

QUESTIONNAIRE IN PREPARATION OF THE SEMINAR ON PARENTAL RIGHTS HUNGARY

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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?

Independent schools do have the right to do this. Public and municipal-maintained education is free in principle, in practice though almost every school runs with a supporting foundation operating beside it, into which smaller or bigger amounts are – traditionally or advisably – to be paid.

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

All public and municipal schools have certain geographic areas of operation. Within the area they are not allowed to turn any student down, but they have the right to reject children living outside the area; in these cases it may refer to the lack of free places etc.

Independent schools don't have this limitation: they have the right to only accept children whose families think in accordance with the schools principles, pedagogical and psychological goals.

- 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 child is underage up to their 18th birthday. In a legal sense underage children don't have the ability to make decisions on their own.

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

I have no information.

- Are parents prevented from homeschooling their children?

There are certain possibilities open for Hungarian citizens from this aspect. There is no curriculum for homeschooling though. Parents may educate their children as private students at home. In order to do this, the child must be enrolled to a free-picked school where he needs to pass half-annual exams on every subject. Any and every parent has the right for this; the necessary legal procedure is a mere formality. It is the parent's right to teach anything besides the official curriculum of course, as is to progress in a faster – but not slower – rate. It is not regulated how, using what methods the parent teaches.

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 school does not have legal rights over the child. It is the parent's exclusive right to represent the child.

- What rights do pupils and parents have over their children?

The parental rights and duties towards the school are regulated by the law LXXIX, 1993. It also regulates the process of legal remedy in cases of derogatory or otherwise problematic measures.

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?

In independent schools, absolutely. Public schools are more rigid from this aspect too, and there is no legal regulation to prevent this.

- How is in educational environments the respect for the private life of parents regulated?

I have no information on this topic.

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?

The parent may and is advised to attend every disciplinary procedure against their child. The school must notify the parents if any disciplinary action comes to be necessary.

- 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?

No.

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?

The parent has the right to ask for religious education for their child, even in public educational institutions.

- Can parents opt their children out of religious instruction?

Yes.

- Can parents opt their children out of sex education?

If it is part of the curriculum, no.

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

Information: yes.

Services: no.

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

Quality education

Parents have the legally guaranteed right for quality education for their children. According to this, they also have the right to require any educational institution (pre-, primary and secondary schools, boarding schools etc.) to provide knowledge and information in an objective and all-round manner in their pedagogical programs and activities.

Suggestions and observations

Parents have the right to make suggestions and observations concerning school decisions and policies in a written form. The school-management is bound to examine all suggestions and reflect to it within 15 days.

Legal remedies against school decisions

The educational institution reports its decisions concerning the student in writing. The decision is legally binding if no appeal is submitted within the period of time given for this action. The parent has the right to submit appeal against any decision concerning the student within 15 days of the original report. Evaluation of diligence, behavior and school achievement is exceptions from this. These exceptions lose their legal ground in case the school submits the evaluation in a way that is not in accordance with the schools own or any central regulations concerning evaluation processes.

Request for re-evaluation may be submitted in two ways: based on a personal grievance or based on infringement of lawful rights. Different courses of action shall take place in both cases.

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?

See as above.

Concluding topic: What are special difficulties within the present legal norms of educational relations in the member states?

The strongly right-winged government reigning today in Hungary is working on the centralization of education. It aims to uniform every institution in which any educational work is being done. It is submitting a centralized curriculum from which any deviation shall be prohibited, making internationally proven alternative ways of teaching (e.g. Waldorf-method, Rogers-method etc.) impossible to survive. It seems that the eventual goal of this government is to gain absolute control over the area of education in Hungary.