

QUESTIONNAIRE ON PARENTAL RIGHTS IN EDUCATION

BULGARIA

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How does the law, in light of constitutional principles, regulate the legal relationship between school authorities and parents on the following points in the European member states:

Topic 1 primarily examines how the law regulates the legal relationship between school authorities and parents on school choice and admission?

- Can a school for primary or secondary education ask parents to pay fees?

According to the current legislation primary and secondary education in state and municipality schools is free of charge. /State and municipality schools can and do collect fees though for extra-curricular activities, school transport and other services./

Fees for the obligatory pre-school year at kinder gardens are regulated by the Ministry of Education.

Private schools are financed thorough fees from parents. The legal relations between parents and school authorities is written out in a detailed contract, a section of which deals with fees and terms of payment. A sample of the contract is a part of the documents set required for the license procedure in the Ministry of education.

- Can a school refuse parents to register their child? On what grounds?

Yes, on different grounds,

- *Results at entrance exams*
- *The school does not have the facilities and staff to take all the candidates*
- *Restricted quotas for children with specific educational needs or disabilities*

The law says that children can enroll in a state or municipality kinder garden or change it throughout the year if there are vacant places in the one the child applies for. The terms and conditions for enrolment are formulated by the city/municipality councils, or in the education contract in the case of the private kinder gardens.

In the new project the number of groups and the number of children per group is set by the State standard for physical environment.

- Can a child disagree with a parental decision on school choice and be heard to seek governmental review of a parental decision (right of the child to be heard)?

The legal provision is that every individual has the right to choose a school according to personal preference. For children under 14 this right is exercised by their parents.

- Can denominational schools established by parents be legally enforced to teach "alternative worldviews"?

There are no denominational schools in Bulgaria.

There are schools called Spiritual schools /Christian Orthodox schools/. The opening of such schools is initiated by an officially recognized by the state religious institution/community.

- Are parents prevented from homeschooling their children?

Homeschooling by parents does not exist as legal option in Bulgaria. Education is obligatory from the age of 5 to the age of 16. Within this age range educational process can be carried out in state schools, municipality schools, or private schools licensed by the Ministry of education. For children with specific educational needs, sick children, gifted children, active sportsmen, etc. parents can request the above schools to organize an individual programme. The family has to provide official documents to prove the reasons for such a request. Then there is an option for the child not to be present at school but only to sit for exams in the subjects from the school curriculum.

Topic 2 examines how the law regulates the legal relationship between school authorities and parents on the school project?

- What does the school's duty in loco parentis – to stand in the parent's place – essentially mean? Is it interpreted that the rights of parents over their children end at the school door?

Balancing between the student's legitimate rights and the school's interest in maintaining order and discipline has been difficult over the last 20 years in post-communist countries and still is. The new law formulates again the rights and obligations of students leaving a lot of autonomy with the individual school to formulate rules of conduct and validate them through internal organs of management.

Parents have become better informed and less trusting the system recently.

Topic 3 examines how the law regulates the legal relationship between school authorities and parents on the exercise of fundamental rights within the school?

- What are the limitations on the freedom of expression in school, can pupils express worldviews of parents in schools?
- How is in educational environments the respect for the private life of parents regulated?

The new draft pays much more attention to supporting the personal development of children and students, positive organizational climate and effective communication. Each school is obliged to develop an Ethical Code with the participation of the Pedagogical Council, the Public Council and the Student Council.

Protection of family privacy is not discussed in education legal norms.

Topic 4 examines how the law regulates the legal relationship between school authorities and parents on the application of disciplinary measures/ questioning of pupils?

This has been a hot issue for the last 1-2 years. More and more parents are filing complaints with regional Inspectorates and starting law suits against schools about disciplinary measures. In the general case parents win in court.

- What rights do parents have in discipline procedures against their child? Is parental notification part of student discipline procedures?

Parents have the right to be timely informed about the disciplinary problem and the sanctions undertaken. Parental notification is a part of the discipline procedures as an option in the sanction sections of most school regulations.

- Can a child be interrogated by school officials and coerced to give a confession for noncriminal offenses without notification to the pupils and parents that an interrogation is taking place?

According to the new law to start a sanctioning procedure, the headmaster has to first inform parents and in some cases the regional office of the organizations for child protection. In this procedure children under 14 are represented by their parents and students b/n 15 and 18 act on their own but with parent's consent. The student has the right to be heard or to give written explanations. The hearing is done in the presence of a psychologist or pedagogical counsel. Parents have the right to be present.

Topic 5 examines how the law regulates the legal relationship between school authorities and parents on curriculum development?

- Can parents choose which religious instruction their child should follow in school? Or do parents only have the authority to give their children advice about religion? Can parents opt their children out of religious instruction?

By law pre-school and school education is secular. "Imposing of ideological and/or religious doctrines is not allowed". Religious instruction is not a part of compulsory school subjects in the curriculum. Religion can be studied as an optional subject, i.e. subject of choice. Different religious views can be researched and compared in their strictly cultural context.

- Can parents opt their children out of sex education?

Sex education is usually a part of civil and health education which in the school programme are included in the so called "class lesson" /time devoted to issues of interest and importance for the specific class/. These lessons are led by the class teacher who can also invite outside specialists. We do not have experience with families opting their children out of sex education.

- Do pupils have the right to reproductive health information and services, including abortions, without parental knowledge or consent?

There is no legal provision or restriction for this right.

Topic 6 examines how the law regulates the legal relationship between school authorities and parents on the quality of education?

- What legal procedures exist for the parents to submit a complaint for failure in provision of quality education to their child?

Parents can file a complaint in the regional Inspectorate of Education or the Ministry of Education.

- What is the responsibility of the school towards parents in case of failure to provide quality education?

Here the definition of quality education is of crucial importance. If it is read as compliance with legal requirements, there are number of legal measures that are taken in case of proven failure to provide quality education. Upon receiving a parent complaint or following their annual inspection plans, the Ministry of the Regional inspectorate orders a partial or a full inspection of the school. If there is evidence that the school does not follow legal requirement, it is subject to sanctions. The Minister of education has the right to close down a school in case of radical failure to meet legal requirements.

In the new law draft there is a completely new entity called Public Council defined in a separate chapter. "The Public Council is an organ supporting the development of the kinder garden/school and exercising civil control over their management." It consists of 1 representative of the city/municipality council or the respective financing body, min 3 parents and optionally a representative of the student council. Every school is obliged to create such

a council elected for a period of three years. The PC approves of the strategy for development of the school, takes part in the work of the Pedagogical Council, offers measures for improving quality, gives opinion on budget allocation, approves of the school curriculum, takes part in headmaster assessment, signals to the competent controlling organs if breach of any legal norms is observed, takes part in drawing up the Ethical Code of the school.

A school or a group of parents can still initiate a Parents Organization registered as a non-profit organization with mostly supportive functions. It is seen as optional in the new draft of the law.

Topic 7 examines how the law regulates the legal relationship between school authorities and parents on the evaluation of educational performances?

- What legal procedures exist for parents to submit a complaint against the evaluation of educational performances of their child?

Parents can file a complaint in the regional Inspectorate of Education or at the Ministry of education. If children rights have been threatened parents can also quote the stipulations of the Law for Children Protection and complain in front of one of the controlling organs under this law.

To sum up

Right now we are between laws. Preliminary discussions and consultations indicate that we shouldn't expect radical changes in the texts published on the official site of the Ministry. The new law will definitely be a serious step ahead. Yet it is only a broad legal frame. The next really important step is to see how this law will become operations. The practical management of the whole school education system will be run by 17 obligatory state educational standards. The standards are actually the living tissue of this law. BAPS has representatives in many of the ministry working groups for the standards and we know debates are severe there. We also very quickly need to gain competence in good practices around Europe of the subsidy mechanisms. The subsidy will become operational from 2014. In the meantime existing schools will have 1 year to undergo legal transformation /also risky and costly/.

On the other had common sense whispers that until the law is passed we are far from celebrating. Opposition to change is powerful from government, parliament, syndicates, society.