and effect, the conditions in accordance with Subsections a)-g) weighed jointly and severally.

Article 95/C

(1) If the educational authority acting in its scope of public educational duties reveals that the educational-teaching institution infringed the requirement of equal treatment while passing judgement on the applications for admission or taking a student over in the course of the official inspection, it establishes that kindergarten admission takes place or a student's legal relationship or a hall of residence membership is formed at the request of the parents affected. The educational authority acting in its scope of public educational duties can pass a resolution on the subject of the applications for admission or taking a student over if less than one hundred and fifty days have passed since the submission of the application. The infringement of the requirement of equal treatment shall be presumed until the contrary is proved in the course of the proceedings of the educational authority acting in its scope of public educational duties if the rules of the entrance procedure were not observed while passing judgement on the applications for admission or taking a multi-disadvantaged child / student over. The resolution of the educational authority acting in its scope of public educational duties has to be executed regardless of the provisions specifying the maximum number of children / students in a class or group and the provisions pertaining to the school admission proportions. The educational authority acting in its scope of public educational duties ascertains whether the requirement of equal treatment has been infringed at the educational-teaching institution if

necessary but at least on one occasion in every educational year or academic year as long as the child / student affected is in a legal relationship of kindergarten admission or a student's legal relationship with or has a hall of residence hall membership at the given educational-teaching institution.

(2) If the educational authority acting in its scope of public educational duties discovers that there is no kindergarten or school ensuring compulsory admission in the town or village or a specific part of a town or village or the provisions pertaining to the designation of school district boundaries were not complied with in the course of the official inspection, it shall assign the kindergarten or primary school participating in the performance of council tasks which cannot deny kindergarten or school admission to the child with regard to those stipulated in Section (7) of Article 4, Article 4/A, Section (2) of Article 65, Section (2) of Article 66, Section (7) of Article 88 and in Annexe 3. The assignment can be valid for one educational or academic year but may be extended on several occasions in case the conditions specified in this Section are met. The cessation of the assignment does not affect the legal relationship of kindergarten admission or the student's legal relationship established on the basis of the assignment.

(3) Kindergartens and schools operated and maintained by local councils or council partnerships and kindergartens and schools not maintained by the state or a local council which participate in the performance of council tasks on the basis of an agreement of public education concluded with the municipal council or operate in a building handed over by the council shall be regarded as kindergartens and schools participating in the performance of council tasks when applying Section (2), provided that the consideration paid for the handover and the use of the building does not attain the market price or the local council handing over the building has partly or wholly assumed the costs involved in the use.

(4) Kindergartens and schools the maintainers of which are not the state or a local council and receive a form of subsidy facilitating the performance of the maintainer's tasks from the local council shall also be regarded as kindergartens and schools participating in the performance of council tasks when applying Section (2). Kindergartens and schools not maintained by the state or a council shall be presumed to participate in the performance of council tasks until the contrary is proved if they operate in a building in which a kindergarten or school maintained by a council operated earlier.

(5) Those stated in Sections (3)-(4) cannot be applied if the educational-teaching institution operates in a property which falls within the effect of the Act on the Settlement of Ownership of Former Church Properties.

(6) If the educational authority acting in its scope of public educational duties indicated a kindergarten or school which does not operate in the town or village in accordance with the domicile or, in default of that, place of residence of a child / student, the maintainer of the kindergarten or school indicated becomes entitled to a subsidy the amount of which is equivalent to the amount of the supplementary subsidy specified for church legal entities in the Budget Act from the day of the admission of the child / student up until kindergarten service does not cease or the student's legal relationship subsists. The source of the subsidy is the amount of the net funding due to the local council not providing service for the child / student within the system of council funding.

(7) The resolution of the educational authority acting in its scope of public educational duties passed on the basis of Sections (1)-(2) can be executed forthwith regardless of appeal.

(8) The educational authority acting in its scope of public educational duties institutes a prosecution for a minor offence against the head of the institution due to the infringement of equal treatment contemporaneously with the measure specified in Section (1).

The National Public Education Council

Article 96

(1) The National Public Education Council co-operates in the professional preparation for decisions related to public education. The National Public Education Council is a national body of experts which prepares decisions, gives opinions and puts up proposals.

(2) The National Public Education Council monitors the state of public education, prepares proposals and expresses its opinion on issues of educational policy and research and development related to public education.

(3) The tasks of the National Public Education Council are the following in particular:

- a) to express its opinion on the issues of curricular regulation,
- b) to monitor and give an opinion on the issuance and application of the Basic National Programme of Kindergarten Education, the National Core Curriculum and the framework curriculum and to exercise the right of consent when revising them,
- c) to monitor and give an opinion on the provision of textbooks and the process of declaring a book a textbook,
- d) to monitor how the level of public education changes and to initiate research tasks serving the development of public education,

e) to put up proposals on professional issues concerning public education to the minister responsible for education,

f) to publish its proposals put up on professional issues concerning public education annually,

g) to monitor and give an opinion on the operation of the system of in-service teacher training with special regard to the process of accreditation of further training courses, to propose a person for the post of the ministerial commissioner for educational rights, to give an opinion on the report of the ministerial commissioner for educational rights and to propose the dismissal of the ministerial commissioner for educational rights.

(4) The National Public Education Council consists of twenty-three regular and eight substitute members. The minister responsible for education appoints the members of the National Public Education Council in accordance with the following: three members on the basis of their own choice, ten members and three substitute members on the basis of the nomination of the national pedagogical professional organisations, six members and three substitute members on the basis of the nomination of the teacher training institutions of higher education, two members and one substitute member on the basis of the nomination of the Hungarian Academy of Sciences, and two members and one substitute member on the basis of the nomination of the national confederations of employers and chambers of employers. The appointment of the members lasts for five years with the exception of the members chosen by the minister responsible for education, whose appointment ceases when the term of office of the minister affected is terminated. The national pedagogical professional organisations which can participate in the nomination are those which have registered with the secretariat of the National Public Education Council by presenting their charter and certifying their registration at court. The delegates appointed by the national pedagogical professional organisations and the teacher training institutions of higher education shall be selected according to the following procedure:

a) each interested party may propose one candidate,

b) the minister responsible for education collects the nominations and despatches them to the proposers, having separated the candidates of national pedagogical professional organisations and those of teacher-training institutions of higher education,

c) proposers indicate those ten and six persons they propose for members of the National Public Education Council,

d) those ten persons from the candidates of national professional pedagogical organisations and those six persons from the candidates of teacher training institutions of higher education become regular members of the National Public Education Council who have received the

most votes and the additional two times three persons become substitute members; in case an equal number of votes the order has to be decided by lot,

e) the minister responsible for education adds up the votes and carries out the draw in the presence of a notary public.

(5) Permanent and temporary professional and expert committees may operate within the scope of the National Public Education Council. The permanent committees of the National Public Education Council are the following:

a) the National Committee for Teacher Training and In-Service Teacher Training, the task of which is to monitor the operation of the system of further training serving the in-service training and retraining of educators, heads of institutions of public education, and those co-operating in the tasks of the state and council control of public education. The National Committee for Teacher Training and In-Service Teacher Training is composed of eight members, five of whom are appointed by the National Public Education Council, and one by the minister responsible for local councils, one by the minister responsible for education and one by the minister responsible for the state budget. The National Committee for Teacher Training and In-Service Teacher Training has to be asked to give an opinion on issues concerning the system and operation of in-service teacher training.

b) the National Committee of Secondary School Leaving Examination, to perform the preparatory tasks related to the specification of the requirements for the secondary school leaving examination. The National Committee of Secondary School Leaving Examination has six members, three of whom are appointed by the National Public Education Council and three by the Council for Higher Education and Science.

(6) The appointment of the members of the permanent committees regulated in Section (5) lasts for an equal duration to that of the National Public Education Council, with the exception of the members appointed by the ministers, whose appointment ceases when the term of office of the ministers is terminated.

(7) The National Public Education Council and its committees elect their officials, specify the order of their operation and, within the scope of that, they may also specify other cases of the cessation of the appointment.

(8) The work of the National Public Education Council is assisted by a secretariat. The necessary conditions for the operation of the National Public Education Council are provided by the minister responsible for education.

Article 97

(1) The Council of Public Education is a body of the minister responsible for education which prepares decisions, gives opinions and puts up proposals on public education policy. The Council of Public Education is entitled to express its opinion and put up a proposal on any issue concerning public education on the initiative of any of its members listed in Section (2) with the exception of issues falling within the sphere of the reconciliation of interests related the legal relationship as civil servant and the legal relationship by employment.

(2) Four delegates are appointed by each of the following to the Council of Public Education:

- a) the national pedagogical professional organisations,
- b) the national trade unions of teachers,
- c) the national parental organisations,
- d) the national student organisations,
- e) the interest representation organisations of local councils,
- f) the national minority councils,
- g) the non-state and non-council maintainers of schools,

and one delegate is appointed by

h) the minister responsible for education and other ministries or administrative organs having a share in education.

(3) The organisations which registered with the secretariat of the Council of Public Education until 31st March in the given year by presenting their charter and certifying their registration at court shall qualify as pedagogical professional organisations, parental organisations and student organisations when applying Section (2).

(3) The Council of Public Education elects its officials and specifies the order of its operation.

(4) The work of the Council of Public Education is assisted by a secretariat. The necessary conditions for the operation of the Council of Public Education are provided by the minister responsible for education.

Professional Committees

Article 98

(1) The National Minority Commission participates in the preparation of the decisions of the minister responsible for education related to national and ethnic minority kindergarten education, school teaching and hall of residence education. Every national minority council

appoints one delegate to the National Minority Commission. The legal status of the National Minority Commission corresponds to that of the National Public Education Council unless otherwise stipulated by this Act. The National Minority Commission shall be asked to give an opinion before declaring a book created for national or ethnic minority school teaching a textbook.

(2) The National Council for Student Rights co-operates in the preparation of the decisions of the minister responsible for education related to student rights. The National Council for Student Rights may express its opinion, put up proposals and give opinions on any issue affecting student rights. The National Council for Student Rights is composed of nine members, three members of whom are appointed by the minister responsible for education, three by the national student organisations responsible for representing students from six to fourteen years of age and three by the national student organisations responsible for representing students from fifteen to eighteen years of age. A national student organisation is one in which the majority of members are in the given age range and performs the representation of students or the facilitation of the representation of students in its activity and in accordance with its purpose specified in its charter when applying this article.

(3) The National Parental Council for the Representation of Interests co-operates in the preparation of the decisions of the minister responsible for education related to parental rights. The National Parental Council for the Representation of Interests may express its opinion, put up proposals and give opinions on any issue affecting parental rights. The National Parental Council for the Representation of Interests is composed of nine members three of whom are appointed by the minister responsible for education and six members by the national parental organisations. Those organisations which have registered with the secretariat of the National Public Education Council by presenting their charter and certifying their registration at court shall qualify as parental organisations when applying this Act.

(4) The appointment of the members of the committees regulated in Sections (1)-(3) lasts for a period specified by those appointing the delegates but for three years at most with the exception of the members appointed by the minister, whose appointments cease when the term of office of the minister is terminated. The committees elect their officials, specify the order of their operation and, within the scope of that, they may also specify other cases of the cessation of the appointment. The necessary conditions for the operation of the committees are provided by the minister responsible for education.

Article 99

- (1) The national assessment tasks of public education are the following in particular: the operation and harmonisation of the national system of examinations, the specification and revision of the requirements for the secondary school leaving examination, the development and modernisation of the national system of examinations and the development of evaluation activity.
- (2) The execution of the control, assessment and evaluation tasks from all the tasks of branch governance may take place within the scope of the national assessment tasks.
- (3) The educational authority acting in its scope of public educational duties and the national institution providing pedagogical professional service co-operates in the execution of national control, assessment and evaluation tasks in accordance with the request of the minister responsible for education. The council institution providing pedagogical professional service co-operates in the execution of the tasks on the basis of an agreement concluded with the maintainer. The national institution providing pedagogical professional service may also be assigned by the educational authority acting in its scope of public educational duties to co-operate in the execution of the tasks. The educational authority acting in its scope of public educational duties may also conclude an agreement with the maintainer of the council institution providing pedagogical professional service.
- (4) The pedagogical activity taking place at educational-teaching institutions shall be assessed and evaluated regularly within the scope of the national assessment tasks, including the development of the basic skills and abilities in particular. The national assessment tasks are specified by the minister responsible for education annually in their decree about the schedule of the academic year.
- (5) The assessment specified in Section (4) shall extend to the examination of the development of the basic skills in the mother tongue and mathematics every academic year in case of every student in years four, six, eight and ten of public education. The assessment carried out in year ten at vocational schools shall also extend to the examination of the basic skills of reading and text comprehension.
- (6) The aggregated results of the national assessment and evaluation pertaining to institutions have to be published on the website of the ministry headed by the minister responsible for education and the data collected in the course of the assessment and evaluation on an institutional level have to be made accessible so that they can be further processed.

(7) The educational authority acting in its scope of public educational duties despatches the results of the national assessment and evaluation to every maintainer and is obliged to call the attention of the maintainer of a school to the fact that they should take measures if it is justified by the results. If the pedagogical activity taking place at a given school does not attain the minimum specified by statute according to the results of the national assessment and evaluation, the maintainer is obliged to invite the head teacher to prepare an action plan. The school despatches its action plan to the maintainer within three months after the request. The action plan becomes valid with the approval of the maintainer. The causes which have led to the deterioration of the level of the pedagogical activity have to be revealed in the course of the preparation of the action plan. The necessary measures to cease the causes revealed have to be specified in the action plan and the school development programme necessary for their execution. The action plan shall contain the measures by which education can be guaranteed on an appropriate level until the execution of the action plan. The educational authority acting in its scope of public educational duties calls upon the maintainer to prepare an action plan within three months if the school does not attain the minimum specified by statute once again according to the result of the national assessment and evaluation in the third year following the request. The maintainer is obliged to have recourse to the contribution of a pedagogical professional service institution, an expert or another professional organisation for the preparation of the action plan and the execution of those stated in the action plan as prescribed by statute. The action plan becomes valid with the approval of the educational authority acting in its scope of public educational duties. The educational authority acting in its scope of public educational duties checks the execution of those stated in the action plan within the scope of an official inspection.

Article 100

The institution providing pedagogical professional service is designated by the minister responsible for education or the minister responsible for vocational qualification in case of vocational training as stated in their sphere of authority specified in the Act on Vocational Education and Training.

The National Registers of Experts and Examiners

Article 101

- (1) The National Register of Experts contains the name, special field, address and place of work of those who can participate in professional checks at educational-teaching institutions.
- (2) The National Register of Examiners contains the data of those who can be appointed chairs of secondary school leaving examination boards as regulated in Section (1).
- (3) Those who have clean criminal records and
 - pedagogical qualifications necessary for appointment as a teacher trainer (instructing kindergarten nurse, general teacher in the first four years of primary school) and ten years' experience gained in an educator's or instructor's position or
 - tertiary qualifications in a special field and ten years' experience in their special field and are renowned scholars in that fieldcan be registered in the National Register of Experts.
- (4) Those who have the teaching qualifications specified in Subsections d)-e) of Section (1) of Article 17 of this Act or teaching qualifications on a university level in engineering, technical sciences or economics in case of secondary school leaving examinations and clerical and vocational qualifications with specialisation in pedagogy, special qualifications as well as ten years' experience gained in an educator's position or a secondary school educator's position or an instructor's position at a teacher training institution of higher education in case of secondary school leaving examinations can be registered in the National Register of Examiners.
- (5) Registration in the registers mentioned in Sections (1)-(2) is valid for five years on the first occasion, which can be renewed repeatedly. The renewal may be tied to in-service training or a pass in a post-professional examination by a separate statute.
- (6) Entry in the registers mentioned in Sections (1)-(2) may be gained by means of a public tender. The public tenders have to be published in the official gazette of the ministry headed by the minister responsible for education. The Act on Vocational Education and Teaching stipulates the preparation and issuance of the register of experts and the register of chairs of examination boards with regard to vocational training.
- (7) Those who gained the experience specified in Sections (3)-(4) in national or ethnic minority education and teaching may perform the tasks of an expert or a chair of a secondary school leaving examination board with regard to national and ethnic minority kindergarten education, school education and teaching and hall of residence education and teaching.
- (8) The educational authority acting in its scope of public educational duties compiles and edits the National Register of Experts and the National Register of Examiners with the exception of vocational training.

(9) If a chair of an examination board or an expert has been reported, the educational authority acting in its scope of public educational duties may order their deletion from the National Register of Experts and the National Register of Examiners by a resolution.

The Maintainer's Control

Article 102

(1) If a maintainer maintains three or more educational-teaching institutions, they are obliged to establish and operate a committee dealing with public educational affairs. If a maintainer maintains a primary school operating with at least six years or a secondary school or a vocational school, a person with tertiary qualifications entitling them to fill an educator's position on the basis of Article 17 of this Act shall co-operate in the work of preparing decisions related to the maintainer's control.

(2) The maintainer

a) makes decisions on the establishment of an institution of public education, its financial jurisdiction, reorganisation, the act of winding it up, the modification of its sphere of activity, the specification of its name, the manner of application to a kindergarten, the date of the kindergarten enrolment of a larger number of children within one period, the specification of the weekly and annual opening hours of a kindergarten;

b) specifies the budget of the institution of public education as well as the rules by which the tuition fees that may be charged are set and the conditions of allowances that can be given on a welfare basis;

c) specifies the number of kindergarten groups which can be initiated in the given educational year, permits deviation from the average number of children / students in a class or a group, specifies the number of classes and day care classes (groups) which can be initiated at a school and the number of groups which can be organised at a hall of residence in the given academic year and permits deviation from the maximum number;

d) operates the system of quality development as prescribed by the quality management programme and regularly – at least on one occasion every four years unless otherwise stipulated by statute – checks the management of the institution of public education, the lawfulness and effectiveness of its operation, the efficiency of professional work as well as the activity of child and youth protection and the measures taken in order to prevent accidents involving students or children at educational-teaching institutions; if the maintainer is not a local council, they report accidents involving students or children to the competent chief

public administration officer of the capital city or the county competent on the seat of the educational-teaching institution;

d) appoints the heads of institutions of public education and exercises the employer's rights over them;

e) approves the organisational and operational code and the quality management programme of an institution of public education as well as the educational and pedagogical programmes and the rules of the house of an educational-teaching institution and the pedagogical cultural programme of a general cultural centre;

f) evaluates the execution of the tasks specified in the pedagogical programme and the programme of the activities of an educational-teaching institution and the efficiency of the pedagogical professional work.

(3) The maintainer shall ask the community of the employees of the institution, the school board, the parental school organisation (association), the school student union, the municipal or regional minority council depending on the maintainer if they do not have the right of consent in case of institutions participating in national or ethnic minority education and teaching or, in default of that, the local association of the given minority and the chamber of economy of the capital city or the county in case of secondary vocational schools and vocational schools to give an opinion before the maintainer's decision related to the act of winding an institution of public education up, its reorganisation, the modification of its task, the specification of its name, the specification and modification of its budget, the appointment of its head and the withdrawal of their appointment. All the information which is available when making the maintainer's decision shall be made accessible to those who have a right to give an opinion in order that the opinion specified in this Section can be formed. At least fifteen days have to be guaranteed for the interested groups to form their opinions from the day when the information is made accessible.

(4) The body of representatives (general assembly) is obliged to assess the demand for Hungarian language preparation and for education and teaching taking place in the language of a national or ethnic minority annually, involving the interested municipal or regional minority council or the national minority council in case of a general assembly.

(5) Maintainers may specify new tasks for an institution of public education if they provide the necessary conditions for their performance.

(6)

(7) If the maintainer is a local council, it may examine whether the local curriculum guarantees the change of schools or the act of taking students over to schools maintained by it when approving the pedagogical programme of schools, as stated in Article 46 of this Act.

(8) The maintainer provides the conditions of the operation of the school board, the parental organisation (association) as well as the school and hall of residence student union in the budget of the educational-teaching institution.

(9) Maintainers may not

a) establish schools, reorganise or wind schools, halls of residence or kindergartens up or hand over their maintainer's rights,

b) have school classes, hall of residence groups or kindergarten groups reorganised or ceased,

c) modify the tasks of schools, halls of residence or kindergartens

during the academic year (term-time) or the educational year with the exception of the months of July and August.

(10) The provisions pertaining to the prohibition of the handover of the maintainer's right shall not be applied in case the maintainer ceases with a legal successor or the assets are divided related to the separation of councils or the private entrepreneur dies if there is somebody entitled to continue the activity. The provision pertaining to the prohibition of reorganisation shall not be applied if the seat or the premises are changed during the academic year (term-time) or the educational year because the existing building, room or territory could not be taken possession of at an appropriate time or the building, room or territory used by the educational-teaching institution has unexpectedly become unsuitable for proper use. The public administration officer or the chief public administration officer may permit non-state and non-council maintainers of institutions a change of the seat or the premises during the academic year (term-time) or the educational year for other unexpected reasons. If a non-state or non-council maintainer of an institution asks permission for a change of the seat or the premises for unexpected reasons for the second time within three years, the public administration officer or the chief public administration officer shall conduct the legal inspection regulated in Article 80 of this Act.

(11) Maintainers may make decisions related to reorganising or winding the educational-teaching institution up or the handover of the maintainer's right until the last working day of March in the year when the measure is planned to be executed.

(12) Local councils ask the municipal or regional minority council affected or the national minority council in case of an institution of public education performing regional or national tasks to give consent to

- a) the establishment, the act of winding it up, the modification of the sphere of activity and the specification of the name of,
- b) the specification and modification of the budget of,
- c) the evaluation of the professional work taking place at,
- d) the approval of the organisational and operational code of,
- e) the approval and evaluation of the educational programme, pedagogical programme or pedagogical cultural programme, institutional quality management programme of educational-teaching institutions co-operating in national or ethnic minority kindergarten education, school education and teaching or hall of residence education according to their founding charter and institutions providing pedagogical assistance service co-operating in the care the children / students affected and maintained by the local council depending on the maintainer. The minority council shall be asked to give consent also before the appointment and the termination of the appointment of a head at minority educational-teaching institutions [Section (6) of Article 121] in accordance with the division of labour determined above.

(13) A statement shall be issued on the affairs specified in Section (12) within thirty days after the maintainer's request. The deadline can be extended by an additional thirty days on one occasion. Failure to meet the extended deadline involves the forfeiture of rights. If the minority council has not given its consent and the conciliation between the interested parties proved unsuccessful within an additional fifteen days, a committee composed of nine members shall be formed. Three members are appointed by the minority council, three members by those who have an interest in being given the right of consent and three members by the National Minority Commission regulated in Section (1) of Article 98 of this Act. The National Minority Commission may select the candidates (hereinafter called membership nominees) from the experts occurring in the National Register of Experts. The committee specifies its own order of operation with the proviso that it makes its decisions with a majority. The decision substitutes for consent. The operational expenses of the committee have to be borne by those who have an interest in being given the consent. Remuneration is due to the membership nominees in accordance with the provisions pertaining to experts occurring in the National Register of Experts the amount of which is specified by the National Minority Commission and paid by those who have an interest in being given the consent.

Article 103

(1) Maintainers can deny the approval of the organisational and operational code, the rules of the house or the institutional quality management programme if it violates a statute. The

approval of the institutional quality management programme can also be denied if the necessary conditions for its execution are not provided or if it is not in conformity with the council quality management programme. The organisational and operational code, the rules of the house, the institutional quality management programme and their modification shall be regarded as approved if the maintainer does not make a statement within thirty days or in the first session of the body of representatives (general assembly) following the thirtieth day in case of educational-teaching institutions maintained by a local council and if the decision is made by the body of representatives (general assembly).

(2) Maintainers may deny the approval of the educational or the pedagogical programme if it

a) does not meet the requirements prescribed by this Act;

b) contains additional tasks the conditions for which are not provided and they do not undertake to create them or does not contain the tasks they have specified while providing the necessary conditions.

(3) The educational and the pedagogical programmes and their modification shall be regarded as approved if the maintainer does not make a statement within thirty days and not even in the first session of the body of representatives (general assembly) following the thirtieth day in case of educational-teaching institutions maintained by a local council and if the decision is made by the body of representatives (general assembly).

(4) The provisions of the Act on General Rules of Public Administration Procedures shall be applied to the calculation of the deadline specified in Sections (1) and (3). If a maintainer maintains more than five educational-teaching institutions, and the organisational and operational code, the rules of the house, the educational programme, the pedagogical programme and the quality management programme of all their institutions have to be revised due to the change of a statute or for another reason, they may specify the date by which the educational-teaching institution shall complete the submission on the basis of a schedule. In that case, the deadline shall be counted from that date even if the educational-teaching institution submitted their organisational and operational code, rules of the house, educational programme, pedagogical programme or quality management programme with the aim of approval.

(5) If a minority council has the right of consent on the basis of Section (11) of Article 102 of this Act, the organisational and operational code, the rules of the house, the educational programme, the pedagogical programme and the quality management programme becomes valid in default of the maintainer's statement if the minority council has agreed to them or if

the minority council did not assert its right of consent in accordance with Section (11) of Article 102 of this Act.

Article 104

(1) The following shall be done within the scope of the guarantee of lawfulness:

a) checking whether the procedural regulations prescribed for the adoption of the rules of the house and other internal codes with the exception of the collective agreement and the civil servants' provisions are complied with as well as the legality of those stated in the code, the legality of the operation and the decision-making and the activity related to the prevention of accidents involving students or children, the performance of the tasks of child and youth protection, the creation of the healthy and safe conditions of the educational-teaching work in particular;

b) passing judgement on the petitions specified in Section (4) of Article 83.

(2) The maintainer calls upon the head of an institution of public education to redress decisions which are contrary to statute as a result of the check regulated in Subsection a) of Section (1). If the request proves unsuccessful, they repeal the decision contrary to statute and order the head of the educational-teaching institution to make a new decision or to take the measure they have failed to take. These provisions shall be applied in case the approval of the organisational and operational code is denied. Those stated in this Section cannot be applied if one year has passed since the decision was made or if the decision has been reviewed by the court or if the repeal of the decision infringes rights obtained and exercised in good faith. In those cases, the maintainer informs the head of the institution of public education of their findings and the right procedure.

(3) The public administration officer or the chief public administration officer may act in the jurisdiction regulated in Subsection b) of Section (1) in case of educational-teaching institutions maintained by a local council and persons holding tertiary school qualifications obtained at a law school or the College of State Administration or entitling the holder to fill a head's position at the educational-teaching institution making the decision in case of other maintainers.

(4) The maintainer may evaluate the execution of the educational and the pedagogical programmes and the efficiency of the professional work taking place at an institution of public education on the basis of

a) the pedagogical assessments and evaluations carried out by the council institution providing pedagogical professional service or the expert opinion prepared by an expert

occurring in the National Register of Experts or the results of the secondary school leaving examination or

b) the report prepared by the institution of public education or

c) the opinion given by the school board.

(5) Institutions of public education may be obliged to present an all-embracing report on their activity to the maintainer on one occasion every academic year and every year.

(6) The maintainer is obliged to publish its evaluation related to the work of the educational-teaching institution on their website or, in default of that, in the customary manner of the institution.

Article 105

(1) Local councils specify the measures serving the equal opportunities for children / students (hereinafter called action plan of equal opportunities in public education) as part of the council action plan or the development plan of the capital city or a county or as an independent action plan with regard to those stated therein.

(2) The condition of the submission of a competitive tender for domestic or international resources with public educational aims is that the local council or the council partnership should have an action plan of equal opportunities in public education prepared while taking the guide issued by the minister responsible for education into consideration. Preference shall be given to the partnership maintaining an institution of public education which has a council occurring in the register of disadvantaged towns and villages among its members and the town or village and partnership maintaining an institution of public education in the territory of competence of which the proportion of multi-disadvantaged children / students compared to all the children / students attains twenty-five per cent when passing judgement on the tenders in case they meet the prescribed conditions.

(3) Those stated in Section (2) shall also be applied with regard to non-state and non-council maintainers of institutions.

Article 106

The maintainer's control may not infringe the professional independence of educational-teaching institutions and their spheres of authority of professional decisions.

The Control of Institutions of Public Education

Article 107

(1) Those may participate in the professional check of institutions of public education who occur in the National Register of Experts with the exception specified in Subsection b) of Section (2).

(2) If the professional check takes place at an institution of public education performing national or ethnic minority tasks,

a) the check can be conducted by experts who can speak the language of the national or ethnic minority or, if no such expert is available, the examination shall be carried out involving an educator speaking the language of the national or ethnic minority;

b) the professional check shall be notified to the national minority council which can participate in the professional check through its representative who meets the conditions specified in Section (3) of Article 101 of this Act even if they do not occur in the National Register of Experts.

(3) The leader of the check has to arrive at an agreement with the head of the institution of public education and those who have initiated the check on the duration, form and methods of the professional check, the date of the check and the manner in which the interested parties may express their opinions on the findings of the check at least seven days before the commencement of the professional check. The maintainer of the institution of public education has to be notified at least seven days before the commencement of the professional check and informed that they can be present when the professional check is conducted in cases specified in Subsections a)-b) of Section (8).

(4) Those who were affected by the check as well as those on the initiative of whom the check had been commenced and the maintainer with the exception of Subsection f) of Section (8) receive the findings of the professional check. If the check takes place at an institution of public education performing national or ethnic minority tasks, the findings of the professional check have to be despatched to the interested municipal or regional minority council depending on the maintainer and the national minority council.

(5) Those who disagree with the findings of the check may request its revision within the scope of another professional check.

(6) The maintainer invites the head of the institution of public education to take the necessary measures as a result of the evaluation while providing an appropriate deadline if it is not the maintainer who is entitled to act.

(7) The findings of the professional check shall be published on the website of the educational-teaching institution affected or, in default of that, in the customary manner of the

institution as well as on the website of those who initiated the check in compliance with the statutes pertaining to the protection of personality.

(8) Professional checks may be initiated by

a) the minister responsible for education on a national, regional or county level or on the level of the capital city or the minister responsible for vocational qualification with regard to vocational training in order to prepare the national objectives of educational policy or to become acquainted with the realisation of the objectives and by the national minority council in order to evaluate the execution of the national and ethnic minority tasks of public education;

b) the council of the capital city on the level of the capital city or a county council on a county level in order to prepare and become acquainted with the realisation of the development plan of the capital city or the county and the objectives of educational policy;

c) the council of a village, a town, a town of county rank or a district of the capital city on a municipal level in order to prepare and become acquainted with the realisation of the objectives of local educational policy and by the municipal minority council in order to evaluate the execution of the tasks related to national or ethnic minority kindergarten education and school education and teaching in the town or village,

d) the maintainer on an institutional level in order to prepare the objectives of local educational policy or to become acquainted with the realisation of the objectives or to evaluate the quality of educational and teaching work performed at each institution;

e) the head of an institution of public education in order to have an independent expert evaluate the quality of the educational and teaching work performed at the institution or the level of the work of a certain employee;

f) employees of an institution of public education in order to evaluate their own work while bearing the costs of the professional check.

(9) Those stated in Sections (2)-(6) shall be applied to the legal inspection taking place at the institution of public education with the difference that the provisions pertaining to the prior agreement shall not be complied with if it jeopardises the efficiency of the inspection.

(10) Those stated in Sections (3)-(6) shall be applied to legal inspections organised on the basis of Articles 80 and 82 of this Act at institutions of public education with the difference that the provisions pertaining to the prior agreement shall not be complied with if it jeopardises the efficiency of the inspection.

(11) The person or organisation carrying out a professional check or a legal inspection at an institution of public education has no jurisdiction to make decisions or take measures.

CHAPTER VII
PROVISIONS WITH INTERNATIONAL RELEVANCE

*Foreign Educational-Teaching Institutions in Hungary and Hungarian Educational-Teaching
Institutions Abroad*

Article 108

(1) A foreign educational-teaching institution may operate and issue foreign certificates in the territory of the Republic of Hungary if it is recognised as an educational-teaching institution and the certificate issued by it is recognised as a certificate adequate for such educational-teaching institutions by the state it comes from and this recognition has been convincingly attested.

(2) The minister responsible for education registers the educational-teaching institution and grants the maintainer the permissions necessary for the commencement of operation. The maintainer may request to be registered in accordance with Section (2) of Article 37 of this Act and to be issued with the necessary permit for the commencement of operation in accordance with Sections (1)-(2) of Article 79 of this Act unless otherwise stipulated by an international contract. The regulations of the state which has recognised the foreign educational-teaching institution as its own shall be applied to the foundation of the institution, the educational and teaching work performed at the institution and the control of this work as well as the matters and decisions related to the children / students. The educational authority acting in its scope of public educational duties performs the legal inspection specified in Sections (1)-(2) of Article 80 of this Act and exercises the jurisdictions specified in Sections (3)-(6).

(3) Hungarian nationals may complete their compulsory education at schools described in Section (1) and also at schools operating abroad. The local public administration officer competent at the domicile or, in default of this, place of residence of the student issues a certificate about the student's legal relationship established abroad.

(4) Educational-teaching institutions specified in Section (1) may also come into being and operate in Hungary on the basis of an international contract. The minister responsible for education registers educational-teaching institutions which have come into being and operate on the basis of an international contract as regulated in Section (2) ex officio. The provisions pertaining to the legal inspection of educational-teaching institutions which have come into

being and operate on the basis of an international contract specified in Section (2) shall be applied in default of a regulation of the international contract to the contrary.

(5) Hungarian state kindergartens, primary schools, secondary schools and halls of residence can be established and maintained abroad by the minister responsible for education, vocational schools can be established and maintained abroad by the minister responsible for vocational training and adult education if it is allowed of by the domestic law of the state in accordance with the location of operation or by an international contract.

(6) Hungarian educational-teaching institutions can be founded abroad with a permit issued by the minister responsible for education if it is allowed of by the domestic law of the state in accordance with the location of operation or by an international contract and this is convincingly attested. Those stated in Section (2) shall be applied in the course of the issuance of a permit related to the registration and the commencement of operation if the seat of a Hungarian educational-teaching institution is abroad at a Hungarian embassy. The conditions for foundation and operation have to be determined in the permit issued to establish and operate a Hungarian educational institution operating abroad. The minister responsible for education registers the Hungarian educational-teaching institutions operating abroad and exercises the jurisdictions specified in Article 80 of this Act.

(7) The budget subsidy regulated in Section (6) of Article 4 of this Act is due to the maintainer both for Hungarian nationals admitted to the educational-teaching institutions specified in Section (1) and for non-Hungarian nationals as prescribed by Article 110. The budget subsidy is also due to the maintainer for Hungarian nationals admitted to kindergartens or schools permitted in accordance with Section (6) and operating abroad at a Hungarian embassy if their parents are residing abroad on an official state assignment.

(8) Other institutions of public education may also operate in the territory of the Republic of Hungary besides the institutions of public education specified in Section (1) if they have been registered by the minister responsible for education as stated in Section (2) of Article 37 of this Act.

(9) The minister responsible for education may enter into an agreement of public education with the maintainers of foreign institutions of public education and international schools.

(10) The institutions of public education regulated in this Article are obliged to register with the information system of public education and furnish it with data.

(11) The minister responsible for education may permit the operation of an educational-teaching institution for the children of refugees residing in the territory of the Republic of Hungary by issuing a temporary operation permit even in default of the conditions specified

in Sections (1) and (2) with the consent of the minister responsible for the administration of aliens and asylum seekers. The temporary operation permit is valid for one year and may be renewed repeatedly. Applications for a temporary operation permit are submitted by the minister responsible for the administration of aliens and asylum seekers. The educational-teaching institution has to be registered contemporaneously with the issuance of the temporary operation permit. The minister responsible for education takes cognisance of the fact that those enjoying temporary asylum have organised kindergarten education or school teaching for their children in the territory of the Republic of Hungary in the temporary operation permit. The temporary operation permit does not imply the recognition of the fact that the educational-teaching institution complies with the regulations of the country where those enjoying temporary asylum have arrived from in the territory of the Republic of Hungary; nor does it imply that the Republic of Hungary recognises the certificate issued by the school.

Studies of Hungarian Nationals Abroad

Article 109

- (1) Hungarian nationals may pursue studies abroad without a need for permission.
- (2) Hungarian nationals may also complete their compulsory education at foreign educational-teaching institutions.
- (3) If a student of school age with a domicile or, in default of that, a place of residence continues their studies abroad, it shall be reported to the competent local public administration officer at the council of the village, the town, the district of the capital city or the town of county rank or to the head teacher if the student has already enrolled at a domestic school for the purposes of keeping a record of children of school age.
- (4) The Hungarian student's legal relationship of students with a domicile is suspended during their studies abroad.

Studies of Non-Hungarian Nationals in Hungary and the Continuation of Studies Commenced Abroad in Hungary

Article 110

- (1) Non-Hungarian nationals who are under age become entitled to kindergarten care or become children of school age in Hungary if

- a) they are applying for asylum or are refugees or asylum seekers,
 - b) they exercise the right of freedom of movement and residence in Hungary in accordance with the Act on the Entry and Residence of Persons with the Right of Free Movement and Residence,
 - c) they fall within the scope of the Act on the Entry and Stay of Third-Country Nationals and have an immigrant's or a settled person's legal status or have a permit which entitles them to reside in the territory of the Republic of Hungary.
- 2) The existence of the conditions have to be attested when the student is admitted to the educational-teaching institution.
- (3) If the duration of residing in the territory of the Republic of Hungary
- a) does not exceed one year, children become of school age at the request of the parents;
 - b) exceeds one year, children become of school age on the strength of the law.
- (4) Non-Hungarian nationals may avail themselves of kindergarten education, school education and teaching, hall of residence education and pedagogical assistance services if they become children of school age as long as they meet the conditions specified in Section (1) on the same conditions as Hungarian nationals during the existence of compulsory education and during the studies commenced during the time of compulsory education and continued after the cessation of compulsory education.
- (5) Those listed in Subsection a) of Section (1) can exercise the rights specified in Section (4) and are obliged to commence fulfilling their compulsory education from the submission of the application for recognition onwards.
- (6) The right regulated in Section (4) can be exercised as prescribed in Subsections b) and c) of Section (1) if the parents have a permit entitling them to residence exceeding three months and are in gainful employment. These provisions shall be applied with regard to the spouse and children of those affected.
- (7) Non-Hungarian nationals holding a letter of invitation from the minister responsible for education may avail themselves of the service specified in the letter of invitation on the same conditions as Hungarian nationals.
- (8) Those non-Hungarian nationals who do not fall within the effect of Sections (1)-(7) pay a fee for kindergarten, school and hall of residence service and for the use of the pedagogical assistance service unless otherwise stipulated by an international agreement or by statute. The fee may not exceed the part of the running expenses allotted to professional tasks falling to one student. The head of the institution of public education may reduce or cancel the fee on the basis of the rules prescribed by the maintainer.

(9) The minister responsible for education issues pedagogical systems (teaching programmes) for the kindergarten education and the school education and teaching of those specified in Section (1).

Article 110

(1) Uncompleted studies commenced abroad may be continued in the system of Hungarian public education. The head teacher makes the decision on the inclusion of studies and the admission of the student.

(2) If the head teacher cannot make a decision on the issue of inclusion, they ask the minister responsible for education or the minister responsible for vocational qualification in case of vocational training to give their opinion.

Recognition and Nostrification

Article 112

Taking the Documents of Teaching Institutions Abroad

Article 113

If the documents of a school are wished to be used abroad, they have to be notarised or certified with a conformant apostille unless otherwise stipulated by an international agreement. The notarisation is executed by the maintainer of the school or by the public administration officer or the chief public administration officer in case of schools maintained by a local council and certified with an apostille by the minister responsible for education, the minister responsible for foreign affairs and the embassy of the state in accordance with the use of the document in Hungary.

CHAPTER VIII

THE PRINCIPLES OF FUNDING PUBLIC EDUCATION

Services Available Free of Charge

Article 114

(1) The services available free of charge at educational-teaching institutions maintained by local councils and state organs and within the scope of the performance of the tasks of local councils are as follows:

a) at kindergartens:

- kindergarten activities [Section (1) of Article 24] and, if necessary, speech therapy and dyslexia prophylaxis sessions, and two hours of coaching activities a day for children with special educational needs;
- regular medical supervision of the children;
- the use of the facilities and the equipment of the kindergarten when availing oneself of the free services;

b) at primary schools or in the years establishing general knowledge in all cases, and at vocational schools and secondary schools with the exceptions specified in Articles 115–116:

- curricular activities [Sections (3)-(11) of Article 52];
- preparation for the first vocational qualification by participating in education according to the working schedule of full-time education as well as work wear, personal protective equipment (protective wear) and toiletries provided within the preparation for the first vocational qualification and in coaching in the cases specified in Sections (8) and (10) of Article 27 as well as for practical training in full-time education when imparting the necessary knowledge to take up work and start an independent life;
- the repetition of a year in years one to ten, or the repetition of a year in years eleven to thirteen and in the year of vocational training for the first time, or for a second or a subsequent time if the repetition is necessary for reasons other than the student's failure to have met the study requirements;
- extra-curricular activities organised within the time allotment specified in Section (7) of Article 52, including educational or professional competitions, student days, choir and singing activities, other art activities listed in the pedagogical programme, school sports clubs, everyday physical training, in-school tournaments, and interschool sports competitions and tournaments;
- supervision before the commencement of lessons and during mealtimes, as well as day care and daytime study activities until the end of year ten;
- entrance examinations, marking examinations, module-closing examinations, rating examinations, supplementary examinations, repeat examinations, professional aptitude examinations and vocational aptitude tests;

- a resit or the first repeat examination in case of examinations commenced during the existence of the student’s legal relationship; the secondary school leaving examination as prescribed by the secondary school leaving examination code and the first vocational examination during the existence of the student’s legal relationship;
 - the use of school facilities (library, laboratory, computer centre, sports and leisure facilities) and equipment when availing oneself of the free services;
 - c) at halls of residence, in case of participation in the education specified in Subsection b):
 - hall of residence activities [Section (7) of Article 53];
 - provision of residential conditions in accordance with the professional standards prescribed by statute;
 - continuous pedagogical and regular medical supervision;
 - the use of the facilities of the hall of residence (library, laboratory, computer centre, sports and leisure facilities etc.) and equipment when availing oneself of the free services or the residence;
 - all-inclusive care in case of students with special educational needs in accordance with their condition.
- (2) Participation in education and hall of residence care including participation in the first course of primary art education is free of charge in all cases for multi-disadvantaged students, students with physical, organoleptic or moderate mental disabilities and autistic students. Participation in one course of primary art education and the acquisition of the second vocational qualification is free of charge for students with slight mental disabilities.
- (3) The developmental preparation [Section (6) of Article 30] and the pedagogical assistance services [Article 34] are available free of charge.
- (4) The cultural, artistic, sports and other activities, outings, open-air teaching related to the execution of the educational or pedagogical programme and performed outside the institution in order to get acquainted with and elaborate the syllabus prescribed for everyone and for the sake of everyday physical training may be organised from the budget of the educational-teaching institution within the sphere of services available free of charge. The school board or in default of that, the parental school organisation (association) and the school student union may determine the largest amount of money that should not be exceeded when implementing a programme organised by the educational-teaching institution not belonging to the sphere of services available free of charge.

Fee Payment Obligation

Article 115

(1) The services available upon the payment of a fee at educational-teaching institutions maintained by local councils and state organs and within the scope of the performance of the tasks of local councils are as follows:

a) the services specified in Subsections b)–c) of Section (1) of Article 114 when preparing for the first vocational qualification by participating in education according to the working schedule of full-time education;

b) the extra-curricular activities not listed in Section 114 and day care and daytime study activities from year eleven of school education and in the year of vocational training at school;

c) at institutions of primary art education:

– six curricular activities a week to master the practice and theory of the principal subject as well as one audition (examination, basic examination of arts, final examination of arts) and one artistic performance an academic year and the repetition of a year due to failure to meet the study requirements on one occasion in case of participation in one course of art education;

– the use and the act of availing oneself of the facilities and equipment of the school within the sphere of those services;

d) the services listed in Subsections b)-c) of Section (1) of Article 114 in adult education with the exception of education organised according to the working schedule of full-time education at secondary grammar schools and secondary vocational schools from year eleven, as well as in the year of vocational training during the acquisition of the first vocational qualification at secondary vocational schools or vocational schools;

e) the services specified in Subsections b)–c) of Section (1) of Article 114 at secondary grammar schools and secondary vocational schools from year eleven, and in the year of vocational training at secondary vocational schools and vocational schools during the second repetition of a year due to failure to meet the study requirements;

f)

(2) Those stated in Subsection e) of Section (1) shall also be applied with regard to those participating in adult education.

(3) Children /students shall pay a fee for meals provided by educational-teaching institutions as prescribed by statute.

Obligation to Pay Tuition Fee

Article 116

(1) The services available upon the payment of a tuition fee at educational institutions maintained by local councils and state organs and within the scope of the performance of the tasks of local councils are as follows:

- a) curricular activities beyond those specified in Article 115 as well as all curricular activities for those who are not of school age provided that they do not have a student's legal relationship in education according to the working schedule of full-time education and for those who have turned twenty-two years of age in primary art education;
 - b) the services listed in Subsections b)–c) of Section (1) of Article 114 with the exceptions specified in Articles 114 and 115 during the acquisition of a vocational qualification;
 - c) education and teaching not related to the educational or the pedagogical programme or the local curriculum (basic activity), and any other service related to this activity at kindergartens, schools and halls of residence;
 - d) those specified in Subsections b)–c) of Section (1) of Article 114 during the third or a subsequent repetition of a year due to failure to meet the study requirements at secondary grammar schools and secondary vocational schools from year eleven and in the year of vocational training at secondary vocational schools and vocational schools;
 - e) secondary school leaving examinations and vocational examinations (including repeat examinations and resits) commenced after the cessation of the student's legal relationship and the second or a subsequent repeat examination commenced but not completed during the existence of the student's legal relationship.
- (2) Those stated in Subsections d) and e) of Section (1) shall also be applied with regard to those participating in adult education.

The Extent of Fees and Tuition Fees

Article 117

(1) The fee for each academic year is a certain percentage of the proportion of the running costs to be spent on the professional task falling on one student and calculated at the beginning of the academic year as follows:

- a) fifteen to twenty-five per cent in cases specified in Subsections a) and b) of Section (1) of Article 115;

b) five to ten per cent in cases specified in Subsection c) of Section (1) of Article 115 for students under the age of eighteen;

c) fifteen to thirty per cent in cases specified in Subsection c) of Section (1) of Article 115 for students between the ages of eighteen and twenty-two;

d) twenty to forty per cent in cases specified in Subsection d) of Section (1) of Article 115;

e) twenty-five to fifty per cent in cases specified in Subsection e) of Section (1) of Article 115.

(2) The fee shall be reduced depending on the academic achievement as prescribed by the maintainer, however, it may not be less than ten per cent of the basic normative contribution provided for the performance of tasks in case of the branch of musical art and twenty per cent in case of other branches of art in each academic year with the exception of Subsection a) of Section (1). This provision shall not be applied to disadvantaged students. This provision may not be applied to disadvantaged students; no fee may be collected from them.

(3) The tuition fee for each academic year may not exceed the proportion of the running expenses to be spent on the professional task falling on one student and calculated at the beginning of the academic year. The tuition fee shall be reduced depending on the academic achievement with the exception of education and teaching performed on an entrepreneurial basis.

(4) The maintainer specifies the rules on the basis of which heads of kindergarten, head teachers and heads of hall of residence makes decisions on additional free service beyond those stipulated in Section 114, the amount of fees and tuition fees, the allowances that are due on the basis of academic achievement or may be granted on the basis of social conditions and the method of payment with the exception of education and teaching performed on an entrepreneurial basis and any other related service.

(5) The head of kindergarten, the head teacher or the head of hall of residence makes decisions on the tuition fee related to participation in education and teaching performed on an entrepreneurial basis according to the founding charter and the use of the related service, the allowances and the method of payment.

Other Issues of Funding

Article 118

(1) The funds necessary to operate the system of public education shall be provided by the state budget and the contribution of the maintainer, which may be supplemented by the fees

paid for services used by students, and other income earned by the institution of public education.

(2) The amount of the budget contribution serving the performance of the tasks of public education is defined in the annual Budget Act.

(3) The central budget provides normative budget contribution for state organs, local councils and non-state, non-council maintainers of institutions to operate the educational-teaching institutions maintained by them taking the number of children / students and the type of the tasks undertaken into consideration.

(4) The amount of the normative budget contributions allotted to non-state and non-council maintainers of institutions shall not be less than the normative contribution allotted to local councils on the same grounds. Non-state and non-council maintainers of institutions become entitled to the normative budget contribution on the basis of an application they have to submit as prescribed by statute. The application may be submitted according to the tasks which have been performed and verified in accordance with registers prescribed by statute. Failure to submit the application involves the forfeiture of rights unless the petition for verification is accepted. If the maintainer of an institution of public education not maintained by the state or a local council employs the normative budget contribution to perform their tasks, they are obliged to announce the proportion of the subsidy falling on one person to those using their services before 31st March of the year following the given budget year; they are also obliged to publish what percentage of the whole budget of the institution the normative contribution employed to perform the tasks covers in the customary manner of the institution.

(5) The annual Budget Act shall specify the amount of the subsidy given to the maintainers of schools as a form of support for students to purchase textbooks sold at market price. The teaching staff make a decision on the manner of the support as prescribed by Articles 6-7 of the Act on the Rules of the Textbook Market. The school shall ensure that textbooks are provided free of charge as prescribed in Section (4) of Article 8 of the Act on the Rules of the Textbook Market. The annual Budget Act shall also specify the amount of the subsidy given to the maintainer to organise the provision of meals for children at a reduced rate, taking account of the normative allowances specified in Sections (5)-(6) of Article 148 of the Act on Child Protection and Guardianship Administration.

(6) The time allotment

– specified in Section (4) of Article 24 of this Act to organise kindergarten activities and the time allotment specified in Section (4) of Article 53 to organise day care and daytime study

activities shall be increased from resources available for tasks of social administration and charged to the social expenses if it is necessitated by the daytime care of children;

- specified in Sections (7)-(8) and (10)-(12) of Article 52 to organise non-compulsory (optional) curricular and extra-curricular activities, individual activities, adapted physical education and divided classes;
- specified in Section (7) of Article 53 to organise hall of residence activities;
- which can be used freely within the compulsory number of lessons and the number of the members of the management and the teaching staff engaged compulsorily on the basis of Annexe 1 may be increased with the consent of the maintainer, and the compulsory number of lessons to be held by the management and teaching staff may be reduced and the number of the members of kindergarten groups or school classes may also be reduced compared to the average number specified in Annexe 3 (additional service) if the necessary funds are provided by the additional budget of the maintainer without subsidy or by the educational-teaching institution from its own resources.

(7) When specifying the budget contribution allotted to institutions of public education maintained by church legal entities, not only the provisions of this Act but also the provisions of Act No. IV of 1990 on the Freedom of Conscience and Religion and the Churches shall be taken into consideration.

(8) Those stated in Articles 114-116 of this Act shall be applied if the maintainer has despatched their declaration to the municipal council based on Section (11) of Article 81.

(9) If a local council has entered into an agreement of public education with a church legal entity on the basis of those prescribed by Section (13) of Article 81 of this Act, and the church legal entity does not become entitled to make a unilateral statement in accordance with Section (11) of Article 81 of this Act as prescribed by this Section, the local council handing over a property is obliged to remit the amount of the supplementary subsidy specified in Sections (1) and (2) of Article 6 of the Act on the Financial Conditions of Religious and Public Activities of Churches from its relinquished and its own income to the organ providing the contribution or its relinquished income shall be reduced by the amount of the supplementary subsidy as long as the agreement of public education is valid. After the third year following the conclusion of the agreement of public education, the church organ entitled to make a statement may appeal to the educational authority acting in its scope of public educational duties to be permitted to make a unilateral statement as prescribed by Section (11) of Article 81 of this Act. The educational authority acting in its scope of public educational duties will grant permission if the number of the members of classes or groups at the

educational-teaching institution – filled to a capacity of at least seventy per cent – is equal to or higher than ninety per cent of the average number stipulated in Annexe 3 of this Act. The maintainer becomes entitled to the supplementary contribution on the basis of the unilateral statement from the educational or teaching year commencing after the submission of the unilateral statement onwards and the agreement of public education may be terminated with immediate effect by either party within sixty days after the unilateral statement was made. If the church legal entity is denied the approval necessary to make a unilateral statement, it may apply to be granted the approval again when a year has passed. The Act on the General Rules of Public Administrative Proceedings and Services shall be applied in the course of the procedure of the educational authority acting in its scope of public educational duties related to the approval necessary to make a statement. These provisions shall also be applied in case the church legal entity does not fall within the scope of Sections (11) and (12) of Article 81 of this Act and the local council and the church legal entity enter into an agreement of public education to do the tasks performed by the educational-teaching institution established by the church legal entity by mutual consent.

(10) The head of an institution of public education may allow a salary supplement as a reward for achieving a specific performance at work or for doing temporary additional tasks with the exception of supply teaching, including pedagogical developmental activities and the high quality execution of work in the area of extra-curricular activities serving the purposes of education in particular (hereinafter called a salary supplement for the outstanding execution of work). A salary supplement for the outstanding execution of work may be given to any employee of an institution of public education on one specific occasion or for a definite time. The salary supplement given for a definite time shall be paid regularly at monthly intervals. The results of the evaluation of the performance of those performing managerial tasks and those engaged as educators shall be taken into consideration when determining the salary supplement. The conditions for the salary supplement for the outstanding execution of work shall be specified in the collective contract or, in default of that, in the organisational and operational code unless otherwise regulated by statute. Entitlement to a salary supplement may be valid for a maximum of one educational or academic year. The same person may be given a salary supplement on more than one occasion. When the entitlement to a salary supplement is determined, those shall be given preference who received a salary supplement during the preceding educational or academic year on the basis of the institutional evaluation of performance provided that the cyclic period specified in the quality management

programme has not elapsed and the employee deserves a salary supplement once again in the employer's judgement.

(11) The maintainer plans the funds for the salary supplement for the outstanding execution of work taking all their institutions of public education into consideration. The basis for the calculation of the specification of the amount is the product of the amount specified for one person in the annual Budget Act and the number of people engaged as educators at educational-teaching institutions and institutions providing pedagogical assistance service or as pedagogical experts or pedagogical clerical workers at institutions providing pedagogical professional service.

(12) The maintainer shall distribute the amount specified in Section (11) among its institutions in accordance with the number of those affected.

Article 119

(1) A public foundation may be established in order to provide support in the district, regional and national tasks of public education approved in a development plan by the council of a county or of a town of county rank in a county or by the council of the capital city in the capital city. The income of the public foundation is composed of the contribution of the central budget as determined by the annual Budget Act, other payments prescribed by law or by a government decree, voluntary payments made by natural entities, legal entities or organisations without a legal personality as well as any other forms of income specified in the founding charter. The chambers of economy of the capital city or a county and the non-state and non-council maintainers of institutions shall also be involved in the distribution of this amount. The public foundation may partially or wholly exclude the institutions of public education the maintainers of which do not accept those stated in the development plan from the circle of those subsidised. The income of the public foundation shall cover the expenses necessary for its operation.

(2) The government establishes a public foundation to assist in the tasks of public education related to the education and teaching of children with special educational needs, the provision of pedagogical assistance services, early intervention and care and developmental preparation; to operate and develop the system of institutions co-operating in the performance of the tasks; to support the purchase of the tools and vehicles necessary to participate in special care given to the children / students affected; and to assist in the organisation of courses in parental care work. The income of the public foundation is composed of the contribution of the central budget as determined by the annual Budget Act, other payments prescribed by law or by a

government decree, voluntary payments made by natural entities, legal entities, or organisations without a legal personality as well as any other forms of income specified in the founding charter. The income of the public foundation shall cover the expenses necessary for its operation.

(3) The additional subsidy necessary to prepare the textbooks, the recommended curricula, the examination requirements and other survey projects shall be planned in the budget chapter of the ministry led by the minister responsible for education and for the minister responsible for vocational qualification. The amount serving the assistance with the development of public education and the support of the maintainers shall be planned in the budget chapter of the ministry led by the minister responsible for education. The budget subsidy of educational-teaching institutions operated by ministries shall be planned in the budget chapter of the respective ministries. The amount of subsidy allotted on the basis of state assignments concluded by the minister responsible for education shall be planned in the budget chapter of the ministry. The budget subsidy calculated according to the students of educational-teaching institutions operating at penal institutions shall be planned in the budget chapter of the ministry led by the minister responsible for law enforcement.

(4)

Special Provisions Pertaining to Private Students, Students Participating in Developmental Preparation and Students Availing Themselves of the Pedagogical Assistance Service

Article 120

(1) If a student with special educational needs or a student struggling with adaptive, learning or behavioural difficulties

- continues their studies as a private student or
- fulfils their obligation to participate in developmental preparation within the scope of home care by the parents

on the basis of an expert opinion, the expert designated in the expert opinion shall be provided by the school or by the institution offering the developmental preparation or preparing the expert opinion, within the scope of performing the tasks of local councils, as prescribed by a separate statute.

(2) Reimbursement shall be provided

a) for the inter-town travel expenses of children / students and accompanying adults necessary to reach the institution providing pedagogical assistance service or early intervention and care,

or the institution carrying out the education and teaching of children with special educational needs or providing developmental preparation; and

b) for the costs of the course in parental care work organised for the parents of children / students listed in Subsection a);

c)

(3) Parents are entitled to the reimbursement specified in Subsection a) of Section (2) on the basis of the certificate given by the institution providing the service, in compliance with the provisions pertaining to the reimbursement of travel expenses emerging while using the health care services, which shall be paid by the national insurance directorate or the national insurance payment office.

(4) The costs of the course in parental care work shall be paid by the institution of public education carrying out the examination or organising the course. The funds for the payment shall be provided by the national public foundation.

(5) Parents are due for their average salary on the days when they appear at an institution of pedagogical assistance service or participate in a course in parental care work.

CHAPTER IX

CLOSING PROVISIONS

Explanatory Provisions

Article 121

(1) This Act applies the following terminology:

a) *basic service*: kindergarten education, curricular and extra-curricular activities provided by the school or the hall of residence free of charge on the basis of this Act, speech therapy and dyslexia prophylaxis sessions, everyday physical training, regular medical supervision, supervision prior to the commencement of lessons and during mealtimes as well as curricular and hall of residence activities provided by the school or by the hall of residence upon the payment of a fee;

b) *community of employees*: the community of those employed at an institution of public education within the scope of a legal relationship as civil servant or a legal relationship by employment;

c) *disproportionate burden*: if the child / student can only participate in kindergarten education or school education and teaching under significantly more difficult circumstances or at significantly higher costs, also taking the age and special educational needs of the child /

student into consideration (e.g., if it takes significantly longer to reach the educational-teaching institution or the educational-teaching institution may only be accessed by means of public transport involving several changes due to the change of school);

d) *state organ*: any organ managed in compliance with the planning, administrative and reporting order of budgetary organs with the exception of local and minority councils;

e) *inspection*: the audit of the operation of the institution of public education on the basis of the effective statutes and the educational or pedagogical programme;

f) *first vocational qualification*: any vocational qualification recognised by the state and obtained within the scope of the school-system education which entitles the holder to fill a position or pursue a job or an activity;

g) *raised level education*: teaching the body of knowledge of a given subject setting higher requirements in compliance with the local curriculum, employing the time allotment specified in the National Core Curriculum;

h) *definite response*: a response on the basis of which the opinion, decision and the underlying reasons of a person or organisation asked or entitled to take measures may be established;

i) *evaluation*: the comparison of the professional objectives set by the institution of public education, the maintainer and the branch control with the results of the pedagogical activity of the institution of public education;

j) *bottom-up system*: the organisational order of school education and teaching on the basis of which a change in the study and examination requirements may be introduced in the lowest year affected by the change;

k) *supervision in educational-teaching institutions*: the act of guaranteeing that children /students are morally protected and their corporal integrity is safeguarded from the moment of entering the educational-teaching institution to the moment of leaving the educational-teaching institution lawfully and during the compulsory events and activities held outside the educational-teaching institution but as part of the educational and pedagogical programme;

l) *maintainer*: the legal entity (local council, state organ, church legal entity, higher education institution, company, co-operative, foundation, civil organisation, interest representation body of a national or ethnic minority, minority council, association or other legal entity) or the natural entity (as a private entrepreneur) which or who is authorised to pursue an activity of public educational service and guarantees the necessary conditions for the operation of the institution of public education as prescribed by this Act;

m) *year*: the phase of teaching and mastering the requirements set in the pedagogical programme;

- n) *disadvantaged child / student*: a child / student whose entitlement to a regular child protection allowance on the basis of their social background is established by the public administration officer; children / students whose parents exercising the statutory control over them in accordance with their voluntary statement made in the course of the procedure regulated by the Act on Child Protection and Guardianship Administration have successfully completed a year that is not higher than year eight of the primary school by the time the child attains the age of three in case of children attending kindergarten and by the date of the commencement of compulsory education in case of students are regarded as multi-disadvantaged children / students within the group of disadvantaged children / students; a child / student taken into long-term foster care is also multi-disadvantaged;
- o) *reorganisation of an institution*: every decision made by the maintainer involving the modification of any part of the founding charter specified in Subsection b) of Section (5) of Article 37 of this Act;
- p) *integrative preparation*: the organisation of education and teaching creating prospects by applying the educational programme issued by the minister responsible for education within the scope of which the children /students participating with the aim of counterbalancing the disadvantages resulting from their social background and stage of development participate in activities or learn together in the identical kindergarten group or school class or in the identical group in case of divided classes as the other children / students, in such a manner that the proportion of the children / students affected compared to the other children / students may not exceed the extent prescribed by statute;
- q) *all-day education and teaching*: the organisation of education in the morning and afternoon teaching periods during which students learn the new body of knowledge and syllabus and also prepare for the following school days within the time allotment of compulsory curricular activities, non-compulsory curricular activities, day care activities and everyday physical training;
- r) *institution unit*: the organisation unit which performs the basic task of an institution of public education or a multi-purpose institution (e.g., kindergarten education, school teaching, hall of residence education, educational counselling and library facilities);
- s) *statute*: ministerial decrees or statutes issued at a higher level, or decrees of the local council issued with regard to Subsection u) of Section (1) of Article 11, Section (2) of Article 39, Section (2) of Article 40, Section (3) of Article 56, Section (6) of Article 59, Subsection a) of Section (3) of Article 61, Subsection a) of Section (2) of Article 64 and Section (3) of Article 115;

- t) *performance of district tasks*: the institution of public education performs district tasks if at least an average of fifty-one per cent of those using the services of the institution do not live within the boundaries of the main town of the district including those living on the outskirts of the main town in the course of five years; in case of multi-purpose institutions even if one of its institution units fulfils this condition;
- u) *second and additional vocational qualifications*: any qualification recognised by the state which entitles the holder to fill a position or pursue a job or an activity and has been obtained as a holder of an existing qualification also recognised by the state; vocational qualifications which are recognised by the state but have not been obtained within the scope of the school-system education shall be disregarded; the qualification that can be obtained in training which provides a vocational qualification enabling the holder of an existing qualification to fill the same position on a higher level within a scope prescribed by statute shall also not be regarded as a second vocational qualification;
- v) *further care at an appropriate level*: if the new personal and material conditions of kindergarten education, school teaching or hall of residence education performed under new conditions in compliance with the standards and the stipulations specified in Annexes 1 and 3 of this Act and the use of the existing pedagogical services continue to be guaranteed (e.g. national and ethnic minority kindergarten education, school education and teaching in the linguistic environment; classes with differentiated curricula, the special education and teaching of children / students with special educational needs and the education and teaching of students struggling with learning difficulties do not cease to be available);
- w) *quality management*: the activity in course of which the institution of public education continuously guarantees that the professional objectives and the operation of the institution approach each other, with the aim of satisfying the demands of the students, the parents, the educators and the maintainer of the institution as well as the demands of the labour market;
- x) *educational year*: the period between 1st September and 31st August of the following year at kindergartens;
- y) *activity related to education and teaching but not to public education*: higher education, public and higher education research, child welfare service, family assistance service, nursery care, child protection provision, general education, culture, art, library, museum, sport, vocational guidance counselling, social provision, rehabilitation and habilitation, the provision of health care at school;

z) *working schedule of education*: the order of organising the preparation for mastering the syllabus specified by the local curriculum of the school, which is education taking place in accordance with the working schedule of

i) full-time education if the number of curricular activities attains an average of ninety per cent,

ii) evening education if the number of curricular activities attains an average of fifty per cent,

iii) correspondence education if the number of curricular activities attains an average of ten per cent

of the compulsory curricular activities specified in Sections (3)-(5) of Article 52 of this Act in an academic year. Education takes place in accordance with a different and particular working schedule if the student is not altogether obliged to participate in curricular activities or if the number of curricular activities does not attain the number of lessons specified for correspondence education;

aa) *performance of a national task*: an institution of public education performs national tasks if at least fifty-one per cent of those using the services of the institution live in five different counties (or in the capital city), not including the seat of the institution, provided that the given task or service (e.g. it performs national or ethnic minority tasks, operates as a committed institution with regard to religions or ideologies, or performs therapeutic tasks) is only performed or provided by a maximum of three institutions of public education in the country and even if the given task is performed by one institution in the country when applying Sections (10) and (12) of Article 81 of this Act;

bb) *necessary conditions for the education and teaching of children with special educational needs*: employment of conductive therapists and therapeutic teachers in compliance with the separate kindergarten education or school education and teaching of children / students and the type and severity of the special educational need, application of a special curriculum, textbooks or any other special aids necessary for education and teaching; engagement of therapeutic teachers with qualifications in a special field necessary for private tuition, integrated kindergarten education, school education and teaching, developmental preparation and activities specified by the competent committee of experts; a special curriculum, textbooks and special therapeutic and technical tools necessary for the activities; provision of the professional services specified by the rehabilitation committee of experts for children / students;

cc) *children / students with special educational needs*: children / students

i) with physical, organoleptic, mental or lalopathic disabilities, autistic children; they are multi-disabled in case of the simultaneous occurrence of several disabilities; those who struggle with the chronic and serious derangement of cognitive functions and the development of behaviour ascribable to organic reasons,

ii) struggling with the chronic and serious derangement of cognitive functions and of the development of behaviour not ascribable to organic reasons

on the basis of the expert opinion of the rehabilitation committee of experts.

cc) *external teacher*: an educator employed within the scope of a civil legal relationship to teach less than forty per cent of the compulsory number of lessons required by the given position;

dd) *meeting of the clerical staff*: the community of the heads and the employees engaged within the scope of a legal relationship as civil servant or a legal relationship by employment in positions created to perform the basic task of the institution of public education specified in the founding charter;

ee) *professional task*: the pedagogical activity in relation to which students are obliged to pay a fee or a tuition fee, the following in particular:

i) the year in which students pursue their studies and the academic year in which the students are provided with hall of residence or day school type accommodation;

ii) the secondary school leaving examination and the vocational examination;

ff) *running expenses for professional tasks*: the part of the operational expenses which may be charged to the given task and is proportionate to the task;

gg) *education divided into subjects*: if the given subjects, fields of learning or subject units (hereinafter jointly called subject) are taught by more than one teacher with the appropriate qualifications and special qualifications entitling them to teach each subject; the development of key competences specified in the National Core Curriculum takes place in education not divided into subjects;

hh) *seat*: the place of the performance of tasks that is used to perform the basic activity of the institution of public education specified in the founding charter, and where the workplace of the head entitled to exercise the right of representation of the institution of public education is situated;

ii) *member institution*: the institution unit operating outside the seat, in the same or another town or village and performing the same or different tasks, if the tasks of control and representation may not be or may be performed from the seat only in part due to the distance from the seat or the nature of the tasks;

jj) *class with differentiated curricula*: the institution unit at kindergartens and schools established to perform adult education identical with the basic task, kindergarten education of children with special educational needs, school teaching of students with special educational needs at school, kindergarten education and school teaching of national and ethnic minorities, and bilingual school teaching;

kk) *academic year*: the period that usually lasts from 1st September until 31st August of the following year at schools and halls of residence;

ll) *school day*: the day devoted to hold lessons or activities specified in Subsection e) of Section (2) of Article 53 in each class, provided that the number of activity lessons attains three;

mm) *curricular activity*: the unit within the scope of which the syllabus is elaborated. Curricular activities may be either theoretical or practical lessons. Every activity within the scope of which no practical training takes place is a theoretical lesson;

nn) *failure to meet the study requirements*: if students are obliged to repeat a year because they have been given the fail mark (1) or a rating equivalent to that at the end of the academic year or because they have been prohibited from continuing the academic year or expelled from the school by a disciplinary punishment which has entered into effect, or because their unjustified absence has exceeded the permitted limit resulting in the cessation of their legal relationship, or if they could not be marked at the end of the academic year due to their justified and unjustified absence from school and the teaching staff has not allowed them to take a supplementary examination or to fulfil the prescribed practical requirements due to the extent of unjustified absence, or because they have been prohibited from continuing the examination, or if they failed to attend the examination without justification or left without permission;

oo) *accident involving students or children*: every accident that happens to a child / student during the time or in the course of the activity when they are under the supervision of the educational-teaching institution in accordance with Subsection k) of Section (1) of Article 121 of this Act, not including accidents that happen in the course of practical training;

pp) *provisions pertaining to the student's legal relationship*: the organisational and operational code, the rules of the house and the educational or pedagogical programme of kindergartens, schools and halls of residence;

qq) *premises*: the place of the performance of tasks specified in the founding charter and used to house organisation units operating outside the seat (member institutions, affiliated classes,

groups, workshops, practice areas, offices, day care centres, daytime study centres, kitchens etc.);

rr) *the performance of regional tasks*: an institution of public education performs regional tasks if at least an average of fifty-one per cent of those using the services of the institution live in two different counties or outside the border of the capital not including the seat of the institution in the course of five years.

(2) Education at primary schools is primary education when applying Section (4) of Article 8 of Act No. LXV of 1990 on Local Governments.

(3) Participation in kindergarten education, the student's legal relationship, the legal relationship by a student's contract and the hall of residence membership are student statuses when applying the Act on the Protection of Personal Data and the Disclosure of Information of Public Interest.

(4) The daytime care of children is qualified as an activity with the aim of rehabilitation when establishing their entitlement to child benefit and maternity aid, if they avail themselves of kindergarten education, school day care activities and hall of residence accommodation on the basis of the expert opinion of the rehabilitation committee of experts or the educational counselling service.

(5) The supervisory organ is equivalent to the maintainer, the supervision to the maintainer's control, the professional and economic supervision to the professional and economic inspection with regard to institutions of public education; the sphere of competence and operation is equivalent to the operational (admissions) district at educational-teaching institutions.

(6) When applying this Act, the minority institution specified in Subsection 3 of Section (1) of Article 6/A of Act No. LXXVII of 1993 on the Rights of National and Ethnic Minorities shall be the institution of public education, the founding charter of which contains the performance of the tasks related to national and ethnic minorities in accordance with Section (5) of Article 37 of this Act, provided that such tasks are performed by the institution of public education de facto and at least twenty-five per cent of the students have participated in national or ethnic minority kindergarten education, or national or ethnic minority school education and teaching in case of kindergartens, schools and halls of residence. The participation in the performance of national or ethnic minority tasks shall be examined separately for each institution unit or member institution at multi-purpose institutions or at institutions of public education with member institutions. If the institution unit or member institution fulfils the conditions prescribed for minority institutions in this Section, the minority council is entitled to all the

rights which it may exercise with regard to institutions of public education co-operating in the performance of national or ethnic minority tasks on the basis of the provisions of this Act with regard to the institution unit or member institution participating in the performance of national or ethnic minority tasks.

(7) Where the entitlement to any allowance or benefit is tied to the existence of a student's legal relationship by statute, developmental preparation shall also be meant by the student's legal relationship.

(8) When applying this Act, educational-teaching institutions have become maintained by a church legal entity on the basis of the provisions of the Act on the Settlement of the Ownership of Former Church Properties irrespective of the original owner or maintainer at the church legal entity affected if, on the basis of the provisions of the above mentioned Act, they operate in a property which the church legal entity

a) has retrieved,

b) has received in exchange for another property,

c) has built on a site received in exchange for another property,

d) has purchased or built using financial indemnification or benefit in proportion of at least seventy per cent to the book cost.

(9) If allowance, benefit, entitlement or obligation is established by statute for a disabled child holding a student's legal relationship or a hall of residence membership or fulfilling their training obligation and participating in kindergarten education, the notion disabled child / student refers to children / students with special educational needs.

Miscellaneous Provisions

Article 122

(1) The provisions pertaining to civil servants shall be applied to the compulsory number of lessons, to the remuneration of overtime, and to the extra holiday of educators of educational-teaching institutions not maintained by state organs or local councils engaged within the scope of legal relationship by employment. The salary and the bonus of educators may not be less than the lowest amount of the wage and bonus of civil servants performing the same tasks.

(2) Institutions of public education maintained by higher education institutions (training schools, training kindergartens etc.) perform the tasks of public education specified in this Act and participate in the tasks of the basic and further training of educator training. The

provisions pertaining to state educational-teaching institutions shall be applied to institutions of public education maintained by state higher education institutions, including training kindergartens, schools and halls of residence with the exception of registration and deletion from the register. A state higher education institution maintaining an institution of public education may also enter into an agreement of public education. The amount ensuring the performance of the tasks of institutions of public education maintained by state higher education institutions shall be built into the budget chapter of the ministry headed by the minister responsible for education under a separate heading and it shall not be spent on any other purpose.

(3) The provisions of this Act pertaining to the operation of institutions of public education, the employment and engagement, the rights and obligations, the benefits and allowances of educators, including the benefits listed in Sections (2)–(6) of Article 19 of this Act, shall also be applied in case of educational and teaching work pursued at children’s health farms, health care and rehabilitation institutions and penal institutions. Education and teaching at such institutions may take place on the basis of a pedagogical programme conforming to the circumstances and one can deviate from the provisions pertaining to the schedule of the academic year. The provisions pertaining to managers and educator-teachers engaged at halls of residence shall be applied to the engagement, the rights and obligations, the benefits and allowances of heads and educators engaged at institutions of child and youth protection. One can deviate from the provisions of this Act in conformity with the provisions of the act specifying the operation of penal authorities in the course of the education and teaching work taking place at penal institutions, except for the provisions specifying the pedagogical phases and the system of requirements of educational and teaching work and the system of state examinations. The time spent in an educator’s position at the institutions listed in this Section shall be taken into consideration as time spent in an educator’s position at the educational-teaching institution in accordance with the performed task or at a hall of residence in case of institutions of child and youth protection.

(4) In the course of the procedure of declaring a book a textbook, the following shall be examined:

a) whether the book is suitable for teaching the syllabus content of the subject in compliance with the requirements of the National Core Curriculum and whether it guarantees the elaboration of the specialised branches of study at an appropriate level and in a scientific, authentic and objective manner and that knowledge is imparted with pedagogical methods suitable for the age groups affected;

- b) the language, clarity and style of the book;
- c) the technical design of the book, and whether it is in conformity with the aesthetic (typography, graphic editing, colour dynamics) and health care (font size, weight and size of the book, printing ink) requirements;
- d) whether the book is suitable for use for several academic years;
- e) other conditions and requirements prescribed by statute.

(5) Kindergarten education, school education and teaching, hall of residence care, pedagogical assistance service provided for children /students, the act of cancelling or reducing any fee or the tuition fee related to those, the support towards the payment of any fee or the tuition fee, service provided in kind (textbooks, supplementary books, meals, travelling) qualify as tax-free service when calculating the personal income tax on the basis of the provisions of this Act, irrespective of the maintainer of the institution of public education.

(6) Institutions of public education may only be established and maintained for the Hungarian Defence Forces or the law enforcement agencies by the minister responsible for the sector. The minister may entrust an organ, organisation or institution belonging to their sector with the exercise of the maintainer's privilege of control specified in Sections 102–104 of this Act, with the exception of the establishment and cessation of an institution of public education and the establishment and modification of its sphere of activity.

(7) Unless otherwise regulated by an international contract, the school of the Hungarian Defence Forces or the law enforcement agencies may establish and maintain a student's legal relationship with a person who is a Hungarian national or has an immigration permit, does not have a criminal record, is fit for professional service and undertakes professional service. The organisational and operational code of such schools may exclude the possibility of repeating a year due to a lack of the fulfilment of the study obligation.

(8) If a secondary vocational school or a vocational school prepares students to obtain a vocational qualification or to fill a position necessary to perform professional service taking place in the Hungarian Defence Forces and at law enforcement agencies, the permission of the minister responsible for vocational qualification is necessary to establish it and permit the commencement of its operation.

(9) The competent minister, in concert with the minister responsible for education may regulate the different provisions pertaining to the rights and obligations of students (Articles 10–12), the rights and obligations of educators (Article 19), the medical fitness and vocational aptitude requirements necessary to establish a student's legal relationship, as well as the order of establishing these, and the act of entrusting somebody with the exercise of the maintainer's

right of control with regard to the characteristics of the operation of the Hungarian Defence Forces and the law enforcement agencies.

(10) The duration of employment abroad shall be disregarded when calculating the deadlines specified in Section (8) of Article 18 of this Act.

(11) The national minority council affected may establish and maintain a minority language teaching school or operate a network of travelling educators to perform the tasks of supplementary minority education specified in Section (5) of Article 86 of this Act. The minister responsible for education registers the minority language teaching school and grants the maintainer the permit necessary to commence operation. If the minority language teaching school operates at a school maintained by a council or another entity, the national minority council settles the issues of co-operation with the maintainer of the institution and the co-operation realised within the scope of the performance of the tasks of travelling educators in an agreement. Students participate in supplementary minority education as guest students.

(12)

(13) The authorities also exercise their procedural actions in electronic form in official public administrative cases regulated in this Act with the exception of the notification of the resolution.

(14) Clients may submit their application in electronic form in official public administrative cases falling within the scope of this Act. If a statute prescribes that an official document or its notarised copy must be handed in as a supplement to the application for the initiation of proceedings, the supplement may not be presented in electronic form.

(15) The authorities acting in official public administrative cases regulated in this Act provide information service in electronic form in conformity with the rules of the Act on the General Rules of Administrative Proceedings and Service.

Compliance with the Law of the European Union

Article 122/A

This Act serves the compliance with the following legal acts of the Union:

- a) Point (b) of Subparagraph 1 of Article 11 and Article 21 of Council Directive Nr. 2003/109/EC of the Council of 25 November 2003 concerning the status of third-country nationals who are long-term residents,
- b) Article 24 of Directive Nr. 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and

reside freely within the territory of the Member States amending Regulation (EEC) Nr. 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 79/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC,

c) Subparagraphs 1 and 2 of Article 10 of Council Directive Nr. 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers.

Entry into Effect

Article 123

(1) This Act enters into effect on 1st September 1993 with the exceptions stated in Sections (2)-(6).

(2)-(3)

(4)-(9)

(10) The entry into effect of this Act does not affect the following:

a) the permits issued to commence operation at non-council educational-teaching institutions before its entry into effect;

b) the validity of the primary school qualification obtained by finishing year eight of primary school before the day of its entry into effect. Those with a primary school qualification may continue their studies in year nine of school education or participate in vocational training in accordance with the provisions pertaining to vocational training;

c) the validity of the special qualification obtained at secondary vocational schools, industrial schools and vocational schools, and the validity of the school-leaving certificate obtained at secondary grammar schools;

d) the validity of the secondary school qualification obtained by finishing year four of the secondary school during the period between 1974 and 1986.

(11) School-leaving certificates and school-leaving and qualifying certificates obtained before this Act has entered into effect entitle the holder to continue their studies at higher education institutions in the manner specified in this Act.

(12)

Transitional Provisions

Article 124

(1)

(2)

(3)

(4)

(5)

(6)

(7)–(8)

(9) The introduction of a school structure which may be formed on the basis of this Act takes place by the decision of the maintainer.

(10)

(11) Those students who established their student's legal relationship in the academic year 1996/1997 or prior to that

a) shall pay a fee or tuition fee in case this obligation of theirs was in existence when their student's legal relationship was established; these provisions cannot be applied if a student repeats year one because they failed to meet the study requirements;

b) may continue their studies in the full-time education system until the end of the academic year in which they turn twenty-five years of age.

(12)

(13)–(17)

(18)

(19)

(20)

(21) The local council maintaining the educational-teaching institution passes the following provisions with regard to the educational-teaching institution maintained by it:

a) it establishes the rules on the basis of which a head of kindergarten, a head teacher of a school or a head of hall of residence may decide about additional free service besides those stipulated in Article 114 of this Act, the amount of fees and tuition fees, the allowances that may be granted on the basis of academic achievement and social conditions, the act of cancelling or reducing the tuition fee borne by non-Hungarian nationals, and may issue regulations within the sphere determined by the Articles listed in Subsection s) of Section (1) of Article 121;

b) it may specify additional requirements for admission to the register of special advisors and it may also specify the procedural rules of the admission to the register of special advisors, and the allowance for the working hours of the special advisors engaged at educational-teaching institutions maintained by it.

(22)

(23)-(24)

(25)

Article 125

(1)

(2) The organisation of the developmental school education in accordance with Section (1) of Article 30/A of this Act is obligatory from 1st September 2010. The developmental preparation may be organised within the scope of individual developmental preparation for the students affected until that date.

(3) An institution unit performing the task of developmental school education has to be organised by 31st August 2010 at the homes tending to and taking care of the disabled and the rehabilitation institutions for the disabled which also perform the tasks of developmental preparation and are maintained by the local council or a state organ.

(4)

(5) The provisions specified in Section (2) of Article 27 of this Act shall be applied with regard to those admitted to year one in the academic year 2006/2007 and subsequently it shall be applied in a bottom-up system.

(6) The regional committee of development and training first puts up a proposal for the compilation of a register of vocational qualifications which there is a shortage of for each region by 30th September 2006 and subsequently the register shall be revised at least every three years.

Article 126

(1) The rehabilitation committee of experts examine those children / students who have been declared as children / students with special educational needs due to chronic and severe impairment in the educational and teaching process due to the disorders of psychic development within the scope of a procedure instituted ex officio until 31st December 2007. The purpose of the examination is to establish whether the child / student struggles with the chronic and serious derangement of cognitive functions or the development of behaviour and if so, whether this may or may not be ascribable to organic reasons. The rehabilitation committee of experts despatches the documents of children / students struggling with the chronic and serious derangement of cognitive functions or the development of behaviour not ascribable to organic reasons to the education counselling service by 15th March 2008. The

children / students affected shall be regarded as children / students with special educational needs with regard to the benefits and budget subsidies until 31st August 2008, irrespective of the result of the examination. If the child / student remains entitled to the service as a result of the examination regulated in this Section without struggling with the chronic and serious derangement of cognitive functions or the development of behaviour ascribable to organic reasons, they shall be cared for in accordance with the provisions pertaining to children / students struggling with the chronic and serious derangement of the development of behaviour not ascribable to organic reasons from 1st September 2008 and shall be kept record of as such.

(2) If a student struggling with the chronic and serious derangement of cognitive functions or the development of behaviour not ascribable to organic reasons participates in therapeutic education and teaching in a separate class, class with a special curriculum or school, measures must be taken contemporaneously with despatching their documents to the educational counselling service for the student to be taken over into education in accordance with the general requirements in the following academic year, as prescribed in the expert opinion. This provision shall not be applied if the school where the preparation of the student takes place meets the necessary conditions to execute those stated in the expert opinion. If a student is pursues their studies in year eight during the period of the examination, the committee also puts up a proposal for the type of school at which they should join education taking place in year nine.

(3) The vocational school assigned by the competent council of the capital city or a county at the domicile of the student to the completion of compulsory education (hereinafter called designated school) may not deny admission to the students affected even if they are no longer of school age.

(4) Designated schools assist students by elaborating individual schedules and organising individual activities. Designated schools may assist the students by organising a preparatory year nine. Students commence their studies in year nine along with the other students following the completion of the preparatory year nine.

(5) Designated schools may neither deny admission to those applicants who finished year eight of primary school in the academic years 2004/2005, 2005/2006 or 2006/2007 as students with special educational needs due to the disorders of psychic development or slight mental disabilities. The last year when a student may start a year at a vocational school in the full-time education system is the year when they turn twenty-five years of age.

Article 127

(1) a) When employing educators or appointing managers,

- special qualifications verified by a certificate attesting higher education qualifications appropriate to the special field of training shall be recognised as special qualifications in teaching in accordance with the level of qualification, if the methodology of teaching had to be mastered within the scope of the higher education studies; whether the conditions are met is decided by the employer on the basis of the registration book or the verification of the higher education institution issuing the certificate;
- special qualifications in pedagogy obtained at a teaching institution established as a higher education institution or as its legal predecessor (e.g. a kindergarten nurse training college, a general teacher training college, subject teacher training college) shall be recognised as school qualifications on a college level and as special qualifications in pedagogy;
- higher education degrees verifying clerical qualifications with specialisation in pedagogy or educating-teaching shall be recognised as degrees entitling the holder to fill an educator's position;
- qualifications in teaching physical education issued by the Hungarian College of Physical Education before the Law-Decree No. 16 of 1975 entered into effect shall be recognised as university qualifications and special qualifications.

b) Qualifications obtained at kindergarten nurse training colleges, general teacher training colleges and the state music conservatoire shall be recognised as school qualifications on a college level and qualifications in pedagogy when employing educators and appointing heads in case of the conditions prescribed by this Act.

c) Degrees and certificates in technical training, technician teaching or vocational training attesting higher education qualifications and in compliance with the statute regulating the training shall be acknowledged as qualifications in accordance with the special field of training on a college level when employing educators.

d) Certificates entitling the holder to teach typing and shorthand issued by the National Examination Board of Trainers of Typists and Shorthand Typists shall be recognised as special tertiary qualifications entitling the holder to fill an educator's position as prescribed by this Act.

e) Certificates in technical vocational training (training) obtained in a training course and not falling within the effect of Subsection c) shall be recognised as vocational qualifications on a secondary level in accordance with the special field of training when employing educators.

(2) Practical training at secondary vocational schools and vocational schools may be performed by experts with secondary school qualifications and professional qualifications in the special field as well as five years' professional experience if the task cannot be performed by educators with special tertiary qualifications, with the exception of professional training requiring theory.

(3) If there is no higher education training in accordance with the special field of training in the country,

a) expert-technicians with a secondary vocational school vocational qualification or a tertiary vocational qualification obtained in education outside the school system in accordance with the special field of training and at least five years' professional experience may be employed to teach vocational theoretical and vocational practical subjects and vocational preparatory knowledge at secondary vocational schools and vocational schools with the exception specified in Section (4) as well as theoretical and practical activities to prepare students for and assist in taking up work at secondary grammar schools and to hold extra-curricular activities at all schools for a definite time;

b) experts having secondary school qualifications and at least five years' professional experience may be employed at institutions of primary art education, secondary vocational schools of art education to perform theoretical and practical education for a definite time.

(4) If there is no higher education training in accordance with the special field of training in the country, those with a secondary school qualification and a master's examination may also be employed at vocational schools for an indefinite time, with the exception of vocational training courses requiring theory; those with vocational qualifications on a raised level in the training of folk musicians and light musicians may also be employed.

(5) Those with a school-leaving certificate and at least ten years' professional experience gained in the profession may be employed to perform practical training in the training of acrobats for an indefinite time.

(6) The school qualifications listed in Sections (1)–(5) are qualifications entitling the holder to fill an educator's position. The place of educators on the payroll shall be determined in accordance with their recognised or existing qualifications.

(7) Those with teaching qualifications or teaching qualifications in the first four years and special qualifications entitling the holder to fill an educator's position at schools and halls of residence and listed in Subsections b)-e) and j) of Section (1) of Article 17 and secondary or tertiary special librarianship qualifications obtained in education outside the school system

may also be employed as school or hall of residence librarian teachers (general teachers in the first four years of primary school).

(8) The teaching qualifications and special qualifications in the first four years attesting the completion of a special course entitle the holder to fill an educator's position and to teach the given subject in year five of school teaching with the exception of raised level education.

(9) An agreement for a definite time on the basis of Sections (2)-(3) may only be concluded with those who undertake to obtain special tertiary qualifications in pedagogy necessary to fill the position and prescribed by Section (1) of Article 17 in cases specified in Section (3). The employment may be valid for the period necessary to complete the higher education studies at most. The contract may be extended for an additional two years at most if the educator could not complete their studies through no fault of their own.

(10) Undergraduates completing their last year at a higher education institution may also be employed by appointment for a definite time until the completion of their studies if they pursue studies through which they will obtain the special qualifications prescribed for their position.

(11) Those with qualifications in pedagogy specialised in educating and teaching religion may be employed to hold day care and daytime study activities at primary schools and halls of residence receiving primary school students or as hall of residence educator-teachers.

Article 128

(1) If an educator's special qualifications are not in accordance with the qualifications specified in this Act and they

a) have less than ten years before attaining the retirement age when this Act enters into effect, they can be engaged further on in the identical position until attaining the retirement age at most;

b) have more than ten years before attaining the retirement age when this Act enters into effect, they can only be engaged further in an educator's position after the fifth year following the date when this Act enters into effect if they have commenced their studies in education providing special tertiary qualifications in pedagogy.

(2) Those with a theological university or college degree can be employed as educator-teachers at halls of residence for five years after this Act enters into effect. Those stated in Section (9) of Article 127 shall be applied to their engagement.

(3) a) Educators with the appropriate qualifications in pedagogy and an at least intermediate level state language examination type "C" or an equivalent official document may be

employed to teach a foreign language and to teach and educate in a foreign language until 1st September 2006 provided that they commence their studies to obtain a degree attesting the appropriate tertiary school qualifications and special qualifications by that date. Those educators who turn fifty years of age by 31st August 2002 may be employed after the expiry of this deadline even without commencing the studies until the end of the academic year when they attain the retirement age at the latest provided that they have at least ten years' experience in teaching the given foreign language. The provisions of this Section shall be applied to the teaching of national and ethnic minority languages with the following differences:

- i) educators have to have an advanced level state language examination type "C" or an equivalent official document, and they have to commence their studies by 1st September 2003,
- ii) those who fulfil the conditions specified in Point i) may be employed to teach Bulgarian, Romany, Boyash, Greek, Polish, Armenian, Ruthenian and Ukrainian languages without a definite time limit and without commencing higher education studies.
- iii) those stated in Subsection a) of this Section cannot be applied in the German national minority education.

b) Those with tertiary school qualifications and special qualifications specified in Section (1) of Article 17 or Section (11) of Article 30, and Subsections a)–b) of Section (1) or Section (8) of Article 127 of this Act and an advanced level state language examination type "C" or an equivalent official document can also fill an educator's position to teach subjects in the mother tongue from year five onwards in national or ethnic minority education and teaching with the exception of the mother tongue and the literature of the mother tongue and be appointed to managerial posts.

c) Those who fulfil the conditions specified in Subsection b) may fill an educator's position or be appointed to managerial posts in national and ethnic minority hall of residence education and teaching.

d) The following may fill an educator's position in national and ethnic minority kindergarten education:

- those who fulfil the conditions specified under the 2nd dash of Subsection a) or in Subsection b) of Section (2) of Article 127 of this Act and have an advanced level state language examination type "C" or an equivalent official document; these may also be appointed to managerial positions;

– those who fulfil the conditions specified under the 1st dash or in Subsection a) of Section (1) or Section (5) of this Article and have an advanced level state language examination type “C” or an equivalent official document.

e) Those who fulfil the conditions specified in Subsections c)–e) of Section (1) or in Sections (2)–(4) of Article 127 of this Act and have an intermediate level state language examination type “C” or an equivalent official document may also fill an educator’s position to teach practical knowledge in national and ethnic minority vocational training.

f) The language examination certificates and equivalent documents regulated in Subsection a)–e) shall be disregarded when placing those engaged in an educator’s position on the payroll and determining the wage rise for additional vocational qualifications.

(4) The following apply to the kindergarten nurse division of secondary vocational schools:

a) the training changes into kindergarten and hall of residence child supervisor, pedagogical assistant and organiser of leisure activities division from 1st September of the year following the date when this Act enters into effect;

b) students may complete their studies commenced before this Act enters into effect on unaltered conditions, however, it has to be made possible for them to take examinations in the fundamentals of general education and therapeutics and obtain the qualification in accordance with the new division within the scope of the school-leaving and qualifying examination at their own request;

c) educators with an issued school-leaving and qualifying certificate may be employed in a kindergarten nurse’s position in 1997 for the last time on the conditions specified in Section (9) of Article 127 with the exception of those fulfilling the conditions specified in Subsection a) of Section (1) and Section (8) of Article 128;

d) those who have an issued school-leaving and qualifying certificate, if they take an examination in the fundamentals of therapeutics and general education between 1st September 1993 and 31st December 1998 and obtain the qualification specified in Subsection b), the school will organise the examination in accordance with the demands and facilitates the preparation for the examination by holding consultative activities on request;

e) special qualifications which have been obtained do not count for first special qualifications with regard to the funding of education.

(5) Contrary to those specified in Section (1), the following can be employed and engaged further on in an educator’s position

a) as kindergarten educators if they have obtained a school-leaving and qualifying certificate at a kindergarten nurse secondary vocational school as kindergarten educator,

- b) to teach typing and shorthand if they have a certificate entitling them to teach typing and shorthand,
- c) to perform vocational practical training if they have a school leaving certificate and a certificate in technical training or vocational training or a certificate attesting qualifications in technician teaching obtained in a training course,
- d) in a therapeutic teacher's position if they have a diploma in kindergarten care or a diploma in teaching or teaching in the first four years of primary schools,
- e) to teach the subject of technical-practical activity if they have tertiary qualifications and special qualifications in vocational training or technical training in accordance with the special field,
- f) at halls of residence if they have tertiary qualifications and special qualifications,
- g) to teach vocational theoretical subjects at secondary vocational schools or vocational preparatory knowledge from years eleven to thirteen who have teaching qualifications on a college level or tertiary qualifications and special qualifications in accordance with the special field of the training

in case they obtained at least seven years' professional experience in the given educator's position between the acquisition of the certificate or diploma and 1st September 1996. The duration of experience obtained in corporate practical training shall also be included in the experience obtained in a technical trainer's or vocational trainer's position. Those stated in Section (5) of Article 18 shall be applied when calculating the duration of professional experience.

(6) If the educator carrying out practical training at vocational schools do not have secondary school qualifications and they

- a) need less than five years to attain the retirement age when this Act enters into effect, they can be engaged further on in the identical position until attaining the retirement age;
- b) need more than five but less than ten years to attain the retirement age when this Act enters into effect, they can be engaged further on in the identical position until they attain the retirement age at most, if they have at least ten years' experience obtained in corporate or school practical teaching work; in default of the necessary experience they can only be engaged after the fifth year following the date when this Act enters into effect if they have obtained secondary school qualifications;
- c) need more than ten but less than fifteen years to attain the retirement age, they can only be engaged after the fifth year following the date when this Act enters into effect if they have obtained secondary school qualifications;

d) need more than fifteen years to attain the retirement age, they can only be engaged on the conditions specified in Section (9) of Article 127 after the fifth year following the date when this Act enters into effect.

(7) The school qualifications of educators engaged on the basis of this Article listed in Sections (1)-(2) and (4)-(6) are school qualifications entitling them to fill an educator's position and educators shall be placed on the payroll on the basis of their existing school qualifications.

(8) Those educators who are civil servants and have not taken a post-professional examination in pedagogy shall be placed on the payroll on the basis of their school qualifications and special qualifications. Those educators who are civil servants and have taken a post-professional examination in pedagogy shall be placed on the payroll on the basis of the post-professional examination in pedagogy from the first working day of the year following the presentation of the diploma which verifies that. Special qualifications obtained in university or college further training in a special field and prescribed by statute are equivalent to the post-professional examination in pedagogy besides the qualifications and special qualifications necessary to fill the position. Academic degrees obtained in a special field of interest related to the qualifications and special qualifications necessary to fill the position as well as doctoral degrees obtained on the basis of doctoral acts are also equivalent to the post-professional examinations in pedagogy.

(9) Those who have turned fifty on the day when Section (5) of Article 19 enters into effect may not be required to participate in obligatory in-service training. The obligation to participate in in-service training is valid until the introduction of the post-professional examination in pedagogy, as prescribed by statute.

(10) Those

a) with teaching qualifications in the first four years of primary school or qualifications in kindergarten care obtained at secondary kindergarten nurse training schools, kindergarten nurse training colleges or secondary general teacher training colleges may also be a head of kindergarten or a head teacher of a primary school,

b) with qualifications obtained at a state music conservatoire may be a head of an institution of primary art education

on the basis of a repeated tender procedure, if they have the prescribed professional experience, provided that no candidates with the appropriate professional experience and the required tertiary school qualifications applied in the previous tender procedure.

(11)

(12) The provisions specified in Section (1) of Article 127 may be applied with regard to school qualifications and special qualifications issued at Hungarian educational-teaching institutions, unless stipulated otherwise by an international agreement. Those with a diploma or certificate nostrified on the basis of these provisions can be engaged as educators from 1st September 2004 if they have commenced their studies in education providing special tertiary qualifications in pedagogy with the exception specified in Section (13).

(13) Contrary to those stated in Section (12), the following can be engaged further on:

a) those who have less than ten years to attain the retirement age on 1st September 1999 until attaining the retirement age,

b) those who had obtained at least seven years' professional experience in an educator's position by 1st September 1999 in accordance with the nostrified diploma in the given educator's position.

(14) The modification of Section (12) of Article 81 of this Act does not affect the validity of agreements of public education concluded prior to 1st September 2003, irrespective of what they are called.

(15) In case a new subject module is introduced, the tertiary school qualifications and special qualifications entitling the holder to teach the subject embracing and elaborating the given knowledge and to fill an educator's position in the given type of school and in the given year entitles the holder to teach for ten years after the first year of its introduction even in case there are appropriate special qualifications which can be obtained in in-service training in the special field.

(16)

(17) The educational authority acting in its scope of public educational duties may permit institutions of public education to fulfil those stated in the obligatory (minimum) inventory of tools and equipment after 31st August 2003 until 31st August 2008 at the latest, on the application of the maintainer submitted by 31st December 2003. The schedule serving the fulfilment of those stated in the inventory of tools and equipment broken down into academic years, the expected budgetary aspects of the execution of the schedule, the statement of the maintainer and the resolution of the general assembly or body of representatives in which they undertake to execute those stated in the schedule in case of local councils shall all be attached to the application. In case the total amount of the expected budgetary aspects of the execution of the schedule attains ten per cent of the 2003 amount of the operational expenses, at least two academic years have to be permitted to fulfil those stated in the obligatory (minimum) inventory of tools and equipment. The educational authority acting in its scope of public

educational duties checks the fulfilment of the execution of those stated in the schedule yearly. The maintainer, the head of the body in case the maintainer is a body, the mayor or the chairman of the general assembly in case the maintainer is a local council is responsible for the execution of those stated in the schedule. Those stated in Sections (4)-(7) of Article 95/A of this Act shall be applied to the check of the execution of those stated in the schedule.

(18) Those who do not meet the requirements specified in Subsection k) of Section (1) of Article 17 of this Act can be engaged further on until the end of the academic year 2006/2007 at institutions of primary art education, secondary vocational schools of art and vocational schools of art provided that this reason is ascribable to modified regulations. Subsequently, those who have commenced their studies to obtain the appropriate tertiary qualification can be engaged further on. Further engagement is possible until the completion of the studies commenced, but for six years after the commencement of the student's legal relationship at most on the basis of this provision.

(19) Education not divided into subjects may also be organised in such a manner in the academic years from 2008/2009 to 2010/2011 in years five and six that the time used for this purpose attains only twenty per cent of all the compulsory lessons.

(20) Those teachers who had obtained at least five years' experience from years one to four by 1st September 2004 may fill an educator's position in education not divided into subjects in years five and six until the end of the academic year 2012/2013 and from years one to four in accordance with Subsection b) of Section (1) of Article 17 of this Act in case of raised level education.

(21) Those who have mastered the necessary knowledge within the scope of in-service training for educators may also be engaged as a developer educator until the end of the academic year 2012/2013.

(22) The existence of special qualifications in the management of institutions shall be required when appointing managers for the second time or on additional occasions from the academic year 2015/2016.

(23)

Article 129

(1) The school age of children who commenced their studies in year one of primary school in the academic year 1997/1998 or prior to that date lasts until the end of the academic year in which they turn sixteen years of age. The school age of students with special educational

needs may be extended to the end of the academic year in which they turn eighteen years of age at most.

(2) The pedagogical, legal, financial and technical conditions for the extension of compulsory education as specified in Section (3) of Article 6 of this Act shall gradually be created by the government and the local councils in order that the reorganisation should not cause any disturbance.

(3) The student's legal relationship of students whose school age lasts until the date determined in Section (1) may be ceased by the school even in default of request at the end of the academic year if the student has turned sixteen years of age and has not completed year six of primary school, provided that no adult education takes place at the school or the student does not wish to continue their studies there.

(4)-(5)

(6) Kindergartens, schools and halls of residence revise their educational and pedagogical programmes and despatch them to the maintainer for the purpose of approval by 30th June 2004. They also prepare the institutional quality management programme by this date and despatch it to the maintainer along with the educational and pedagogical programmes. If a maintainer has more than five institutions of public education, they may prepare a schedule in which they may specify a date for each institution by which they should hand in their educational and pedagogical programmes and their quality management programme. The earliest date pertaining to the act of handing them in may be 15th April 2004 in the schedule. The revision of the local curricula of primary schools may be executed in two phases as follows: they prepare the provisions pertaining to the first four years by the date specified in this Section and the provisions pertaining to the second four years within one year following the given deadlines.

(7) Teaching staffs of halls of residence decide whether they introduce the pedagogical supervisor's position by secret ballot by 31st January 2004. The order of the secret ballot is determined by the hall of residence with the proviso that the teaching staff have a quorum if more than half of those engaged in a legal relationship by employment or a legal relationship as civil servant are present. More than half of those being present are required to vote affirmatively for a positive decision. The contracts of employment of those engaged as educators and their appointment as civil servants are revised at halls of residence where the teaching staff support the pedagogical supervisor's position by 31st August 2004. Who will be engaged as pedagogical supervisors or as educators or as pedagogical supervisors and educator-teachers in a dual position further on as from 1st September 2004 is decided in the

course of the revision. The proportion of all the working hours devoted to the performance of the task of a pedagogical supervisor and those of an educator-teacher shall be specified in case of engagement in a dual position. In case of engagement in a dual position a reduced number of compulsory lessons shall be fulfilled in the educator-teacher's position in accordance with the proportion of the working hours set for the performance of the tasks of an educator-teacher and a reduced number of working hours has to be fulfilled in the pedagogical supervisor's position in accordance with the proportion of the working hours set for the performance of the tasks of a pedagogical supervisor. If the teaching staff do not support the introduction of the pedagogical supervisor's position, the educational work at halls of residence has to be organised as follows: the compulsory number of lessons for hall of residence educator-teachers is 30, or 26 at training halls of residence and halls of residence for disabled students; the number of students given for each gender and building shall also be taken into account when determining the number of hall of residence educators, calculating on the basis of 100-120 groups of students for each gender and building besides the time of hall of residence activities; the compulsory number of lessons may also be fulfilled by performing the continuous pedagogical supervision of students not participating in school or hall of residence activities apart from the time spent on duty at mealtimes, during sleeping, on weekly days of rest and on holidays [Subsection c), Section (1), Article 114] provided that a minimum of fifty and a maximum of one hundred students fall on one educator. The pedagogical supervisor's position may be introduced after September 2004 on the decision of the teaching staff of a hall of residence by secret ballot. Ballots can be held once a year. The ballot can be held in the last month of the academic year depending on the result of which the pedagogical supervisor's position may be introduced from the following academic year. Once the pedagogical supervisor's position has been introduced, the consent of the maintainer is necessary to terminate it. The provisions pertaining to the introduction shall otherwise be applied to the decision related to the termination.

(8)

(9)

(10) The application of the provisions to be found in Subsection c) of Section (11) of Article 52 of this Act and pertaining to the increase of the time allotment which can be used for individual activities will be obligatory from the academic year 2004/2005 in such a manner that five per cent of the weekly compulsory curricular activities have to be provided until that date and the time allotment shall be increased by one per cent in each academic year from that date onwards.

(11) The introduction of the performance bonus pertaining to managers of institutions of public education is possible gradually from the academic year 2006/2007 in such a manner that fifty per cent of the amount which can be established can be paid in the academic year 2006/2007 and subsequently this amount can be increased by a further ten per cent in each academic year.

(12) The coaching regulated in Section (8) of Article 27 of this Act can be initiated from the academic year 2005/2006 on the basis of the pedagogical system issued by the minister responsible for education. Coaching may be initiated on the basis of the framework curricula issued until that date.

(13) The increase of the habilitation and rehabilitation lesson allotment of partially sighted students from twenty-five per cent to thirty-five per cent in Subsection c) of Section (6) of Article 52 of this Act shall be introduced from the academic year 2005/2006 onwards in such a manner that the time allotment shall be increased by five per cent in each academic year.

(14)-(15)

(16) Vocational schools initiate year one of vocational training in the academic year 2006/2007 on the basis of Section (3) of Article 27 of this Act as established by Article 20 of Act LXI of 2003.

(17)

(18) Vocational schools may operate with years of vocational training until 31st August 2008 if they prepare students who have successfully completed year ten or will turn or have turned eighteen years of age in the academic year commencing in the given year for the professional examination. Those stated in Section (3) of Article 78 of this Act shall be applied for the first time in case of students passing to year nine in the academic year 2006/2007.

Article 130

(1) Maintainers may not withhold the savings on salaries resulting from the dissolution of the institution of public education, the reorganisation of the system of the institutions of public education maintained by them, the modification of the fulfilment of the obligation to perform the tasks, the increase in the compulsory number of lessons for educators and the number of children / students in kindergarten groups and school classes, and the reduction in compulsory and optional curricular activities as well as extra-curricular activities from the system of institutions of public education maintained by them independently or jointly.

(2)

Article 131

(1) Alternative schools shall prepare their pedagogical programme in compliance with those specified in the framework curriculum issued to them. The following particular aspects deviating from the general rules may be specified in the framework curriculum of an alternative school:

- a) the taught syllabus, the requirements,
- b) the preparations taking place at the school for state examinations,
- c) the applied regulations, tools and equipment pertaining to building and construction, the system, methods and tools of quality policy,
- d) the management model functioning at the school, the organisation of education,
- e) the qualifications and special qualifications of educators recognised at the school.

(2) The framework curriculum may deviate from those specified in this Act and from the statutes issued to enforce this Act within the scope determined in Section (1) with the proviso that no additional central budget subsidy may be claimed for additional costs incidental to the operation of alternative schools.

(3) Alternative schools are schools which do not do their educating and teaching work with traditional pedagogical methods when applying Section (1). The National Public Education Council shall decide whether a school carries out its activity as an alternative school in the course of the issuance of a permit. The network or organisation representing the alternative school in case there is one or in default of such a network or organisation the maintainer is entitled to submit the application for the permit.

(4) Church legal entities maintaining schools may submit a framework curriculum within the scope of this Act and the National Core Curriculum for approval. The framework curriculum can be submitted by the church organ entitled to make a statement specified in Section (13) of Article 81 of this Act.

(5) If the syllabus is processed with the aim of saving it on electronic data carriers, the saved syllabus is conveyed, students are tested on the mastered knowledge and the regular communication between educators and students happens by inserting a telecommunication device, those stated in Sections (1)–(4) shall be applied with the following differences:

- a) the order of communication through the telecommunication device, the order of curricular activities organised by inserting a telecommunication device as well as the order of the consultative curricular activities shall be determined in the framework curriculum;
- b) the working schedule of education may be evening, correspondence or other special working schedule, taking account of the direct consultative curricular activities and such

curricular activities held through a telecommunication device in which educators and students have to participate in the manner specified in the framework curriculum provided that the central registration and control of the performance and participation of students is solved;

c) students give account of their knowledge in a supplementary examination at the end of the first half of the academic year and at the end of the academic year. Supplementary examinations are held before an examination board the chair of which is assigned by the educational authority acting in its scope of public educational duties from the National Register of Examiners.

(6) The framework curriculum within the scope of this Act and the National Core Curriculum may be submitted by the maintainer, the school with the consent of its maintainer or jointly by those entitled.

(7) The framework curriculum shall be submitted to the educational authority acting in its scope of public educational duties. The minister responsible for education may approve a framework curriculum with the consent of the National Public Education Council. The minister responsible for education may also publish the framework curriculum in a decree with the consent of the applicant. Framework curricula published in a decree may be used freely. Unpublished framework curricula may only be applied with the consent of the applicant.

(8) Those stated in Sections (1)-(6) of this Article shall also be applied if the issuance of an educational programme (pedagogical system) is initiated at the minister responsible for education on the basis of Subsection j) of Section (1) of Article 95 of this Act provided that a framework curriculum is also issued as part of the educational programme. If necessary, the National Public Education Council also examines whether the other elements of the educational programme (pedagogical system) are in conformity with those stated in the framework curriculum besides the performance of the tasks related to the framework curriculum.

(9) The costs of the procedures regulated in this Article shall be borne by those who have instituted the procedures.

Article 132

(1) Those students are required to furnish data who meet the requirements of the vocational examination in the academic year 2008/2009 on the basis of Section (6) of Article 12 of this Act as established by Article 1 of Act LXXXVII of 2007.

(2) The admission procedure of the academic year 2008/2009 shall be organised on the basis of Sections (6)-(7) of Article 82 of this Act as established by Article 10 of Act LXXXVII of 2007. Non-state and non-council maintainers of kindergartens and primary schools arrive at an agreement with the council competent according to the seat or premises of the institution about the manner in which they participate in the performance of the tasks ensuring compulsory admission by 31st December 2008.

(3) The educational authority acting in its scope of public educational duties performs its tasks related to the supervision of the expert opinions of rehabilitation committees of experts from 1st September 2008 on the basis of Sections (4)–(6) of Article 95/A of this Act as established by Article 18 of Act LXXXVII of 2007.

(4) Subsection n) of Section (1) of Article 121 of this Act as established by Article 20 of Act LXXXVII of 2007 may be applied to children /students first who become of school age in the academic year 2007/2008 or pass to kindergarten in the educational year 2007/2008.

(5)

(6) Those who prepare a council action plan prepared on the basis of Section (4) of Article 85 of this Act serving the equal opportunities for children / students shall go through the measures of the action plan by 31st December 2007 and the following in particular: the conditions of ensuring kindergarten education from the age of three, the existence of the conditions necessary to provide textbooks and meals free of charge and the proportion of multi-disadvantaged students to other students when defining the boundaries of enrolment districts. The existence of an action plan is a precondition for local councils to submit a competitive tender for domestic or international resources with public educational aims. If kindergarten education is not ensured, local councils are obliged to guarantee that multi-disadvantaged children may participate in kindergarten education from the age of three from 1st September 2008 by means of participation in associations, an agreement concluded with another council or non-council maintainer of institutions, the establishment or extension of institutions. And as regards parental demands related to kindergarten education, the conditions necessary to satisfy all of them have to be created by 31st August 2010.

(7) Schools may revise their pedagogical programme without employing an expert, and there is no need for the approval of the maintainer either following the periodic revisions of the National Core Curriculum as prescribed by this Act unless otherwise stipulated by the government decree regulating the issuance of the National Core Curriculum.

(8) 2009 is the first educational year when there is a possibility to institute uniform kindergarten-crèches on the basis of Section (14) of Article 33 of this Act as established by Article 3 of Act XXXI of 2008.

(9) The committees of experts examining the ability to learn shall be reorganised by 1st January 2009 in compliance with Section (15) of Article 33 of this Act as established by Article 3 of Act XXXI of 2008.

(10) The existence of a sufficient accommodating capacity shall be determined on the basis of the maximum number of students specified in the founding charter valid on 1st January 2008 on the basis of Section (3) of Article 66 of this Act as established by Article 8 of Act XXXI of 2008. Deviations from this provision are possible in case the maximum number of students is raised in the founding charter or reduced because the number of rooms available for the preparation of students has decreased at the given school.

(11) The admissions districts in compliance with Section (2) of Article 66 of this Act as established by Article 8 of Act XXXI of 2008 shall be specified by 31st December 2008.

(12) Those stated in Section (1) of Article 95/C of this Act as established by Article 11 of Act XXXI of 2008 shall also be applied to the admission procedure for the academic year 2008/2009 if the deadline set for the measure has not expired yet.

(13) Those stated in Section (11) of Article 102 of this Act as established by Article 12 of Act XXXI of 2008 shall be applied in 2008 with the difference that the decision related to the dissolution or reorganisation of an educational-teaching institution can be made by the end of the last working day of the month following the date when Act XXXI of 2008 enters into effect.

(14) No classes may be initiated in year one of a primary school in the following academic year if it cannot perform the task of compulsory admission on the basis of Section (3) of Article 66 of this Act because the provision pertaining to the transgression of the proportion of multi-disadvantaged students in a district cannot be observed when defining its district, the proportion of multi-disadvantaged students in the district attains fifty per cent and otherwise the other schools of the town or village have a sufficient accommodating capacity to admit all the school-age students of the town or village, if the proportion of all the multi-disadvantaged students holding a student's legal relationship with the school including the newly admitted multi-disadvantaged students to all the students holding a student's legal relationship with the school (hereinafter called the proportion of multi-disadvantaged students at the school) has risen by ten per cent compared to the previous academic year and in consequence of this the proportion of multi-disadvantaged students at the school has attained fifty per cent. The

measures pertaining to the restriction on the initiation of classes shall be applied in the academic year 2010/2011 first on the basis of the proportion of multi-disadvantaged students at the school which takes shape in the academic year 2009/2010.

(15) No classes may be initiated in the academic year 2009/2010 at a primary school which cannot be assigned as a school performing compulsory admission provided that the proportion of multi-disadvantaged students at the school attained fifty per cent in the academic year 2008/2009.

(16) The educational authority acting in its scope of public educational duties may give exemption from the prohibition on the initiation of classes to the school affected at the request of the maintainer provided that in default of the exemption, the participation in school education and teaching would lay disproportionate burden on students and parents.

(17) If the local council maintainer of an institution has not obtained a permit for the further operation of a primary school operating with less than eight years, they may institute an application at the educational authority acting in its scope of public educational duties by the end of the last working day of the month following the date when this Act enters into effect.

Article 133

(1) Education in year five shall be organised first in the academic year 2008/2009 on the basis of the third sentence of Section (3) of Article 8 of this Act as established by Article 1 of Act LXXI of 2006. To this end, primary schools shall revise their local curricula and despatch them for approval to the maintainer by 30th September 2007. Local curricula may be approved without employing an expert.

(2) Schools shall enable preparation with the aim of mastering the English language first in the academic year 2010/11 on the basis of Subsection b) of Section (1) of Article 11 of this Act as established by Article 3 of Act LXXI of 2006.

(3) Maintainers shall guarantee that they reorganise their school operating with less than eight years into an institution unit or solve the tasks of primary schools without maintaining a school as stipulated in this Act by 31st August 2008 on the basis of Section (3) of Article 26 of this Act as established by Article 5 of Act LXXI of 2006. The question whether years seven and eight were initiated at primary schools shall be examined from the academic year 2006/2007 onwards. Classes initiated in years seven and eight may be taken into consideration if the number of students of each class attains fifty per cent of the maximum number of students per class. The actual number of students shall be taken into consideration by this calculation except for the cases specified in Clauses II/2–3 of Annexe 3 of this Act.

The reorganisation into an institution unit may also be executed conforming to the budget year. There is no need to examine the disproportionate burden if a primary school operating with less than eight years is dissolved, in case the local council guarantees the performance of the tasks of primary schools by using schools maintained by micro-regional partnerships and the transport of students by school buses is solved. If a local council cannot guarantee that they reorganise the primary school operating with less than eight years into an institution unit or that they perform the tasks of primary schools as stipulated by this Section, they may operate the school further on with the permission of the educational authority acting in its scope of public educational duties. The educational authority acting in its scope of public educational duties makes its decision involving the multi-purpose micro-regional partnership and the public administration office competent according to the seat of the primary school. The applications for the permit of further operation may be submitted until 31st January 2007.

(4) If the reorganisation of a primary school operating with less than eight years into an institution unit has not taken place, the permit necessary for further operation shall be extended every four years. Those maintainers of institutions who have a permit of further operation may apply for the extension of the permit necessary for further operation between 1st January and 15th of March. The permit can be extended if the school operating with less than eight years has an agreement of co-operation specified in Section (7) of Article 25 of this Act.

(5) If a local council hands over the maintainer's right of a primary school falling within the effect of Section (3) to a non-state or non-council maintainer of institutions, they are obliged to pay an amount in accordance with the church supplementary subsidy specified in the annual Budget Act to those taking the school over to operate it from their own resources in the academic year following the handover and during the subsequent four academic years. Supplementary subsidies on other grounds may not be allocated from the central budget. This provision shall also be applied if the non-state or non-council maintainer of institutions re-establishes the educational-teaching institution as specified in Section (14) of Article 81 of this Act. Those stated in this Section cannot be applied if the school which has been handed over operates in a property which falls within the effect of the Act on the Settlement of Ownership of Former Church Properties. Those stated in this Section shall neither be applied if the primary school which has been handed over continues to operate as an institutional unit of a secondary school maintained by a national minority council.

(6) The organisation of a linguistic preparatory year is first compulsory for schools from the academic year of 2010/2011 on the basis of Section (7) of Article 28 of this Act as established by Article 3 of Act LXXI of 2006.

(7) Institutions of public education shall first evaluate the academic year 2008/2009 on the basis of Section (11) of Article 40 of this Act as established by Article 9 of Act LXXI of 2006. Schools despatch their quality management programme to the maintainer for approval by 31st March 2007. The minister responsible for education first shall guarantee that the evaluations of the academic year 2008/2009 are made accessible. It is obligatory to carry out the assessment in year ten from this date onwards as prescribed by Section (5) of Article 99 of this Act as established by Article 16 of Act LXXI of 2006. The attention of the maintainer may first be called to the fact that there is a need to take measures on the basis of the national evaluation and assessment carried out in the academic year 2006/2007 as stated in Section (7) of Article 99 of this Act as established by Article 16 of Act LXXI of 2006.

(8) Uniform schools rewrite their pedagogical programme in such a manner that they can guarantee the conditions necessary for further progress from the academic year 2007/2008 onwards on the basis of Section (10) of Article 48 of this Act as established by Article 10 of Act LXXI of 2006.

(9) Section (2) of Article 114 of this Act as established by Article 17 of Act LXXI of 2006 shall be applied from the academic year 2007/2008 to those students who commence their studies in the lowest year of the given type of school in that academic year and subsequently in bottom-up system.

(10) Employers may order educators to teach more than the compulsory number of lessons established for their position or post in the academic year 2007/2008 within the scope of the regular working hours as part of their position, without additional remuneration in case there is a need for it in order to hold individual activities, leisure activities and extra-curricular activities. The number of lessons ordered in such a manner may not exceed two lessons per week. Educators may be ordered to hold individual activities, leisure activities or extra-curricular activities by being paid a fee if they have previously been ordered to hold the two lessons without remuneration for the week affected.

Annexe 1 to Act LXXIX of 1993

[To Section (3) of Article 15, Section (4) of Article 16, Section (3) of Article 39 and Section (3) of Article 118 of the Act]

The number of heads and employees engaged at educational-teaching institutions, the principles of determining the budget contribution, the compulsory number of lessons for the management and the teaching staff at institutions of public education

Part one

THE COMPULSORY AND RECOMMENDED NUMBER OF HEADS AND EMPLOYEES ENGAGED AT EDUCATIONAL-TEACHING INSTITUTIONS (THE COMPULSORY NUMBER IS MARKED WITH AN ASTERISK)

Heads

1. head teacher, head of kindergarten at each independent institution	1 *
2. deputy head teacher, deputy head of kindergarten	
– at independent institutions	
if the number of children / students attains eighty	1
at schools, if the number of students attains four hundred, an additional	1
– head of member institution per member institution with the exception of halls of residence	1 *
– head of institution unit per institution unit with the exception of halls of residence	1
– head of hall of residence per non-independent hall of residence	1 *
– per division	
head of division, if the number of children at a kindergarten attains fifty and if the number of students at a school attains eighty,	1
3. head of practical training at secondary vocational schools and vocational schools per school	1 *
4. deputy head of practical training	
at secondary vocational schools and vocational schools with twenty or more classes, per twenty classes	1
or in case different special fields are taught, if there are at least five classes in each special field, per special field	1
5. financial manager at institutions with independent economic jurisdiction	1 *
6. It is possible to deviate from the compulsory numbers specified in Clause 2 as prescribed in Part 4 of this Annexe.	

Educators

At Kindergartens

1. The number of educators*, therapeutic teachers* shall be specified on the basis of
 - the kindergarten groups,
 - the compulsory number of lessons,
 - activities which may be included in the compulsory number of lessons,
 - the opening hours of the kindergarten

in such a manner that a kindergarten educator shall attend to the children in each group during the whole length of the opening hours with an overlap of one hour per day and per kindergarten educator, and a total overlap of two hours per day and per kindergarten group;

2. speech therapist

at speech-therapy kindergartens per fifteen children 1 *

3. conductive therapist

at the kindergarten of a conductive pedagogical institution per group and per shift 3 *

4. travelling therapeutic teacher, speech therapist, psychologist, conductive therapist if the disabled child is developed along with the rest of the children at the kindergarten and in at least five activities per week, per eight children 1 *

At Schools and Halls of Residence

1. The number of employees engaged as educators* at schools shall be specified on the basis of

- the size of the school classes,
- the time allotment for individual activities and education in divided classes,
- the lesson allotment for organising the compulsory and optional curricular activities,
- the lesson allotment for day care and daytime study activities,
- the compulsory number of lessons for educators.

If the operation of the school library is compulsory as prescribed by a separate statute, it is recommended to take account of all the library lessons included in the local curriculum in years five to thirteen and the opening hours of the library when determining the number of librarian-teachers (general teachers in the first four years of primary school). If an institution of primary art education has been established to admit a minimum of two hundred and a maximum of four hundred students, it is recommended to employ one librarian-teacher; if it has been established to admit more than four hundred students, it is recommended to employ one additional librarian-teacher.

2. The number of employees engaged as educators* at halls of residence shall be specified on the basis of

- the number of weekly compulsory hall of residence activities as stated in Section (7) of Article 53,
- the compulsory number of lessons for educators.

It is recommended that one librarian-teacher (general teacher in the first four years of primary school) be employed at a hall of residence if it has been established to accommodate a

minimum of two hundred and a maximum of four hundred students, and one additional librarian-teacher if it has been established to accommodate more than four hundred students.

3. developer educator

at schools participating in integrative preparation, calculated on the basis of the number of disadvantaged students participating in integrative education, up to three hundred students also to perform the tasks of organising leisure activities 1*

from three hundred up to four hundred and fifty students 1*

over four hundred and fifty students 2

4. conductive therapist

at the school of a conductive pedagogical institution per group and per shift 3*

5. speech therapist

at a speech therapy school per fifteen children 1*

6. travelling therapeutic teacher, speech therapist, psychologist, conductive therapist if disabled students are developed along with the rest of the children at the school and in at least five activities per week, per eight students 1*

Employees Directly Assisting with the Educational and Teaching Work

At Kindergartens

1. medical specialist at a kindergarten educating exclusively disabled children in accordance with the type of the disability 0,5*

2. child and youth supervisor or therapeutic assistant in kindergarten groups educating disabled children 1*

3. nurse or, instead of that, female caretaker and charwoman in one, with the exception of the kindergartens of conductive pedagogical institutions, per group 1*

At Schools and Halls of Residence

1. pedagogical supervisor at halls of residence, calculated for one hundred students per gender and per building, but at least 1*

2. child and youth protection secretary

– at primary schools

– at secondary schools

– at vocational schools 1

3. medical specialist at schools and halls of residence educating exclusively disabled children in accordance with the type of the disability 1*

4. child and youth supervisor or therapeutic assistant

– at halls of residence belonging to primary schools 1

– at schools educating disabled students, per fifteen students 1*

– at halls of residence belonging to primary schools and functioning as therapeutic educational-teaching institutions, per fifteen students 1

– at schools and halls of residence educating and teaching deaf, blind, moderately mentally disabled students, physically disabled students who are unable change place unaided, autistic and multi-disabled students, per six students 1*

5. organiser of leisure activities

– at schools and halls of residence if the number of students attains three hundred 1

– if integrative preparation is organised at the school as prescribed by statute and the number of disadvantaged 1

students participating in it does not attain three hundred, also to perform the tasks of a developer educator	
6. technical manager	
at vocational schools if they have an apprentice workshop with posts for one hundred and twenty students or if they have an apprentice workshop operating both in the morning and in the afternoon	1 *
7. caretaker	
at halls of residence, up to five hundred students	1
at halls of residence, over five hundred students	2
at student hostels accommodating exclusively disabled students, for twenty-four hours	5 *
8. musical instrument maintenance person at secondary vocational schools or vocational schools preparing students for a vocational examination in the branch of musical art, as well as at institutions of primary art education	
up to four hundred students	1
over four hundred students	2
at schools for the visually impaired, irrespective of the number of students, an additional	0,5
9. lifeguard	
at schools with an instruction pool	1

Engagement within the scope of the network of travelling experts takes place at the institution of public education designated by the council of a county or the capital city. It is recommended to specify the number of jobs in the capital city or in a county by dividing the number – according to the registration of the rehabilitation committee of experts – of children / students receiving kindergarten education or school education and teaching along with the rest of the children / students – according to the type of the disability – by eight; and the number of the jobs of travelling teachers of adapted physical education by dividing the number of the students affected by twelve. It is recommended to plan one expert necessary to perform the task for each group formed as a result of this division and using the principles of rounding and at least one in case of only one group, irrespective of the number of members. Travelling therapeutic teachers, speech therapists, conductive therapists, teachers of adapted physical education etc. are appointed by the head of the institution of public education exercising the employer's right at the request of the kindergarten or school educating or teaching the child or student.

The provisions pertaining to civil servants engaged as educators shall be applied when specifying the benefits and extra holidays of child and youth protection secretaries, organisers of leisure activities and pedagogical supervisors.

Further Engagement at Educational-Teaching Institutions

1. It is recommended to solve the engagement as financial and administrative employees, auxiliaries, maintenance men, porters and workers taking care of the heating, the yard etc. depending on the tasks to be performed.

2. In addition to the engagements recommended in Part 1

- a) additional heads may be appointed,
- b) the number of those engaged as educators may be increased,
- c) experts with special qualifications [e.g. doctor, psychologist, social worker, social educator, library technician, library assistant, school secretary (kindergarten secretary), organiser of leisure activities, pedagogical assistant, training technician, computer operator, computer system programmer, laboratory assistant, administrative machine operator, clerical worker in charge of educational issues, employment and human resources] may be engaged,
- d) a system operator* may be engaged if the number of students attains three hundred at educational-teaching institutions depending on the tasks.

3. The maintainer guarantees the number necessary to fill the positions and to engage the experts listed in Clause 1 and Subclause c) of Clause 2 (hereinafter called the number of the members of the technical staff). When calculating the number of the members of the technical staff, the following procedure is recommended: the number shall not be less than

- a) ten per cent at institutions of primary art education but at least one,
- b) fifteen per cent at vocational schools, skill developmental vocational schools, special vocational schools, preparatory vocational schools but at least two,
- c) fifteen per cent at kindergartens but at least two,
- d) twenty per cent at primary schools and secondary grammar schools but at least two,
- e) thirty per cent at secondary vocational schools but at least four,
- f) sixty per cent at halls of residence but at least two

of the number of educators calculated on the basis of their total working hours, including the hours of the engagement of external teachers.

4. It is recommended to specify the number of the members of the technical staff of multi-purpose institutions according to the following: the aggregate of the numbers of educators specified for the institution suitable to perform the tasks shall be divided by the number of the tasks they perform. The number calculated in this manner may not be less than seventy per cent of the aggregate of the actual numbers specified for each institution. The educational-teaching institutions listed in Clause 3 shall be taken into consideration in the calculations. It is also recommended to guarantee the number provided by statute for tasks not listed in Clause 3. If no number is specified for the given task by statute, the number of the members of the technical staff shall be increased by one per task.

5. It is recommended to calculate the number of the members of the technical staff in relation to the hours of the engagement of all the educators employed at the seat and on the premises.

6. It is justified to increase the number of the members of the technical staff by one if at least twenty per cent of the children / students at the educational-teaching institution are disadvantaged, or struggle with adaptive, learning or behavioural difficulties, or if the children / students with special educational needs are taught in the same group or class as the other children / students. The total number of children / students belonging to different groups may also be taken into account when determining the twenty per cent. It is justified to increase the number of the members of the technical staff by one per member institution.

7. The head of the educational-teaching institution decides what technical tasks (administrative, mechanical, auxiliary tasks, those of a maintenance man or a porter and those involving taking care of the heating and the yard) related to the operation of the educational-teaching institution they solve and what experts with special qualifications (psychologist, family educator, developer educator, speech therapist, child and youth protection secretary, doctor) they employ beyond the compulsory activities within the number of the members of technical staff. It is obligatory to employ a system operator* with at least secondary qualifications and special qualifications in a special field at secondary schools and vocational schools where the number of students exceeds three hundred and computers are used at least in twenty per cent of the lessons.

8. It is recommended to solve the operation of kitchens used to cook and heat up food functioning at educational-teaching institutions outside the scope of the number of the members of the technical staff. The number of the members of the technical staff shall be increased by the number necessary to perform the tasks which the educational-teaching institution is obliged to organise in compliance with the provisions of statutes (occupational safety, fire protection, financial organisation etc.).

Part Two

THE PRINCIPLES OF DETERMINING THE BUDGET CONTRIBUTION

1–4

Establishing the number of children / students to be taken into account when determining the normative contribution

1. When determining the normative contribution

a) each child admitted to kindergarten shall be taken into account as one child;

- b) a student who has a student's legal relationship with a school may be taken into account as one student within the scope of the full-time education system; the number of those who are private students or guest students based on their own decision may not be taken into account when determining the normative state contribution, unless the linguistic preparatory class is organised jointly for more schools on the basis of this Act;
- c) a student may only be taken into account in one artistic training course at most at institutions of primary art education if they attain the age of six by the first day of the given academic year or participate in compulsory education or attend school after the cessation of their compulsory education and have not turned twenty-two years of age in accordance with the following:
- those for whom the school provides participation in at least four activities per week in the course of an academic year shall be taken into account as one student, even if they participate in more than four activities or attend more than one department (division);
 - the number of those students for whom the school provides an average of less than four curricular activities per week in the course of an academic year shall be divided by two;
 - only as many students may be taken into account out of the number of students attending the school years as one hundred and twenty per cent of the number of students attending the first and second primary years; the actual number of students attending the introductory school year and the first and second primary years shall be taken into account by this calculation;
- d) students taught according to the working schedule of full-time education in adult education on the basis of Section (6) of Article 78 shall be taken into account as one; the number of students studying according to the working schedule of evening education shall be taken into account by dividing it by two; the number of students studying according to the working schedule of correspondence education shall be taken into account by dividing it by five; the number of students taught according to a different working schedule may not be taken into account when determining the normative state contribution;
- e) those students shall be taken into account as one student in hall of residence care who have established a hall of residence membership, or a legal relationship in day school type accommodation; the number of students who pay a fee for the accommodation at the hall of residence shall be divided by two;
- f) children / students of non-Hungarian nationality shall only be taken into account if they can participate in public education on the same conditions as Hungarian children / students;
- g) the number of students who pay a fee for the basic service at secondary schools, vocational schools and halls of residence within the scope of the full-time education system shall be

divided by two; those students who pay a tuition fee irrespective of the working schedule of the education shall be disregarded when determining the number of students;

h) the number of children / students shall be taken account of in compliance with Subclauses a)–g) even if payment obligation is prescribed on the basis of Subsection d) of Section (1) of Article 81 of this Act or the student pays a tuition fee for activities exceeding six lessons per week on the basis of Subsection a) of Section (1) of Article 116.

2. In those cases where the number of children / students shall be divided, the number established by applying the rules of rounding may be taken into account.

3. The educational-teaching institution shall verify that they have admitted the child / student and provided the use of services prescribed for them.

4. If a student shall pay a fee within the scope of the performance of the tasks of local councils in compliance with the provisions of this Act, the student can be taken into account when determining the normative contribution and doing the accounts if the fee has previously been prescribed and collected by the school or hall of residence, irrespective of the maintainer. The fee may not be less than the lowest limit determined in Section (1) of Article 117. If the student can participate in education which is under fee payment obligation free of charge in compliance with a provision of a statute, this fact shall be included on the student's register sheet indicating the statute serving as the basis of the decision. In this case the student shall be taken into account as one student when determining the normative contribution.

Part Three

THE COMPULSORY NUMBER OF LESSONS FOR THE MANAGEMENT AND THE TEACHING STAFF

Educator's positions and managerial posts the weekly legal working hours of which is composed of the compulsory number of lessons and the time necessary to perform the tasks related to the educational and educational-teaching work and to attending to children / students in accordance with the special task; the compulsory number of lessons pertaining to each position and managerial post

Managerial post, position

Compulsory number of lessons per week

I

A) MANAGERIAL POSTS

1. At Kindergartens and Training Kindergartens

a) head of kindergarten	
– at kindergartens and training kindergartens with 4 or more groups	6
– at training kindergartens with 1-3 groups	21
– at kindergartens with 1-3 groups	27
b) deputy head of kindergarten, head of member institution, head of institution unit, head of division, deputy head of member institution, deputy head of institution unit	
– at kindergartens and training kindergartens with 4 or more groups	24
– at training kindergartens with 1-3 groups	23
– at kindergartens with 1-3 groups	30

2. At Primary Schools and Training Schools

a) head teacher	
– at schools with 17 or more classes	4
– at schools with 9-16 classes	8
– at schools with 6-8 classes	12
– at schools with 1-5 classes	16
b) deputy head teacher, head of member institution, head of institution unit, head of division, deputy head of member institution, deputy head of institution unit	the compulsory number of lessons prescribed for head teachers plus four lessons but eighteen lessons at most

3. At Secondary Schools, Vocational Schools and Training Schools

a) head teacher	
– at schools with 12 or more classes and at all the secondary vocational schools and vocational schools preparing students for the vocational examination in art	2
– at schools with 9-11 classes	4
– at schools with 5-8 classes	6
– at schools with 4 or less classes	8
b) deputy head teacher, head of member institution, head of institution unit, head of division, deputy head of member institution, deputy head of institution unit	the compulsory number of lessons prescribed for head teachers plus two lessons
c) head of practical training	11
d) deputy head of practical training	17

4. At Institutions of Primary Art Education and Training Schools

a) head teacher	
– if the number of students exceeds 500	2
– if the number of students falls between 251 and 500	4
– if the number of students falls between 101 and 250	8

– if the number of students does not exceed 100	14
b) deputy head teacher, head of member institution, head of institution unit, deputy head of member institution, deputy head of institution unit	the compulsory number of lessons prescribed for head teachers plus two lessons

5. At Halls of Residence and Training Halls of Residence

a) head of hall of residence, director of hall of residence	
– if the number of students exceeds 450	4
– if the number of students falls between 251 and 450	6
– if the number of students falls between 101 and 250	10
– if the number of students does not exceed 100	15
b) deputy head of hall of residence, deputy director of hall of residence	the compulsory number of lessons prescribed for heads of hall of residence plus four lessons

6. Different Provisions for Educational-Teaching Institutions Performing Exclusively the Education and Teaching of Disabled Children / Students

At Kindergartens and Training Kindergartens

a) head of kindergarten	
– at kindergartens with 4 or more groups	4
– at kindergartens with 2-3 groups	16
– at kindergartens with 1 group	18
b) deputy head of kindergarten, head of member institution, head of institution unit, head of division, deputy head of member institution, deputy head of institution unit	
– at kindergartens with 3 or more groups	16
– at kindergartens with 1-2 groups	18

At Primary Schools and Training Primary Schools

a) head teacher	
– at schools with 21 or more classes	2
– at schools with 12-20 classes	4
– at schools with 9–11 classes	6
– at schools with 4–8 classes	10
– at schools with 1–3 classes	12
b) deputy head teacher, head of member institution, head of institution unit, head of division, deputy head of member institution, deputy head of institution unit	the compulsory number of lessons prescribed for head teachers plus two lessons

At Halls of Residence and Training Halls of Residence

a) head of hall of residence, director of hall of residence	
– if the number of students exceeds 250	2
– if the number of students falls between 144 and 250	4
– if the number of students falls between 108 and 143	6
– if the number of students falls between 47 and 107	6
– if the number of students does not exceed 47	12
b) deputy head of hall of residence, deputy director of hall of residence	the compulsory number of lessons prescribed for heads of hall of residence plus two lessons

At the András Pető Institute of Conductive Education and College for Conductor Training

a) head of kindergarten, primary school head teacher	5
b) deputy head of kindergarten, primary school deputy head teacher	7

7. At Institutions of the Pedagogical Assistance Service

a) head of institution, head of institution unit, head of member institution	10
b) deputy head of institution, deputy head of institution unit, deputy head of member institution	14

8. At Institutions of Public Education under Joint Management and General Cultural Centres

a) head teacher, director if the management of the institution units of kindergartens, schools, halls of residence and pedagogical assistance services operating at each institutional unit is also performed by the head teacher/director, the minimum number of lessons prescribed for the head teacher's/director's post of the type of institution appropriate to the institution unit, irrespective of the number of kindergarten groups, school classes or students but it shall not exceed	4
b) head of institution unit, head of hall of residence, deputy head of as prescribed at the type of institution institution unit, deputy head of hall of residence	

B) EDUCATOR'S POSITIONS AND POSITIONS OF EDUCATORS WHO HAVE TAKEN A POST-PROFESSIONAL EXAMINATION

– kindergarten educator	32
– kindergarten educator at training kindergartens	24
– kindergarten educator at kindergartens educating disabled children	21
– kindergarten educator at training kindergartens educating disabled children	15
– general teacher in the first four years of primary school not teaching subjects at primary schools	22
– general teacher in the first four years of primary school not teaching subjects at training primary schools	14
– teacher and general teacher in the first four years of primary school teaching a subject at primary schools	22
– teacher and general teacher in the first four years of primary school teaching a subject at training primary schools	14
– general class teacher in the first four years of primary school not teaching subjects in all-day (school care)	22

classes of primary schools	
– general class teacher in the first four years of primary school not teaching subjects in all-day (school care)	14
classes of training primary schools	
– general class teacher in the first four years of primary school not teaching subjects in full day (school care)	20
classes of primary schools educating disabled students	
– teacher, therapeutic teacher (therapist) at primary schools educating disabled students	21
– teacher, therapeutic teacher (therapist) at training primary schools educating disabled students	15
– teacher at secondary grammar schools and vocational schools	22
– teacher at institutions of primary art education	22
– teacher at training secondary schools, vocational schools, and institutions of primary art education	12
– teacher, therapeutic teacher (therapist) at secondary schools and vocational schools educating disabled students	21
– teacher, general teacher in the first four years of primary school holding day care and daytime study activities at primary schools, secondary schools and vocational schools	23
– teacher, general teacher in the first four years of primary school holding day care and daytime study activities at training primary schools, secondary schools and vocational schools	20
– teacher, general teacher in the first four years of primary schools, therapeutic teacher (therapist) holding day care and daytime study activities at primary schools, secondary schools and vocational schools educating disabled students	22
– practical trainer, vocational trainer at secondary vocational schools and vocational schools, workshop trainer at schools educating disabled students	25
– educator-teacher at halls of residence	24
– educator-teacher at training halls of residence	22
– educator-teacher at halls of residence for disabled students	22
– developer educator at schools	24
– developer educator at training schools and schools educating disabled students	22
– psychologist, social educator at educational-teaching institutions	26
– psychologist, social educator at training educational-teaching institutions	20
– conductive therapist, speech therapist at educational-teaching institutions	21
– conductive therapist, speech therapist at training educational-teaching institutions	12
– librarian-teacher (general teacher in the first four years of primary school) at educational-teaching institutions	22
– librarian-teacher (general teacher in the first four years of primary school) at training educational-teaching institutions	14
– librarian-teacher (general teacher in the first four years of primary school) at educational-teaching institutions educating disabled students	21
– psychologist, social educator, conductive therapist, speech therapist, educator, therapeutic teacher, teacher of adapted physical education at institutions providing pedagogical assistance service	21

II

1. The compulsory number of lessons specified for those filling an educator's position at kindergartens, schools and halls of residence educating disabled children / students shall be applied to educators engaged at kindergartens, schools and halls of residence, in divisions, school classes and groups educating or educating and teaching disabled children / students individually or jointly if the proportion of disabled children / students attains thirty-three per cent on the first school day.

2. The compulsory number of lessons for teachers shall be applied to practical trainers in case they hold curricular activities within the scope of the practical training of a vocational subject requiring theory according to the central programme (curriculum).
3. The compulsory number of lessons specified for those filling an educator's position at training kindergartens, schools and halls of residence maintained by state higher education institutions shall be applied to educators supervising the teaching practice (teacher trainers, instructing kindergarten nurses and general teachers in the first four years of primary school). These provisions shall be applied with the consent of the maintainer at a maintainer's training educational-teaching institution.
4. If an educator is engaged in filling more than one educator's position with different numbers of compulsory lessons, or appointed to more than one managerial post with different numbers of compulsory lessons, the compulsory number of lessons they are obliged to hold in each position and managerial post shall be determined in the educator's appointment or contract of employment, in proportion to their performed activity.
5. The compulsory number of lessons for educators and heads may be reduced with the consent of the maintainer, if the necessary funds are provided by the maintainer without additional budget subsidy or by the educational-teaching institution from its own resources. The duration of the reduction shall not exceed one academic year or educational year; however, it may be extended several times.
6. The compulsory lessons for educators shall be devoted to attending to the children directly, embracing the whole spectrum of kindergarten life (kindergarten activities) at kindergartens; to attending to the students directly (compulsory and optional curricular activities, individual activities), to hall of residence activities and to day care and daytime study activities at schools and halls of residence. Heads of practical training and deputy heads of practical training perform the theoretical and practical education of students within the scope of their compulsory lessons. Attending directly to students includes holding the community programmes of the classes and performing the tasks related to the individual care of students [Section (7) of Article 52], holding study circles, interest circles, debating circles, study, vocational and cultural competitions, in-school tournaments, interschool competitions and other extra-curricular activities [Subsections b)–d) of Section (2) of Article 53] organised within the time allotment for non-compulsory curricular activities, as well as holding activities for passing leisure and to provide individual care [Section (7) of Article 53] at halls of residence. The work of employees engaged as educators shall be organised in such a manner that educators may be able to fulfil the time allotment of the weekly compulsory

number of lessons falling within one academic year, taking the provisions pertaining to the working hours allotment [Article 118/A of the Labour Code] as the basis. To this end, the employer organises the work of employees engaged as educators by forming a teaching time allotment for at least two months. The teaching time allotment shall be specified as follows: the number of school days falling within two months shall be multiplied by one fifth of the number of weekly compulsory lessons specified for the given educator's position. The teaching time allotment shall be reduced in accordance with the number of lessons planned for the given school day within the compulsory lessons for the educator after each missed school day falling on the days of absence or the period of incapacity to work as specified in Section (2) of Article 151 of the Labour Code. The head of the educational-teaching institution may determine the absences on the basis of which the teaching time allotment may be reduced with the consent of the maintainer. The lessons held in actual fact and the lessons which may be included in the fulfilment of the weekly compulsory number of lessons for the educator may be taken into account when fulfilling the teaching time allotment. A fee fore teaching performed within the regular working hours may only be charged for additional teaching beyond the teaching time allotment.

7. If the head of the educational-teaching institution does not increase the time allotment with the consent of the maintainer, a time allotment calculated for one academic year or educational year and equivalent to five per cent of all the kindergarten activities at kindergartens, all the preparatory activities at halls of residence, all the compulsory curricular activities at schools planned on the basis of Section (3) of Article 52 of this Act is available at educational-teaching institutions to perform the following tasks:

a) At the expense of this time allotment

– one lesson per week has to be included in the fulfilment of the weekly compulsory number of lessons for an educator performing the tasks of a form teacher, a head of study group, team of teachers of the same subject (head of department, division, section) for the performance of those tasks;

– if it is not obligatory to employ a librarian-teacher (general teacher in the first four years of primary school) at a school, institution of primary art education or hall of residence, at least five lessons per week (one lesson per day) have to be provided for the performance of the tasks of the school or hall of residence library at the expense of compulsory lessons if the number of students does not exceed two hundred, and at least ten lessons per week if the number of students exceeds two hundred.

b) Based on a written agreement concluded for a definite time, educators may fulfil their compulsory lessons by performing tasks related to

- the elaboration and supervision of the educational programme and the pedagogical programme of the educational-teaching institution;
- assistance with the operation of the student union or the work of a cultural educator-teacher;
- the supervision of children / students as determined in a collective contract.

8. If the head of the educational-teaching institution does not increase the time allotment with the consent of the maintainer, a time allotment of one lesson per week per three multi-disadvantaged children / students has to be provided for the performance of the tasks related to child and youth protection at kindergartens and primary schools. This provision shall not be applied when engaging a child and youth protection secretary.

9. Educators perform tasks related to the supervision of students and the preparation for the next lesson during the breaks. They perform other tasks related to the educational and teaching work during the part of all their regular working hours which is not taken up by holding lessons as part of their duties and in compliance with those stated in their job description or on the basis of the instructions of the employer, the following in particular: they prepare and make arrangements for the activities and lessons, evaluate the performance of children / students, perform the administrative activities related to their pedagogical activities, and participate in the work of the teaching staff, the assistance in preparing disadvantaged and talented students, the organisation of the sports and cultural life of the school and useful ways of passing leisure, the performance of the supervision of children / students and hold class or group activities [Subsection e) of Section (2) of Article 53] defined in the pedagogical programme but not realisable within the scope of lessons; they also participate in the execution of tasks related to the assistance of the student movement, the prevention of accidents involving children or students and child and youth protection as well as the preparations of institutional documentation. Heads of practical training and deputy heads of practical training perform the task of supervising the organisers of practical training. The work performed by educators on the basis of this Clause may be rewarded with a salary supplement for the outstanding execution of work.

10. School and hall of residence librarian-teachers (general teachers in the first four years of primary school) guarantee the accessibility of the library and the library lessons within the scope of the compulsory number of lessons. While the library is closed, seventy per cent of the rest of all the working hours is for library work (care and enlargement of the holdings, library research work) performed at the place of work and communication with the school; the

remaining thirty per cent is for preparation outside the place of work, to network with libraries, enlarge the holdings and perform other activities related to an educator's position as their duty.

11. Educators employed at the institutions of pedagogical assistance service perform the tasks related to the examination of children / students and the individual or group activities with children / students, counselling, hold courses in care work (hereinafter called direct activity) within the scope of the compulsory number of lessons. They do the following as their duty beyond the time allotment specified for direct activities: perform the tasks related to the preparation of direct activities and examinations necessary for expert opinions, the collation of opinions prepared within the scope of the examinations, preparation of expert opinions; they guarantee the continuous accessibility of the service, carry out other extra-institutional activities necessary for the development of the children / students and travel to the children / students.

12. The due allowance of the working hours of trade union officials [Article 25 of the Labour Code] and the members and the president of the Committee of Civil Servants [Section (2) of Article 62 of the Labour Code] shall be issued by reducing the compulsory number of lessons for educators proportionally.

13. The compulsory number of the lessons for an educator is reduced by the head teacher as prescribed by statute if they participate in in-service training or if they prepare for a post-professional examination and the head teacher enters into a study contract with the educator.

14. The compulsory number of the lessons for the heads of educational-teaching institutions – unless the secondary vocational school or vocational school prepares students for a vocational examination in art – depends on the number of child groups and classes organised at the institution, or on the number of students at institutions of primary art education and halls of residence.

15. Heads of educational-teaching institutions and pedagogical assistance services perform the tasks related to their managerial appointments during the time between the compulsory number of lessons and all the total working hours.

16. The compulsory number of lessons for heads for the whole academic year shall be determined in accordance with the situation on the first day of the academic year.

17. The following shall be taken into account when specifying the compulsory number of lessons for heads:

a) kindergarten groups, school classes, classes organised for vocational theoretical training in vocational training at schools, in accordance with their number;

- b) day care and daytime study activities, in accordance with their number;
- c) the classes of full-time and evening education in adult education, classes organised for theoretical vocational training in vocational training at schools, in accordance with their number, and half of the number of classes in correspondence education;
- d) the number of students participating in lightened or adapted physical education as one class per sixteen students and in case of a fragment number of students, up to eight students as one class.

18. Employers may order educators to hold more lessons than the compulsory number of lessons specified for their position or their post by this Act during the regular working hours, if this is necessitated by the undisturbed organisation of the educational and teaching work. The employer is obliged to pay a fee for compulsory lessons fulfilled in such a manner. The number of lessons which can be ordered to be held may not exceed two on one school day and six in one school week, with exceptions stipulated by a government decree. The amount of the fee may not be less than the amount of the hourly fee calculated on the basis of the provisions of the Labour Code pertaining to the specification of the remuneration for work performed in special working hours. The government stipulates the conditions of ordering teaching beyond the compulsory lessons and the rules of determining the fee in a decree.

19. In case of an engagement as educator not regulated in Part 1 of Annexe 1 of this Act, the weekly compulsory number of the lessons for the educator corresponds to the compulsory number of the lessons for kindergarten educators at kindergartens and the weekly compulsory number of the lessons for social educators at schools and halls of residence.

20. In case an educator in a managerial post performs the tasks of another managerial post with a lower compulsory number of lessons or a member of the teaching staff performs the tasks of managerial posts as tasks not included in their position, and the duration of the performance of these tasks attains five working days, the compulsory number of the lessons for the educator shall be determined on the basis of the compulsory number of lessons specified for that managerial post.

21.

Part Four

THE APPLICATION OF THE PERFORMANCE BONUS

1. Employers and members of the teaching staff may make an agreement to increase the compulsory number of lessons specified for the given position by seven lessons per week at most within the scope of all the weekly working hours, in the contract of employment of

educators or their appointment as civil servant. The duration of the agreement may not be shorter than one academic year or educational year and may also be valid indefinitely. A performance bonus is due to the member of the teaching staff in proportion to the work performed.

2. Performance bonuses shall be specified by applying Annexe 1 of the Act on the Legal Status of Civil Servants and on the basis of the amount specified in accordance with the place of the educators affected on the payroll (hereinafter called the basis for calculation). When applying a performance bonus, additional teaching may only be ordered in case it is particularly justified and stipulated by a government decree.

3. The monthly extent of performance bonuses is the following:

- a) 5-8 per cent of the basis for calculation in case of an increase of one class per week;
- b) 10-14 per cent of the basis for calculation in case of an increase of two classes per week;
- c) 15.5-21 per cent of the basis for calculation in case of an increase of three classes per week;
- d) 22-28 per cent of the basis for calculation in case of an increase of four classes per week;
- e) 29-36 per cent of the basis for calculation in case of an increase of five classes per week;
- f) 37-44 per cent of the basis for calculation in case of an increase of six classes per week;
- g) 45-52 per cent of the basis for calculation in case of an increase of seven classes per week.

4. The performance bonus specified in Subclause b) of Clause 3 may be determined for educators performing the tasks of a form teacher at a primary school, a secondary school or a vocational school or a head of study group at halls of residence and institutions of primary art education by amending the contract of employment or the appointment as civil servant by mutual consent. The allowance of working hours regulated under the 1st dash of Clause II/7/a) of Part 3 may not be issued when applying a performance bonus. The amount determined in such a manner also includes the bonus of form teachers specified by a separate statute. Educators are entitled to the benefit in accordance with the performance bonus regulated in this Clause while they perform the tasks. The performance bonus applied on the basis of this Clause does not exclude the application of the performance bonus regulated in Clause 3.

5. A performance bonus shall be defined for heads and deputy heads of institutions of public education for the period of their managerial appointment, in addition to their managerial bonus by amending the contract of employment or the appointment as civil servant, in accordance with the following:

- a) by applying the performance bonus specified in Clause 3/b) for heads and in Clause 3/d) for deputy heads if the number of their weekly compulsory lessons exceeds 6 lessons per

week, as well as at those institutions of public education where heads do not have any compulsory lessons, with the exceptions determined in Subclauses b) and c);

b) by applying the performance bonus determined in Clause 3/c) for heads and in Clause 3/e) for deputy heads if the weekly compulsory number of their lessons does not exceed six lessons per week, as well as at those institutions of public education where heads do not have any compulsory lessons, if the institution performs district tasks;

c) by applying the performance bonus determined in Clause 3/f) for heads and in Clause 3/d) for deputy heads if the weekly compulsory number of their lessons does not exceed two lessons per week as well as at those institutions of public education where heads do not have any compulsory lessons, if the institution performs regional or national tasks.

6. Those stated in Clause 5 shall obligatorily be applied if the number of the heads appointed at institutions of public education does not attain the number of the heads who can be appointed on the basis of Clause 2 under the heading *Heads* in Part 1. A fee for supply teaching may not be specified when applying a performance bonus.

7. The amount of the performance bonus in accordance with Clauses 3–5 shall be determined in the collective contract or in default of that in the agreement, while taking the principles defined in the organisational and operational code into consideration. The amount of the performance bonus may differ in each educator's position with regard to the special characteristics of the position, i.e., the compulsory number of lessons prescribed for the position in this Act, the preparation for lessons, the preparation and correction of tests etc.

8. The amount of the performance bonus provided on the basis of Clauses 3–5 shall be taken into account in every case where the basis for the calculation of some benefit is the wage or the personal basic salary.

Annexe 2 to Act LXXIX of 1993

[To Section 40 of the Act]

Personal and special data recorded and handled at institutions of public education

The Data of Employees

1. The data recorded on the basis of this Act:

- a) name, date and place of birth, nationality;
- b) domicile, place of residence, telephone number, identification number;
- c) data concerning the legal relationship by employment and the legal relationship as civil servant
 - certificates of school qualifications, vocational qualifications, conditions of employment,
 - the time spent in employment, the time which may be included in the legal relationship as civil servant; data in relation to the place on the payroll,
 - honours, awards received by the employee and other titles or forms of recognitions,
 - position, appointment to perform tasks not included in the position, additional legal relationship aimed at the performance of work, disciplinary punishment, obligation to pay damages,
 - duration of the work performed, duration of overtime, salary, wage, as well as the debt burden on them and the person entitled thereto,
 - holiday, holiday taken,
 - payments to the employee and the titles to them,
 - benefits to the employee and the titles to them,
 - existing debts of the employee towards the employer and the titles to them,
 - other data with the consent of the person affected.

2. The data listed in Clause 1 are handled by those who exercise the employer's right with regard to heads holding higher office.

3. The data listed in Clause 1 may be forwarded to the maintainer, the payment office, courts of law, the police, the public prosecutor's office, local councils, public administration organs, those authorised to supervise the provisions pertaining to the work performed, the national security service.

The Data of Children / Students

1. The data recorded on the basis of this Act:

a) name, place and date of birth, nationality, address of domicile and place of residence, telephone number, the title to residence in the Hungarian Republic in case of non-Hungarian citizens, designation and number of the document entitling the child / student to residence;

b) name, domicile, place of residence, telephone number of the parents;

c) data related to the child's development at kindergarten;

d) data related to the student's legal relationship

– data related to admission

– evaluation and assessment of the student's comportment, diligence and knowledge, data on examinations;

– data related to the student's disciplinary cases and cases of damages;

– data concerning special educational needs;

– data related to the derangement of children / students struggling with adaptive, learning or behavioural difficulties;

– data pertaining to accidents involving children or students;

– the serial number of the student identity card;

– the student's identification number;

– data related to the provision of textbooks;

– other data with the consent of the person affected.

2. The data may be forwarded to the following for the purpose stipulated in this Act and complying with the regulation about legitimate purposes pertaining to the protection of personal data:

– all the data to the maintainer, courts of law, the police, the public prosecutor's office, councils, public administration organs, the national security service;

– data concerning special educational needs and adaptive disorder, learning difficulty or behavioural derangement from the institutions of the pedagogical assistance service to educational-teaching institutions, and vice versa;

– data related to the development at kindergarten, and the stage of development necessary for admission to school, to the parents, institutions of the pedagogical assistance service and the school;

– data related to the evaluation and assessment of comportment, diligence and knowledge within the class affected and within the teaching staff to the parents, the examination board, the organiser of the practical training, the person who signs the student's contract or, if the evaluation does not take place at the school, to the school, in case of changing schools to the new school and the leader of the professional supervision;

- all the data necessary to issue the student identity card to those appointed by statute to handle the student identity card;
- in relation to the act of admitting and taking a child over to a kindergarten to the kindergarten affected, in relation to the act of admitting and taking a student over to a school to the school affected, in relation to admission to an institution of higher education to the institution of higher education affected and vice versa;
- to institutions performing health care tasks and health care tasks at school with the purpose of specifying the health condition of the child / student;
- to institutions and organizations dealing with family protection or child and youth protection with the purpose of revealing at-risk children / students and ceasing the risk;
- to the organisation keeping a record of the certificates issued on the basis of state examinations with the purpose of keeping a record of the certificates, as well as from the organisation keeping a record of the certificates to organisations keeping a record of applications for admission to an institution of higher education;
- to textbook distributors within the scope and with the aim specified by a separate law.

3. Educational-teaching institutions keep a record of the data necessary to judge and verify the legitimate claims to allowances provided by statute. Data to be handled for this purpose are those on the basis of which the person entitled to the allowance and the entitlement to the allowance may be established.

Data Handling at Institutions of Public Education

1. Educators, employees directly assisting with the educational and teaching work and those participating in the performance of the supervision of children / students (hereinafter called educators when applying these provisions) are under the obligation of official secrecy towards third parties with reference to all the data, facts and information related to children / students and their families which come to their knowledge during the communication with children / students and their families by virtue of their profession. This obligation is irrespective of the existence of a legal relationship by engagement and continues to exist after its termination without a time limit. The parents of children and students who are under age may be notified of all the data related to their children unless the publication of the data may severely harm or jeopardise the interest of children / students. The notification of data may seriously harm or jeopardise the interest of children / students if they pertain to circumstances (comportment, negligence, condition) which impede or hinder the physical, intellectual, emotional or moral development of children / students and the occurrence of which may be ascribed to parental

behaviour or influence. The parents of students who have come of age may be notified of the data specified in Section (6) of Article 11 of this Act. The obligation of official secrecy does not extend to private discussions of members of the teaching staff at the meetings of the teaching staff related to the development, evaluation and assessment of children / students. The obligation of official secrecy extends to all those who participated in the meeting of the teaching staff. The parents in case of children who are under age or the students in case of students who have come of age may grant an exemption from the obligation of official secrecy in writing.

2. The obligation of official secrecy specified in Clause 1 does not pertain to the registration and forwarding of the data of children / students specified in Annexe 2 of this Act. Institutions of public education may handle the personal data of children / students for pedagogical purposes, for the purposes of performing tasks of habilitation and rehabilitation of a pedagogical nature, child and youth protection, of health care at school and registrations specified by this Act to the extent in accordance with the purpose and for legitimate purposes. Institutions of public education may not furnish data related to the children / students beyond the scope specified by this Act.

3. Educators and employees directly assisting with the educational and teaching work are obliged to inform the child welfare service through the head (director) of the kindergarten, school or hall of residence without delay if they deem that a child or a student who is under age may get or has got into a seriously hazardous situation due to their own behaviour or that of others, also with regard to Article 17 of the Act on Child Protection and Guardianship Administration. The consent of those affected or those entitled to handle the data otherwise is not necessary to forward the data in such situations.

4. Institutions of public education may only handle the personal data of employees in relation to engagement, the establishment and fulfilment of benefits, allowances and obligations, the fulfilment of civil rights and obligations, for reasons of national security and for the purposes of registrations specified by this Act to the extent in accordance with the purpose and for legitimate purposes.

5. Heads of institutions of public education and directors or other employees authorised by them are entitled to forward data within the scope of the authorisation.

6. The institutional order of data handling and forwarding shall be specified in the code of document handling or, if it is not obligatory to prepare such, in the code of data handling issued as a supplement to the organisational and operational code of an institution of public education. The duration of data handling may not exceed the duration of the safeguard of

documents in the archives. The parental organisation (association) and the school or hall of residence student union have the right of consent when preparing or modifying the code of data handling at educational-teaching institutions.

7. Students and parents in case of students who are under age have to be informed that the participation in data supply is not compulsory in case of voluntary data supply. A parental approval has to be obtained to involve students who are under age in voluntary data supply.

Utilisation of Data for Statistical Purposes

The data listed in the Annexe may be used for statistical purposes and may be forwarded for purposes of statistical utilisation in a form unsuitable for personal identification.

Monitoring the Development of Students

1. Schools, head teachers as well as students and educators are obliged to participate in the performance of the tasks of the national testing and assessment, as prescribed by statute. Centrally prepared documents bearing a testing code, on which no data may appear on the basis of which the participating students can be identified, may be applied for testing and assessment. The data which came into being during the national testing and assessment and related to the evaluation of the performance of students may be processed with the aim of testing and assessing the performance of students and the documents bearing a testing code may be handed over to the educational authority acting in its scope of public educational duties for the same purpose. The data collected through voluntary data supply and pertaining to the social conditions of students, their learning habits and way of living, the schooling and profession of their parents may be attached to the document which has been handed over in a form unsuitable for personal identification. The educational authority acting in its scope of public educational duties returns the processed data to the school. The testing code applied on the document first filled in by a student has to be applied for the student affected in all cases in the course of the national testing and assessment sessions conducted on the basis of Sections (4)-(5) of Article 99 of this Act. The data have to be deleted at the end of the fifth academic year following the cessation of the student's legal relationship. Schools delete the data collected by voluntary data supply within three working days following the despatch of the documents to the educational authority acting in its scope of public educational duties. The data stored in a manner suitable for personal identification may only be used within the school with the aim of monitoring the development of students and elaborating and implementing the pedagogical measures necessary for their development. The data stored in a

manner suitable for personal identification and pertaining to the monitoring of the development of students may be handed over to the pedagogical assistance service for the purpose of using them in the procedure related to the establishment of the development of students with parental consent. If a student changes schools by way of switching, their data has to be forwarded to the other school, including the testing code. The school informs the educational authority acting in its scope of public educational duties to which school it has forwarded the testing code. The educational authority acting in its scope of public educational duties makes the processed data available for the students affected and their parents on its website.

2. Secondary schools and vocational schools inform primary schools what academic achievement their former students attained at the end of the academic year in the first two years of the secondary school or vocational school until 31st October each year. Secondary schools and vocational schools despatch the name and the educational identification number of students and the academic results they have attained to primary schools. Primary schools process the despatched data and publish it on their website or, in default of that, in the customary manner of the institution in a manner unsuitable for personal identification.

Data Supply to the Career Monitoring System

1. Secondary schools and vocational schools send a report on passing the vocational examination to the organ responsible for operating the career monitoring system. The report includes the name and the student's identification number of the examinee, the name of the vocational qualification obtained and the date and place of the examination. The data may be processed, sorted according to schools and published in a form unsuitable for personal identification. The data may be stored for five years after the despatch.

2. Former students furnish information to the career monitoring system in case they have not established a legal relationship by engagement in compliance with the order prescribed by statute.

3. If a former student has established a legal relationship by engagement, it is the employer who furnishes the data. Both the position in which the former student is engaged and the activity they perform have to be announced within the scope of data supply.

The Information System of Public Education

1. The information system of public education contains the data of maintainers, institutions, engagement and children / students necessary for planning on a national economic scale.

Personal data may only be furnished from the information system of public education at the request or with the consent of the interested party, or with the simultaneous notification of the interested party in cases specified in Clauses 4 and 6. The minister responsible for education is liable for the lawfulness of data handling performed within the scope of the information system of public education.

2. Those maintainers of institutions and those institutions which co-operate in performing the tasks specified in this Act are obliged to furnish the information system of public education with data as prescribed by a government decree.

3. The information office of public education issues an identification number for those employed as educators, or as employees directly assisting with the pedagogical and teaching work or as pedagogical experts or pedagogical clerical workers.

4. The information system of public education contains the register of those who have an identification number. The register contains the name and the date and place of birth of those affected; the identification number and data pertaining to qualifications and special qualifications, the address and type of the place of work as well as their identification number from the Ministry of Education. Personal data may only be forwarded from the register for the purposes of establishing the justification for entitlement to each benefit related to the engagement, to those providing the service and those competent to verify the justification of entitlement apart from the person affected. The data may be handled for five years following the date of the announcement pertaining to the cessation of the engagement of those affected in the information system unless they are entered for registration during this period.

5. The information office of public education issues an identification number to those who have established a student's legal relationship.

6. The information system of public education contains the register of students. The register of students contains the name, place and date of birth, identification number of students, their mother's name, addresses of their domicile, their place of residence, their nationality and the number of their student identity card as well as the data of the educational-teaching institution affected. Personal data may only be forwarded from the register of students for the purposes of establishing the justification for entitlement to each benefit related to the student's legal relationship, to those providing the service and those competent to verify the justification of entitlement apart from the person affected. The data may be handled for five years following the date of the announcement pertaining to the cessation of the student's legal relationship of those affected in the register of students unless they are entered for registration during this period.

7. The information system of public education also contains the data which are necessary for passing judgement on and certifying the legitimate claim for allowances and for fulfilling obligations guaranteed by statutes, i.e., the gender, the photograph and the national insurance identification code of the student, the service used and the working schedule of teaching in addition to those prescribed in Clause 6.

The Educator Identity Card

Employers issue an educator identity card to those engaged as educators, pedagogical clerical workers or pedagogical experts as well as child and youth protection secretaries, organisers of leisure activities and pedagogical supervisors on request. The information office of public education has the educator identity card prepared and despatches it to those entitled to it through the employer. The educator identity card contains the data to be found in the information system of public education. The educator identity card also contains the number of the identity card and the photograph and the signature of the holder. The educator identity card shall be requested as prescribed by statute. The data necessary for the request may be forwarded for the preparation of the educator identity card. The maker of the educator identity card may handle the data for five years following the date of the cessation of the validity of the identity card. Data handling exclusively includes the preparation of the educator identity card, storing the data and data verification at the information office of public education.

The Student Identity Card

Schools issue a student identity card to students on request. The information office of public education has the student identity card prepared and despatches it to those entitled to it through the school. The student identity card contains the name, place and date of birth of students, their nationality, the address of their domicile and place of residence, their signature or the parent's signature in case of students who lack legal capacity. The student identity card also contains the photograph and identification number of students and the name and address of the school. Additional non-personal data necessary to justify the entitlement to allowances may also be indicated on the student identity card. The student identity card shall be requested as prescribed by statute. The data necessary for the preparation may be forwarded to the maker of the educator identity card. The maker of the student identity card may handle the data for five years following the date of the cessation of the validity of the identity card. Data handling exclusively includes the preparation of the student identity card and storing the data besides the data verification with the information office of public education.

Annexe 3 to Act LXXIX of 1993

[To Sections (3)-(7) of Article 52, Sections (2)-(4) and (7) of Article 53, Section (3) of Article 65, Section (5) of Article 66, Section (2) of Article 68 and Section (4) of Article 123 of the Act]

Limits on the number of the children / students in a class and in a group, the order of the organisation of curricular and extra-curricular activities

I

Limits on the number of the students / children in a class and in a group

		Average number of children / students	Maximum number of children / students
<i>Kindergartens</i>			
		20	25
<i>Schools</i>			
a)	from years 1-4	21	26
b)	from years five to eight and years nine to ten at vocational schools	23	30
c)	from years nine to thirteen	28	35
d)	theoretical training at secondary vocational schools and vocational schools in the year of vocational training	28	35
e)	practical training at secondary vocational schools and vocational schools	8	12
	vocational theoretical and vocational practical training at vocational schools of art and secondary vocational schools of art	10	15
g)	education at institutions of primary art education		
	in the branch of musical art	8	15
	in other branches of art	10	20
<i>Halls of Residence</i>			
in hall of residence groups		25	27

II

The organisation of classes and groups

1. The educational-organisational unit created to carry out well-defined, common pedagogical tasks from children / students admitted to a kindergarten, a school or a hall of residence attending the same place of performing tasks for at least one educational year or academic year is the kindergarten group, school class or hall of residence group. Kindergarten groups, school classes and hall of residence groups shall be organised in such a manner that the number of children / students admitted to kindergarten groups, school classes and hall of residence groups should not exceed the maximum number of children / students, except for the cases specified in Clauses 7–8 below.
2. Kindergarten groups and school classes have to be organised and maintained for those belonging to a national or ethnic minority even if the parents of eight children / students from the identical minority request it.
3. Children / students with lalopathic or slight mental disabilities or with special educational needs due to the chronic and serious derangement of the cognitive functions or the development of behaviour and children / students struggling with adaptive, learning or behavioural difficulties shall be taken into account as two, children / students with physical, organoleptic or moderate mental disabilities and autistic or multi-disabled children / students shall be taken into account as three children / students when calculating the number of the members of the kindergarten group, school class or hall of residence group, regardless of whether they participate in kindergarten education, school education and teaching or hall of residence education and teaching along with the other children / students or separately. Students participating in coaching shall be taken into account as two students. Those stated in this Clause may not be applied to primary art education.
4. Amalgamated classes may be organised at primary schools, in primary art education and in coaching [Section (8) of Article 27]. Classes may not be amalgamated during the academic year. Amalgamated classes may be organised from the students of three consecutive years at most with the exception of coaching. If education takes place only from years one to four at a school or member school, all the years may be included in the amalgamated class.
5. Classes may be divided into groups. Groups may be organised from students of several classes or years. The maximum number of students in a group is fifty per cent of the number of students in a class.
6. All the compulsory lessons for the school devoted to practical training in case of practical training at secondary vocational schools and vocational schools may be organised in groups consisting of three to six members, i.e., a smaller number of students than prescribed if the practical training requires activities with a small number of students in accordance with the

central programme (curriculum) of vocational training. The minister responsible for the state budget has to be asked to give consent for the specification of activities with a small number of students when issuing the central programme (curriculum) of vocational training. The time allotment of the compulsory curricular activities of groups organised for practical training shall be calculated separately for each group.

7. The maximum number of members specified for kindergarten groups, school classes and hall of residence groups may be exceeded by a maximum of twenty per cent at the initiation of the educational year or academic year if a maximum of two groups are initiated at kindergartens, two classes at schools and two hall of residence groups at halls of residence; the maximum number may also be exceeded if it is justified because a child / student is admitted or taken over during the educational year or academic year, irrespective of the number of classes or groups initiated.

8. The provisions established for the maximum number of students in a class shall not be applied in case of adult education, correspondence education or education taking place in some other particular form.

9. The average number of students /children may be disregarded when organising groups or classes.

10. The time allotment calculated on the basis of Section (7) of Article 52 of this Act shall be divided by two if the number of the students in a class does not attain fifty per cent of the average number of students.