

**QUESTIONNAIRE IN PREPARATION OF THE SEMINAR ON PARENTAL RIGHTS IN EDUCATION
CZECH REPUBLIC
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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?**

The rights of citizens and the obligations of the State with regard to education were laid down in the Charter of Fundamental Rights and Freedoms (the constitutional law). First and foremost it guarantees the right to education, i.e. 'free education at basic and secondary schools and according to a citizen's abilities and society's possibilities also at higher education institutions'. Other declared basic obligations (e.g. compulsory school attendance) and rights (e.g. the right to free choice of profession and preparation for it) are derived from the respective legislation.

The Act also regulates administration – the legal status of public and private schools, their establishing (if need be, disestablishing), registration, financing, status and the responsibilities of different levels of administration, e.g. municipalities, regions, and the Ministry of Education, Youth and Sports, or other relevant ministries.
- **Private and denominational schools are free to charge fees, although denominational schools do not usually do so. There are not any regulations on the amount of fees.**

Private schools receive a state contribution towards their running costs from the Ministry of Education through the regional authorities. Capital expenditures are covered from school fees and other private sources. Public funding makes up the larger part of their overall resources. Per capita amounts for individual types of private schools and educational programmes are set annually by the Ministry of Education based on the Act on Providing Subsidies to Private Schools, the Act (No. 306/1999).
- **Education at public and state basic schools is free of charge.**

Pupils completing compulsory schooling obtain textbooks approved by the Ministry of Education free of charge. Pupils of the first grade and in preparatory classes do not return the textbooks. Apart from textbooks, they also get basic school aids according to a defined extent.

Parents contribute:

 - to the additional requirements of pupils within the framework of the curriculum, some other teaching materials, courses outside the school (swimming, skating, skiing) and school camps in rural environments;
 - outside the curriculum to meals that are largely subsidised, to school clubs (i.e. school facilities providing general interest activities) and special interest courses.

Evaluation of private and denominational schools is carried out by the Czech School Inspectorate under the same rules as for public schools.
- **Can a school refuse parents to register their child? On what grounds?**

Practically not. Basic schools accept pupils who have reached 6 years of age by 1 September of the year in question. The maturity of pupils is assessed during their enrollment to school. If a pupil is not considered mature enough to attend school, he/she continues to attend either a nursery school or a preparatory class.

Preparatory classes are established within basic schools. These classes have fewer children, each child is given individual tuition and teachers can use the help of the teacher's assistants. Around 2 % of pupils move into compulsory education from these

classes. Children turning 6 between the beginning of the school-year and the end of the calendar year can be admitted if they are sufficiently mature, physically and mentally, and if their legal guardian applies for admission. Pupils complete their compulsory schooling in the relevant catchment area, unless their parent (or their legal guardian) chooses another basic school.

The prerequisites for admission to upper secondary school are the successful completion of compulsory school attendance (or possibly completion of basic education without completing compulsory school attendance) and meeting the entrance requirements (which may include an entrance examination or an aptitude test). For admission to the first year of secondary school, the school head announces at least one round of enrolment proceeding, the number of other rounds is not limited. In the first round, the pupils may apply to two secondary schools of their choice. Applicants who receive a decision on admission must confirm their intention to study at the particular school by a registration form, at the latest, 10 days from receiving the decision. Criteria on which a pupil is accepted or rejected by a school head of secondary school may result from preceding education outcomes expressed in school reports, entrance examination or aptitude test results, if such an examination is included.

- **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 law stipulates that children under 18 years are under the parental authority of their parents. That also means that the parents are allowed to take all decisions regarding the upbringing of their children under this age. It is according to this law that parents have to decide in which school their minor children are enrolled. Fortunately, also in Cz. Rep. most parents involve their children in the school choice! If parents and children disagree on this decision, the choice of the parents will be decisive.

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

I do not know if there exist any denom. schools established by parents in the Cz. Rep. The State is denominationally neutral and freedom of religion is guaranteed. The number of people practicing a religion is one of the lowest in Europe. 32 % of inhabitants declare themselves to be believers; there are 21 registered churches and religious societies. Over 83 % of believers belong to the Roman Catholic Church (over 26 % of the population), with 7 % believers (2.2 % of the population) belonging to the two biggest Protestant Churches. Denominational schools and school facilities receive funds directly from the Ministry of Education to cover their non-investment costs, which are based on the same funding formula as for public schools. Religious education can be taught in accordance with the principles and objectives of education. Religious education is taught as a non-compulsory subject at schools established by a municipality or a union of municipalities, if at least seven pupils of the school request it.

- **Are parents prevented from homeschooling their children?**

Parents are not prevented from homeschooling their kids, some do it. They can opt for home education and have to communicate this to the Ministry of education and the principal of the primary school where the child is registered. Very small number of parents choose for home education.

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?**

No, the role of parents as the main educators cannot be replaced by school as an institution

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?**

There is an obligation for any teacher to keep a secrecy. That means he/she is obliged to discretion but he should inform the principal or headmaster or the school counselor for other problem solving.

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

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

They are involved, of course.

- **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?**

Yes.

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?
- Can parents opt their children out of sex education?
- Do pupils have the right to reproductive health information and services, including abortions, without parental knowledge or consent?

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 appeal the school head, school boards and the Cz. School Inspectorate as the key institution of the state administration in education. It falls within the responsibility of the Ministry of Education. It is responsible for studying and evaluating the results of education, the quality of professional and pedagogical management, working conditions, teaching materials and equipment for public legal auditing, the use of the funds from the state budget and monitoring the observance of generally binding regulations.

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

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?**
The school board and principal should be appealed again.