

Act LXXIX of 1993 on  
Public Education

(The text is finalized as of December 31, 2001 with the modifications effected in the meanwhile)

The Parliament passes the following Act for the purpose of ensuring the possibility to exercise the right for education provided for in the Constitution of the Republic of Hungary based on equal opportunities, the prevalence of freedom of ideological conviction and religious freedom, the prevalence of patriotic education in public education, the implementation of the right of national and ethnic minorities for education on their mother language, the enforcement of academic freedom, the freedom of teaching and education, the definition of rights and obligations of children, students and employees of public education, and for directing and operating a public education system which provides up-to-date knowledge:

CHAPTER I.

GENERAL PROVISIONS

Scope

Section 1.

The scope of this Act extends to education in kindergarten, education in school, education in residence halls, and the related service and management activity, independent of the type of organization or institution or the maintainer of the institution.

Principles

Section 2.

(1) Public education includes education in kindergarten, education and teaching at schools, and education in residence halls. The school may participate in the implementation of the tasks of vocational training based on the provision of the Act on Vocational Education. The kindergarten, school and residence hall may participate in the training of teachers and continuing education of teachers as specified in this act.

(2) Everyone may receive education and teaching in public education institution – in compliance with the provisions of this act.

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

(4) The kindergarten, school, residence hall is responsible for the physical, intellectual, emotional development of children, for the establishment and development of community of children and students – in the frame of performing tasks provided for in this act. Therefore the school shall

a) cooperate with the parent for the development of the personality of children and students, for releasing their abilities,

b) perform education and teaching tasks in cooperation with the parents for the establishment and development of community of children and students,

c) prepare students for the family life and family planning.

Section 3.

(1) In compliance with the provision of this act public education has the following institutions which are professionally independent units: the kindergarten, education and teaching institution which provide qualification or vocational certificate and the primary art schools and residence halls.

(2) Public education institution may be established and maintained by the state, the municipality, the local ethnic municipality, the national ethnic municipality, church legal entity registered in the Republic of Hungary, and business entities, foundations, associations which are established and seated in the territory Republic of Hungary, and natural private individuals on the condition that the above entities have obtained rights to pursue such activity based on the provisions of the law. Natural private individuals may establish and maintain public education institution as private entrepreneur.

(3) The state shall ensure free and obligatory primary school in the frame of institutions maintained by the state and municipalities, and in the frame of performing governmental and municipal tasks.<sup>18</sup> In compliance with this act, education in kindergarten and the special pedagogical services which supplement school education and teaching, education and teaching at secondary grammar school, secondary vocational school, vocational school, a vocational school, and the residence hall services are free of charge.

#### Section 4.

(1) In course of performing tasks in the area of state and municipal education and teaching shall respect the rights of parents or the guardian (hereafter referred to as: parents) to provide education and teaching in compliance with their religious and ideological conviction to their children. The parent shall exercise this right with regard to the interest of the children, taking their right for freedom of thoughts, conviction and religion into consideration depending on the age and maturity of the child.

(2) The state and municipal education and teaching institution may not be committed to any religion or ideology. The pedagogical program of the governmental and municipal school has to ensure the factual and multilateral provision of knowledge, religious and ideological information. The educational and pedagogical program, the operation, the activity and management of the governmental and municipal education and teaching institution may not express opinion about the truth of any religious and ideological teaching, they have to remain neutral in religious and ideological issues.

(3) The school has to ensure the teaching of basic moral knowledge. The curriculum of the governmental and municipal schools has to include the factual and unbiased presentation of moral and cultural content of religion.

(4) The governmental and municipal education and teaching institutions has to allow that children or students may participate in voluntary faith and religion teaching organized by church legal entity. The church legal entity may organize faith and religion education in the kindergarten on the basis of the demand of the parents, in the school and in the residence hall on the basis of the demands of the parents and the students. Faith and religion education in the kindergarten may be organized in segregation from the kindergarten programs, taking the daily routine of the kindergarten into consideration. Faith and religion education may be organized in the school in conformity with the obligatory school program. The content of faith and religion education, the employment and supervision of the faith and religion teacher and the direction activity related to faith and religion education, with special regard to organizing the application for faith and religion education, the issuance of progress reports and certificates, the supervision of lessons is to be performed by the church legal entity. The school, residence hall or kindergarten is obligated to provide the necessary material conditions of faith and religion education based on the background available at education and teaching institution, with special regard to regular utilization of rooms and the condition necessary for application and operation. The employment of religion teacher employed by church legal entity is not subject to Section 17 of this act. The kindergarten, school or residence hall shall cooperate with the relevant church legal entity in course of performing the optional faith and religion educations organized by church legal entity.

(5) The state has to provide a legal opportunity for the establishment of non-governmental, and non –municipal kindergarten, schools and residence halls. However, the state and municipality is not obligated to establish and maintain such kindergarten, school and residence hall.

(6) The government provides subsidy to the maintainer of the institution of non governmental and non municipal institution for the performance of public education activity as defined by the annual act on central budget. The municipality or the government may provide supplementary funding in addition to the budget funds if the non governmental or non municipal public education institution performs activities of the government or the municipality – based on the agreement regulated by this act. No budget funds shall be paid to the maintainer of institutions of practical training of vocational schools of the education system if the maintainer of the institution is obligated to provide vocational contribution.

(7) In public education any kind of negative differentiation is forbidden for any reason, especially with regard to the colour, national, ethnic relations, gender or political standpoint or dissenting opinion, ethnic or social origin, property or revenue position, age, lack or restriction of legal capacity, birth or other situation of the child or the parents or with regard to the maintainer of the institution or the education and teaching institution.

#### Section 5.

The language of the kindergarten education, school education and teaching, education in residence hall is Hungarian, or the language of the national or ethnic minorities. Children and students of the national or ethnic minorities may receive teaching and education on their mother language and Hungarian language or in Hungarian language in kindergarten, school and residence hall based on the provisions of the act on the rights of national and ethnic minorities. Education and teaching may be performed partly or fully in any other language.

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<sup>18</sup> Act XX of 1949.

## A compulsory education

### Section 6.

(1) In the Republic of Hungary - as specified by the provisions of this act – every child shall have the following obligations:

(2) If the child reaches the status of development which is adequate for starting school, the child shall be obligated to participate in academic education from the year in which the child fills the sixth years of age before May 31. At the request of the parent the child may become subject to compulsory education even if the child fills the sixth years of age before December 31.

(3) Compulsory education lasts until the end of the academic year, in which the student fills the 16<sup>th</sup> years of age. The compulsory education of students with physical, sense organic, intellectual, verbal and other disability may be prolonged to not later than the end of the academic year when such student fills the 18<sup>th</sup> years of age.

(4) The head master may decide in the following issues:

a) the beginning of compulsory education, on the basis of the advice of the kindergarten, or if the child has not attended a kindergarten or any other school preparation program in the frame of kindergarten education, then on the basis of the education advisor, or, in case of students with physical, sense organic, intellectual, verbal and other disability on the basis of advice of the panel of specialists or rehabilitation committee or national committee for specialists or rehabilitation committee;

b) prolongation of compulsory education, based on the advice of the teaching staff or the panel of specialists or rehabilitation committee or national committee for specialists or rehabilitation committee.

(5) Compulsory education of children who started the first grade of the primary school in the grade of 1998/99 or after, shall be prolonged by two years until the end of the academic year when the student fills the 18<sup>th</sup> years of age, or the compulsory education may be prolonged until the end of the academic year when the student fills the 20<sup>th</sup> years of age.

(6) After filling the 16<sup>th</sup> years of age the student who has taken a secondary school leaving examination or obtained any vocational qualification which is acknowledged by the state, or has become a major by means of a marriage or provides for his/her own child may not be obligated to participate in compulsory education any longer. An application has to be presented in this respect – with the exception that the student has become major – jointly with the parent. The application shall be acknowledged by the head master in writing.

### Section 7.

(1) Depending on the choice of the parent the compulsory education may be performed by attending school or as private student.

(2) If the head master is on the opinion that it is disadvantageous for the student to fulfil compulsory education as private student, or it may not be expected that the studies shall be finished as private student, than the head master has to inform the head of public administration of the municipality of the permanent location of the student. The head of public administration shall decide on how the student should fulfil its compulsory education.

(3) compulsory education may be fulfilled in primary school and from the fifth grade in secondary grammar school. compulsory education - unless otherwise provided for by the law – may be fulfilled from the ninth grade in secondary vocational school and vocational school.

## The pedagogical phases of education, requirements and the system of state exams

### Section 8

(1) The phases of the work in education and teaching institutions are the following:

a) kindergarten education phase,

b) primary education and teaching phase,

c) secondary education and teaching phase (paragraph b)-c) hereafter referred to jointly as: phase of school education and teaching for establishing the basics of general knowledge],

d) education and teaching phase for obtaining vocational qualification.

(2) The kindergarten education phase starts at the age of three of the child, and – unless otherwise provided for by the act – lasts until August 31 of the year in which the child fills the seventh years of age.

(3) The primary education and teaching phase starts in the first grade, and lasts until the end of the eighth grade. The primary education and teaching phase is divided into two parts: the phase from the first year until the fourth year, and the phase from the fifth year until the end of the eighth year.

(4) Secondary education and teaching phase starts from the ninth grade and lasts until the 10<sup>th</sup>, 12<sup>th</sup> or the 13<sup>th</sup> grade depending on the type of the school.

(5) The education and teaching phase for obtaining vocational qualification starts after the secondary education and teaching phase, and it shall be finished on the grade of the vocational training defined in the National Training List.

(6) The basic principles of education in kindergarten are defined by the national program for kindergarten education in conformity with the rights and obligations set out in Section 4. (1) and Section 10. (1)-(2), and Section 13 of this Act.

(7) The education in kindergarten is performed on the basis of the national program for kindergarten education. The national program for kindergarten education is issued by the Government.<sup>1</sup> Before presenting the national program for kindergarten education to the Government the advice of the National Public Education Council and the Public Education Policy Council have to be obtained, and in issues related to the education of national and ethnic minorities in kindergarten the consent of the National Minority Committee has to be obtained.

(8) In the phase to establish general education the substantial uniformity of the school education and teaching and the possibility to shift from one type of school to the other are ensured by the framework curricula<sup>2</sup> which are included in the National Curriculum and divided to different areas of education.

(9) The National Curriculum<sup>3</sup> defines the obligation and common objectives of education in the first phase which is supposed to establish general education of knowledge, skill and ability based requirements in compliance with the rights and obligations of the preamble and Section 4 (1)-(3), Section 10 (1)-(3) and Section 13 of this act.

8/A. (1) The National Curriculum includes the following:

- a) education and teaching of national and ethnic minorities,
- b) The specific curriculum requirements of education and teaching of students with physical, sense organic, intellectual, verbal and other disability.

(2) The framework curriculum includes the following items:

- a) The objective, content of education and teaching, the system of courses, the defined obligatory and common requirements of education and teaching, the number of lessons necessary for learning the syllable in the framework curriculum and the number of lessons necessary for the performance of the requirements, and the rules of divergence from the framework curriculum,
- b) the obligatory and freely available time frame for the performance of the syllable in conformity with the local education and teaching and for fulfilling the requirements, and the rules of using the above detailed time frame,
- c) in case of the schools participating in national and ethnic minority education the substantial requirements for the minority education and teaching.

(3) The different framework curricula define the requirements of the general knowledge subjects for the phases of the primary education between the first and the eighth grade and the requirements of the general knowledge subjects between the ninths and the thirteenth grade in compliance with the school type. Several framework curricula may be issued for the education phases of education and teaching in different school types.

(4) The education work of the school may be organized on the basis of several framework curriculum.

(5) The education is performed on the basis of the teaching program. The teaching program includes the education program and the local curriculum, and the vocation program in schools which also participate in vocational training.

(6) The National Curriculum is issued by the government. Before presenting the National Curriculum to the government, the advice of the National Public Education Council and the Public Education Policy Council has to be obtained, and in issues related to the education and teaching of national and ethnic minorities the consent of the National Minority Council National Minority Committee shall be obtained.

#### Section 8/B

(1) The kindergarten providing national and ethnic minority kindergarten education and the school providing school education and teaching shall apply the provisions in Section 8 (2)-(9) Section 8/A (1)-(4) with the difference that the kindergarten education program and the preparation of the local school curriculum takes the policies of the education of national and ethnic minorities in kindergarten and the education and teaching of national and ethnic minorities in school<sup>4</sup>. The policies are issued by the Minister for Education with the consent of the National Minority Committee, after requesting the advice of the National Public Education Council and Public Education Policy Council.

(2) In bilingual schools the provisions of Section 8 (2)-(9) and Sections 8/A. (1)-(4) shall be applied with the difference that the preparation of the local curriculum shall take the policies for the bilingual school also into consideration<sup>5</sup>.

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<sup>1</sup> Government Decree No. 137/1996. (VIII. 28.)

<sup>2</sup> Decree of the Minister of Education No 28/2000. (IX. 21.)..

<sup>3</sup> 130/1995. (X. 26.) Government Decree No.

<sup>4</sup> Decree of the Minister of Education and Culture No. 32/1997. (XI. 5.)

<sup>5</sup>.Decree of the Minister of Education and Culture No. 26/1997 (VII. 10.)

(3) The kindergarten for the education of children with disability and the school for the education of children with disability shall apply the provisions of Section 8. (2)-(9) and Section 8/A. (1)-(4) with the difference that the guidelines for the education of the disabled are taken into consideration for the preparation of the education program of the kindergarten and the local curriculum of the school, and the guidelines of the curriculum for the education of disabled students<sup>6</sup>. Based on the guidelines for the education of the disabled children in kindergarten and based on the curriculum guideline for the education and teaching of the disabled students the kindergarten education and school teaching and education of deaf children may also be performed in sign language.

(4) Education halls shall prepare the teaching program in compliance with the national basic program of residence hall education. The national basic program of education in residence hall shall include the tasks related to cultural and mother language education of national and ethnic minorities.

(5) With regard to the education in primary art schools the provisions of Section 8/A. and paragraph.(1)-(4) of Section 8/B. – with the exception of paragraph (5) of Section 8. may not be applied. Paragraph (5) of Section 8/A may be applied in primary art schools with the difference that the local curriculum is based on the art teaching requirements and curriculum defined by the Minister for Education by each branch of art<sup>7</sup>. The branches of art are the following: music, dance, drama and puppet art.

(6) The guidelines and curriculum program regulated by paragraph (1)-(5) is issued by the Minister for Education after requesting the advice of the Ethnic minorities and the Public education policy Council.

(7) The framework curricula are issued by the Minister for Education after requesting the advice of the National Public Education Council and the Public Education Policy Council, and – in relation to issues of education of national and ethnic minorities – after requesting the consent of the National Minority Committee. The framework curriculum and the requirements of the examination of basic education and the requirements of secondary school leaving examination have to be in conformity.

(8) In the phase of preparation for vocational qualification the education is performed on the basis of the teaching program of the school. Act LXXVI of 1993 on Vocational Education regulates the central program (curriculum) of vocational courses (hereafter referred to as central program (curriculum)). The central program (curriculum) may define the vocational preparatory courses – with the consent of the Minister for Education.

(9) The schools, uniform schools and secondary grammar schools with six or eight grade with alternative teaching requirements and methods may divert from the provisions of Sections 8/A. (2)-(3) as defined in the framework curriculum. The school which teach students with mental disability may divert from Section 8/A. (2)-(3) based on the provisions of Section (3).

## Section 9.

(1) The examination of basic education and the secondary school leaving examination are examinations organized by the state, which have to be held on the basis of uniform examination requirements all over the country (hereafter referred to as central examination requirements). The central examination requirements of the secondary school leaving examination have to be defined on the basis of the requirements of the examination regulation. The requirements of the examination of basic education and the secondary school leaving examination may be supplemented by local examination requirements of the school – as defined by the examination regulation of the local curriculum. The central examination requirements has to be defined and announced by the state. The examination – unless the regulation of the secondary school leaving examination regulates otherwise – is organized by the school. The verbal exams are publicly accessible. The publicity may be restricted or excluded by the chairman of the examination committee if it is required for maintaining the order of the exam. The examination may be performed on the teaching language – in Hungarian or on the language of the national and ethnic minorities or any other foreign language. The candidates may look into the written examination - as defined by the examination regulation, and may attach its opinion about the evaluation.

(2) The organization, the implementation, the requirements of the subjects, the evaluation of the performance of the candidates, the application for the exam and the administration of the examination of basic education<sup>8</sup> and the secondary school leaving examination<sup>9</sup>, are defined by the examination rules of the examination of basic education and that of the secondary school leaving examination. The examination regulation of the secondary school leaving examination is issued by the Government in a Government Decree. Before presenting the examination regulation of the secondary school leaving examination the advice of the National Public Education Council and a Public Education Policy Council have to be obtained, in matters related to school education of national and ethnic minorities the consent of the National Minority Committee has to be obtained.

(3) During the period of the status of student the student may take an examination of basic education after performing the requirements of the tenth grade and a secondary school leaving exam after the twelfth grade –

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<sup>6</sup> Decree of the Minister of Education and Culture No. 23/1997 (VI. 4.)

<sup>7</sup> Decree of the Minister of Education and Culture No. 27/1998. (VI. 10.)

<sup>8</sup> Decree of the Minister of Education and Culture No. 24/1997. (VI. 5.)

<sup>9</sup> Government Decree No. 100/1997 (VI. 30.)

unless the provisions of the examination regulation of the secondary school leaving examination, and a secondary school leaving exam after the thirteenth grade in the school where the student has finished its studies which are required for the application for the examination.

(4) After the termination of the student status the student may take examination of basic education and/or secondary school leaving examination at any school which is entitled to issue certificate, or in any public education institution which operates examination committee as defined in the examination regulation of the secondary school leaving examination with the conditions effective as of the date of the examination.

(5) On the secondary school leaving examination the student gives account of his/her knowledge of obligatory and facultative subjects. The following subjects are deemed obligatory: Hungarian language and literature, history, and the literature and grammar of the mother language for the students participating in national and ethnic minority education, and – unless the act otherwise regulates – mathematics and – with the exception of the students participating in national and ethnic minority education – foreign language. Students may take examination at different requirement levels in the different subjects of the secondary school leaving examination.

(6) If the student has started examination but has not finished and the requirements of the examination has not changed – unless the legal rules otherwise regulates -, the student may not take repeated examinations of the subjects that he/she has given an account of his/her knowledge.

(7) The certificate based on the examination of basic education certifies the knowledge and skills of general education. The certificate on passing the examination of basic education entitles the holder to sit for examinations on vocational education and to fill certain positions and perform certain activities which are conditioned upon such certificate.

(8) The school leaving examination certifies secondary qualification, and – in compliance with the Act on Higher Education – entitles the holders of the certificate of passing the school leaving examination to admitted to higher education institutions and to participate in vocational education, and to fill certain positions and perform certain activities which are conditioned upon such certificate. The higher education institution may not require the candidate to sit for an entrance examination in the subject that the candidate has taken a secondary school leaving examination at a higher requirement level in the year when the candidate has taken the school leaving examination. The candidate may request to participate at the entrance examination.

(9) The vocational examinations organized to get qualifications in vocations listed in the National Training List are organized by the state. The student may take a vocational examination after fulfilling the requirements of the last year of the vocational training as provided for in Sections (3)-(4) and (6) of this Act. The relevant legal rules on vocational education regulate the definition of the vocational and examination requirements of the vocational training and issuing the qualification, the possibility to take such examination after the termination of the student status outside the education system, organizing the vocational examination and issuing the certificates on vocational qualification.

(10) The Committees of the examination of basic education, secondary school leaving examination and vocational examination may use a circular stamp which include the Coat of Arms of the Republic of Hungary.

## CHAPTER II.

### RIGHTS AND OBLIGATIONS OF CHILDREN, STUDENTS AND PARENTS

#### Rights and obligations of children and students

##### Section 10.

(1) The children and student are entitled to be educated and taught in safe and healthy environment of education institution, the daily routine of the kindergarten, the education order of the school shall be organized with the insertion of breaks for leisure, physical exercises, sporting and eating, in conformity with the age and development state of students.<sup>19</sup>

(2) the personality, human dignity and rights of children and students shall be respected, and protection has to be provided against physical and spiritual violence. Children and students may not be subject to physical admonishment, torture, cruel and humiliating punishment or treatment.

(3) Children and students are entitled to

- a) receive education and teaching in conformity with their abilities and interest, continue studies in conformity with their abilities and participate in art teaching in order to discover and develop talents;
- b) receive education and teaching in conformity with their national and ethnic status;

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<sup>19</sup> Act LXIV of 1991.

- c) receive factual and balanced information and knowledge during the participation of the pedagogical program of governmental and municipal education;
  - d) in case of attending non governmental, and non municipal education and teaching institution have access to kindergarten, school and residence hall services, and participating in faith and religion education in governmental and municipal education and teaching institution;
  - e) personality rights, with special respect to the right to release his/he personality, self disposal right, freedom of action, right for family life and private life should be respected by the kindergarten, school and residence hall, however exercising such rights may not restrict others from enforcing such rights of others, and may not endanger the health and safety of him/herself and the peers and the employees of the education and teaching institution, and establishing and maintaining the conditions for enforcing the rights for education;
  - f) participate in discerned provision in compliance with his/her condition, personal abilities – in special care or rehabilitation, independently from the age, and possibility to request assistance from a special teaching service institution.
- (4) The child and the student is entitled to participate in food and teaching material provision in the educational and teaching institution depending on the financial condition of the family and to be released partly or fully from the obligation to pay the costs payable by the children or students in compliance with the provisions of this Act, or to receive permission for the prolongation or partial payment of the costs.<sup>20</sup>

#### Section 11.

(1) Students are entitled especially to

- a) receive provision in residence hall, day care of day study centres;
- b) choose from the facultative subjects and courses;
- c) use the tools and resources available at the school or residence hall and use the facilities of the school and residence hall (library, laboratory, information technology centre, sport and leisure centre, etc.);
- d) participate regular medical check up and provision;<sup>21</sup>
- e) have access to the information necessary to exercises their rights, get information about the procedures for exercising their rights;
- f) participate in the work of the workshops, initiate the establishment of the such workshop, be member of a cultural, artistic, knowledge increasing, sport and other workshops – unless the legal rules otherwise regulate -, and participate in civil organizations outside the school;
- g) with respect to human dignity express opinion about every issue, about the work of the teachers who provide teaching and education; about the operation of the school, residence hall, and to receive information about the issues pertaining to him/her and his/her studies, and to make proposal in the above issues and to ask questions from the directors and teachers of the school, residence hall, from the school board or the residence hall board, and to receive an answer to the question not later than within thirty days after the first next meeting of the school board or the residence hall board;
- h) get respect to the religious or any other conviction or national or ethnic identity and to express such religious or any other conviction or national or ethnic identity with the condition that exercising such right does not violate the same right of others and does not restrict such rights of his/her peers,
- i) get respect for conducting correspondence, and residing in a residence hall, with the condition that exercising such right does not violate the same right of others and does not restrict such rights of his/her peers,
- j) establish quest student status with the condition provided for by the legal rules;
- k) during the studies – within the conditions defined by the framework curriculum, the teaching program and the secondary school leaving examination –choose subjects to study, and, if possible, to choose the teachers to learn from.
- l) in case of the violation of the rights - with the conditions provided for by legal rules – initiate a procedure or resort to publicity;<sup>22</sup>
- m) personally or by means of representatives – with the conditions provided for by legal rules – participate in making decisions affecting his/her interests and participate in the direction of the education institution;
- n) study as private student, and to request exemption from participation from courses;
- o) at his/her request – with the conditions of the procedure provided for by the legal rules – give an account of his/her knowledge in front of an independent examination committee;
- p) request its acceptance to another similar or different type of education institution;
- r) continue his/her studies without repeating a grade or the obligation to take examination for admission to the next grade even if there is no school in the neighbourhood of the student which could provide education and teaching until the termination of the compulsory education of the student;

<sup>20</sup> Act III of 1993; Decree of the Minister for Social and Health Care No. 17/1990. (V. 8.).

<sup>21</sup> Act CLIV of 1997; Decree of the Minister of Welfare No. 26/1997. (IX. 3.)

<sup>22</sup> Act I of 1977; Act LIX of 1993, Decree of the Minister of Education No. 40/1999. (X. 8.)

- s) be candidate for election of student representative bodies;
  - t) turn to self government of the students for interest representation and for requesting remedy for the breach of the rights set out in this act;
  - u) receive social grant - or social subsidy if justified - at the request of the student.
- (2) The student of the secondary vocational school, vocational school and vocational school are entitled to the same interest representation and labour protection in the practical training as provided for in the Labour Code [Section 18, 19, 21, 22. (1)-(2), Sections 24. (1), Sections 26-27. Section 102. (2) and paragraphs b)-c) Section (3), Section 128. (2) of the Labour Code]. The employment of the student should also be subject to the application of Section 104. (1)-(4), Section 124. (1), Section 125. (1)-(2) and the legal rules for labour protection. The student may initiate legal dispute for the enforcement of the demands in relation to the practical training pursuant to the provisions of the Labour Code (Section 199-202). IN the application of these provisions the employer shall be the organizer of the practical training, the employee shall be the student, and the employment shall be the student status, and the trade union shall be the trade union of the student.<sup>23</sup>
- (3) The student participating in vocational training is entitled to benefits and discounts pursuant to the legal rules for vocational training. The benefits and discounts shall be ensured by the organizer of the practical training.<sup>24</sup>
- (4) If the student of the secondary vocational school or the vocational school participates in practical training on the basis of the study contract, then the provisions of the Act on Vocational Education shall be also applied for the settlement of the student status.
- (5) The organizer of the vocational training shall take a liability insurance for the student participating in vocational practical training.
- (6) In case of adult student who has the legal capacity to act independently the provisions of this act for rights and obligations of the parents shall be applied. If this Act or the decree for the enforcement of this Act provides for any right or obligation for the parent, the organization of parents (parents' community) or the representative of the parents, then the rights and obligations shall be effective on the student of major age – with the exception of the delegation of members to the school board - the self government of students and the representative of the student. If the major student does not have own revenues, and lives in the same household with the parent, then the parent shall also be informed about the decisions related to the termination of the student status, the membership in residence hall, the study obligation and payment obligations, and decisions related to the residence hall.
- (7) Rights and obligations outlined in this Act shall be exercised in compliance with their intention. Special attention shall be paid for enforcing the rights of children and students with regard to exercising the rights provided for in this Act. The rights shall be deemed to violate the intention of the Act if it is intended to restrict rights in this Act, in the Act on Vocational Education and in the decrees for the enforcement of such Acts, restrict the opportunities for interest representation, repress the expression of opinion, restrict the rights to get information or leads to such actions. The unlawful exercising of the law shall be abandoned with immediate effect, and the unfavourable effect shall be remedied in the procedure outlined in this Act or in the Act on Vocational Education. If the situation cannot be clarified, then the decision shall favour the child or the student.

## Section 12.

The student is obligated especially to

- a) participate in the obligatory and facultative courses and vocational training programs;
- b) fulfil its education obligations – with regular work and disciplined behaviour, in compliance with their abilities;
- c) comply with the order of the school at courses and outside courses, residence hall programs, the order of using the rooms of the school and the residence hall and the area connected to the school and residence hall, the order of practical training, the provisions for using the school and the residence hall;
- d) take care of his/her own physical welfare and health and those of the peers, learn and apply the knowledge for the protection of the health and security, and immediately report to the supervising teacher or any other employee if any condition endangers the child or student or the peers, or any accident has taken place or if the child or student has suffered an accident and the condition allows to do so;
- e) retain and handle in compliance with the instruction the tools used in course of the education, take care of the facilities and accessories of the school;
- f) respect the human dignity and rights of managers, teacher, employees and fellow student of the school and the residence hall.

## Rights and obligations of parents

<sup>23</sup> Act CXIII of 1993; Decree of the Minister for Education and Culture No. 5/1993. (XII. 26.); Government Decree No 89/1995. (VII. 14.).

<sup>24</sup> Decree of the Minister for Education and the Minister for Education and Culture No. 9/1993. (XII. 30.).



Section 13. (1) The parents are entitled to freely choose the education and education and teaching institution. On the basis of the right to choose education, education and teaching institution the parent may choose a kindergarten, school or residence hall in conformity with the abilities, interest religious or other conviction, national and ethnic status.<sup>25</sup>

(2) the parents are entitled to choose a non governmental institution and non municipal teaching and education institution, and – subject to the provisions of this act – participate in the establishment of non governmental and non municipal kindergarten or school or establish such non governmental and non municipal kindergarten or school.

(3) The parent is entitled to require that the information of the education program of the kindergarten and the education and teaching program of the school and residence hall all the information and knowledge shall be transferred in factual and multilateral manner, and that the faith and religion education shall be made possible in the governmental and municipal education and teaching institutions..

(4) The rights of the parent outlined in Section (1)-(3) may not restrict the freedom of thought, ideology and religion of the child. With regard to the development status of the child the parent may determine how the child should exercise the freedom of ideology and religion of the child. From the year of fourteen, the child may exercise the right of choosing school in cooperation with the parent – unless the child is unable to act independently.

(5) The parent is entitled to request the help of the mayor of the settlement of permanent living or –in the above is not available – the permanent residence the child to approve that the child may continue studies without having to pass an examination for admission to the next grade or having to repeat the grade if there is no school on the settlement which may ensure school education and teaching until the end of the compulsory education. The parent may request the help of the mayor of the settlement of permanent living or –in the above is not available – the permanent residence to create the conditions for the kindergarten education and school teaching and education of children with mental, sensual, intellectual, verbal or any other disability.

#### Section 14.

(1) The parents are especially entitled to

- a) learn the teaching and the education program and house rules of the institution, and get information about the content of such education program and house rules of the institution,
- b) receive regular and effective information about the development, behaviour, learning progress about the child, and receive education council and help for the education of the child,
- c) the written proposal of the parent shall be read by the manager of the education and teaching institution, the teaching staff, the board of the kindergarten, school board, board of the residence hall or the teacher and to get an answer from the board of the kindergarten, school board, board of the residence hall within not more than thirty days after the first meeting of the board of the kindergarten, school board, board of the residence hall after submitting the written proposal,
- d) request with the conditions defined by the education and teaching institution that the child may take advantage of the voluntary programs, and initiate the organization of such programs,
- e) participate such programs with the consent of the manager of the education and teaching institution or the teacher,
- f) initiate a board of kindergarten, school or residence hall, and participate in the election of the representatives of parent, to vote or to be voted for,
- g) initiate the establishment of the organization (community) of parents, and to cooperate in the operation of such organization
- h) participate in making decisions in the issues affecting him/her or participating in the direction of the education and teaching institution personally or by means of a representative – as regulated by legal rules

(2) The parent are obligated especially <sup>25</sup>

- a) ensure the participation of the child in the kindergarten education for the preparation of the education in school, fulfilling the compulsory education or training obligation,
- b) take the necessary measures for enforcing the rights of children,
- c) make every expected effort for the development of the child,
- d) keep regular contact with the teachers of the child,
- e) promote and help the child to find his/her place in the community, learn the order and routine of the school, residence hall, and to learn the behavioural rules of the life of the community.

### III. CHAPTER

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<sup>25</sup> Act IV of 1952.

<sup>25</sup> Government Decree No. 218/1999. (XII. 28.)

## EMPLOYEES OF PUBLIC EDUCATION

### Employees in public education

#### Section 15.

(1) With the exception of a lecturer, the education in kindergarten, education and teaching in school, education in residence hall, teaching in special service - where children and students have to be directly educated in the position of teacher – may only be performed in public servant position or employment. Teacher may only be employed if they have the qualification required by this act or any other legal rules (hereafter referred to as: teacher). With the exception of a lecturer teacher may not be employed in any other civil status than public servant. The activity of teachers is assisted by specialists and special service staff.

(2) The teaching special services and teaching vocational services - unless the law otherwise regulate - may be performed by specialists with higher qualification.

(3) Education and teaching, special teaching service vocational teaching services are assisted by specialists with higher qualification or specialists with other qualification. The requirements for managers, teachers and the education and teaching and assistance staff are defined by Appendix 1 of this Act.

(4) Other employees participate in performing the tasks of the public education institution in financial, administrative, technical, supporting and other areas.

(5) The characteristic of the work in public education institution is not modified by the circumstance depending on which is the maintainer of the public education institution.

### Employment conditions, certain rules of working

#### Section 16.

(1) The employees of public education institutions, and the public servants (hereafter referred to as employees) are subject to this act in conjunction with the Labour Code or the Act on the Status of Public Servants – depending on the employer.<sup>10</sup>

(2) The condition of employment of public education is that the employee

a) has the required qualification;

b) has no criminal record and has legal capacity to act independently.<sup>26</sup>

(3) The teacher is regarded as a person performing public service in terms of protection under the Criminal Code with regard to the education in kindergarten and education at school or residence hall.

(4) In education and teaching institution and in the institution of special teaching services the total weekly number of lessons of the employee working in the position of teacher consists of the obligatory lessons and the work related to education and teaching or the programs related to children, students or the special service of the teacher. The teacher is obligated to spend the obligatory lessons by directly teaching and educating children and students, and teaching and education in the frame of lessons.

(5) In compliance with Section 17 of this act, teachers are employed in the position of teacher or qualified teacher in the education and teaching institutions and the special teaching service institutions. The provisions of Section 17. (1)-(4) shall also be applied for the lecturer teachers.

#### Section 17.

(1) Unless otherwise provided for by the law, education and teaching institutions may employ teachers in teaching positions with higher (university or college level) qualification. The appropriate higher qualifications are the following:

a) kindergarten teacher in the kindergarten;

b) teaching at school in the first to fourth grade, conductor teacher, conductor (hereafter referred to as conductor the conductor has both conductor and teaching qualification), if teaching at the school is performed at a higher level on the basis of the local curriculum, teaching arts, foreign languages, grammar and literature of the language of the national and ethnic minority, physical education and sport;

c) on the fifth or sixth grade of school a teacher with the right major of the field or the general qualification in the groups of fields;

d) in the seventh and eighth grade of school and in the ninth and tenth grade of the school with the exception of the secondary school a teacher with the right major of the field;

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<sup>10</sup> Act XXXIII of 1992; Act XXII of 1992.; Government Decree No. 138/1992. (X. 8.); Decree of the Minister of Welfare No. 33/1998. (VI. 24.)

<sup>26</sup> Act LXXXV of 1999; Decree of the Ministry of Interior Affairs No. 6/2000. (II. 11.).

e) from the ninth grade of the secondary school university level qualification or in case of skill subjects the teacher of the field;

f)

g) the teacher in secondary vocational school and vocational school of theoretical subjects or the professional preparatory knowledge, and the professional grounding subjects and the orientation subjects shall be qualified as teacher or hold higher education qualification in the field of the teaching, in orientation and professional grounding subjects, and the qualifications defined in Section d);

h)

i) The teacher of practical training in secondary vocational school and vocational school, and the job preparation and supporting theoretical and practical training in secondary grammar school shall have be qualified as teacher or hold higher education qualification in the field of the teaching

j) The teacher in day care centre of day study centre programs in residence hall shall have social teacher, psychologist, or education teacher qualification in compliance with the relevant school type as provided for in sections b)-f);

k) the teacher of art subjects in primary art education institution, art secondary vocational school shall have higher education in compliance with the art subject; and university level education from the eleventh grade of the secondary vocational school - it university level education is available in the field of the training;

l) teachers may hold out of school lessons not listed in Section j) with the conditions listed in Sections b)-j);

m) library teacher position at school or residence hall (teacher), residence hall teacher-may be filled with the librarian qualification primary school general teacher and teacher listed in Section b)-e), and j).

(2) Every person with language teacher qualification of degree of foreign language grammar and literature may be employed for the teaching of foreign languages in every school type.

(3) If the language of the kindergarten education, school education and teaching, education in residence hall is the language of the national or ethnic minorities, or another language which is different from the Hungarian language, then the following persons may be employed for the education and teaching performed on the given language in teacher position –in compliance with the type of the education and teaching institution:

a) kindergarten teacher of the nationality with a decree of primary school general teacher of the nationality,

b) persons with higher education and qualification defined in Section (1) and school general teacher, teacher, language teacher qualification in the language of the school and education in residence hall,

c) The person has the higher education qualification provided for in Section (1) d)-e) and qualification and learned the language knowledge for the teaching of the primary education or in vocation training of the minority,

d) the person has a certificate naturalized in the Republic of Hungary with teacher qualification which entitles to fill teacher position pursuant to section (1) and the certificate of the language of the teaching.

(4) Persons with psychologist specialist qualification or psychologist or teacher qualification may be employed as school psychologist.

(5) Teachers who obtained teacher examination in higher education continuing training provided for in Sections (1)-(4) (hereafter referred to as teacher examination) beside the teacher qualification may be employed in specialised teacher position.

(6) the preparation for the teacher qualification examination

a) prepares the renewal and supplementation of the knowledge and skills obtained in the primary education, the development of the experience in performing the tasks related to the position of teacher, the development of the general teaching skills and abilities,

b) may contribute to the activity of management, specialists, examination chairman or leading teacher (manager of practical training for kindergarten nurses, primary school general teacher) activity, obtaining knowledge for performing teaching professional services, special teaching services

c) may provide knowledge which are not directly related to the primary education.

(7)

(8) The teacher who does not have at least five years of experience in teacher position or teacher examination, then the employer may employ the person for indefinite period of time if the employer has made sure about the professional suitability of the person in course of an employment contract, appointment of teacher in public servant status or as a lecturer for one year period.

(9) Teachers with the necessary higher education qualification and teacher examination and at least three years of professional experience may be appointed to manage practical training of the students of higher education institution for kindergarten or school education (manager of practical training for kindergarten nurses, primary school general teacher), or to work as special consultant.

(10) the practical training of the higher education institution which performs teacher training in a kindergarten or school which is not maintained by higher education institution may be held, and the continuing teaching of the teachers may be held by senior teacher (manager of practical training for kindergarten nurses or primary school general teacher)

a) on the basis of the agreement between the higher education institution and the education and teaching institution;

b) on the basis of the agreement with the higher education institution;

c) on the basis of the agreement with maintainer of the education and teaching institution.

(11) Participation in the special consultant may be attended on the basis of the agreement with the Principal A.

BH2000. 227. Legal dispute against the decisions of the employer may be initiated successfully if the persons has violated the regulations for making such decisions [Section 199. (4) of the Labour Code., paragraph b) of Section 30. (1). Act XXXIII of 1992 (Act on the Legal Status of Public Servants.), paragraphs e), g) of Section 17 (1) of Act LXXIX of 1993 ].

BH1998. 560. I. The conditions of the employment in teacher position with regard to the school qualification is defied by the Act in conformity with the type of eth education and teaching institution. This itemized list is not the minimum requirement but the exclusive and sufficient conditions of employment (Section 17 of Act LXXIX of 1993 ).

BH1998. 560. II. In institutions specialized only for the education of disabled teachers with the appropriate qualification in therapeutics is entitled to teach every subject on the basis of the qualification in therapeutics [Section 17. (3) of Act LXXIX of 1993.].

BH1998. 250. The public servant who fills more than one position at the same employer may be classified on the basis of the job for which the person was appointed for. In this case it has to be analysed whether the person is entitled to be classified in a higher salary category due to the qualifications which are required for filling the position [Section 63 of Act XXXIII of 1992 (Act on the Legal Status of Public Servants) , paragraph b) of Section 17 (1) of Act LXXIX of 1993., Government Decree 138/1993. (XII. 19.), Government Decree No. 150/1992. (XI. 20.) , Appendix 3 of Decree of the Minister for Education and Culture No. 2/1993. (I. 30.).].

BH1998. 102. The post graduate studies may be ignored for a public servant teacher if the post graduate qualification is not required for performing the job [Section 63 (5) and (6) of Act XXXIII of 1992 . (Act on the Legal Status of Public Servants.), Section 17 of Act LXXIX of 1993 ].

#### Conditions of assignment for head of teaching and education institution

##### Section 18.

(1) The condition of institution manager in education and teaching institution is the following:<sup>28</sup>

a) higher education qualification for filling the teacher position in the education and teaching institution in questions – which is provided for in Section 17 (1)-(2), and teacher examination, in secondary school - unless otherwise provided for by the law – university level education and qualification, and teacher examination;

b) at least five years of professional experience in teacher position – with the exception defined in Section (6);

c) employment for unlimited period of time in education and teaching institution in teacher position, and the employment for unlimited period of time in teacher position during the mandate.

(2) If the education in kindergarten, school education and teaching is performed only in the language of the national and ethnic minorities, or more than half of the students study in two language – in the language of the nationality or ethnic minority and also in Hungarian, then the mandate of manager of the relevant institution may be given to a person who complies with the conditions defined in Section 17 (3) of this Act in addition to the provisions of Section (1). If two persons fulfil the same conditions then priority shall be given to the person who belongs to national or ethnic minorities.

(3) In the education and teaching institution which deals exclusively with disabled children or students the institution manager mandate may only be given to the person who has qualification in the field of therapeutics, conductor, conductor teacher in compliance with type of disability of the school and also has teacher qualification.

(4) If there is no university level teacher training program in the relevant field, than the person who has university level qualification and professional qualification and teacher examination or institution manager qualification obtained in higher education (university or college) may be mandated to manage a secondary vocational school.

(5) Professional experience may be the time spent in kindergarten teacher position in the kindergarten, in teacher position in any other education and teaching institution, and in trainer position in higher education institution. The suspension of the public servant status and the employment for a period of more than thirty days shall not be included in the period of the professional experience. The period of time spent in teacher position shall not be included in the period of the professional experience if the employment of the teacher was restricted to less than 25 % of the obligatory number of lessons in the position in question.

(6) Professional experience in institution manager position shall include the following

a)

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<sup>28</sup> 138/1992. (X. 6.) Government Decree No.; Decree of the Minister of Education No 11/1994. (VI. 8.).

- b) time spent in teaching service in the position of performing teaching professional services,
  - c) in trainer or trainer of practical training in vocational school or secondary vocational school,
  - d) in art school or secondary vocational school and in primary art education institution also the time spent in artist position, if the candidate has at least three years of professional experience in compliance with Section (5).
- (7) Institution manager mandate may be given to persons in multipurpose institution if the candidate fills the conditions for the manager of any of the field performed by the institution. If any of the conditions require university qualification than the management mandate also requires university qualification.
- (8) The selection of the manager of the institution - unless otherwise provided for by the law – is performed by means of public competition.

### Rights and obligations of the teachers

#### Section 19.

(1) In relation to the job the teacher is entitled to the following:

- a) to receive respect as a member of the community of teachers, the human dignity and personality rights shall be, the education and teaching activity shall be respected and acknowledged,
- b) to be able to choose the method of education and teaching and the syllable on the basis of the teaching program,
- c) on the basis of the local curriculum, with respect to the opinion of the professional workgroup of teachers choose the applied books, teaching accessories and tools,
- d) in compliance with Section 4. (2) perform the teaching and education work on the basis of his/her ideology and values without constraining the child or student to accept the ideology and values of the teacher,
- e) manage and evaluate the work of the children and students,
- f) rate the performance of the students,
- g) have access to the knowledge required for performing the job,
- h) as a member of the teaching staff participate in the planning and evaluation of the education and teaching program of the institution, exercise the rights of the member of the teaching staff,
- i) develop his/her professional knowledge by means of participation in organized training program, continuing learning, participate in teaching experiences and scientific research work,
- j) as member or representative of professional associations, chambers participate in the work of local, regional and national public education bodies.

(2) The person who is employed in public servant and teacher position, and who has been retired from teacher position is entitled to visit libraries, museums and other exhibitions operated and maintained by governmental institutions or municipalities free of charge.<sup>27</sup> This right has to be certified by the employer or the last employer in case of a retired teacher in a certificate. By presenting the certificate the teacher may certify that he/she is entitled to take advantage of other discounts and favourable conditions which are provided by the legal rules of the municipality. The certificate shall be a public document. The consent of the Minister for Education is required for issuing and distributing the certificate.<sup>11</sup>

(3) The person who is employed in a public servant status in teacher position is entitled to take advantage of the contribution – which is provided for by the law on annual basis in the annual budgetary act as subsidy for defined purpose – for purchasing accessories (books, notes, journals, electronic knowledge increasing devices, etc.) or for enrolling into libraries.

(4)-(6)

(7) The primary tasks of the teacher is to educate and teach the children and students. IN relation to the above, especially to

- a) ensure protecting the physical and moral protection of the child or student, ensuring the development of the personality of the child and student in course of the education and teaching activity and to transfer knowledge in factual and multilateral manner,
- b) In course of the education and teaching activity take the individual ability, talent, development rate, social and cultural situation, development state, deficiencies, disabilities of the child or student into consideration, promote the development of the skills and talents of the child or students, and help the child or student in inferior position for any reason to catch up with the fellow students,
- c) transfer the knowledge required for maintaining the health condition, preserving the physical well being of children and students, and make sure that such knowledge is learned; and take the necessary measures if he/she notices that the child or student suffered an accident or they are threatened by an accident,

<sup>27</sup> Government Decree No 6/2001. (I: 17.); Government Decree No 194/2000. (XI. 24.).

<sup>11</sup> Government Decree No. 20/1997. (II. 13.)

- d) cooperate in performing tasks related to child and youth protection, discovering, preventing and averting circumstances which endanger the development of children and students,
  - e) with regard to the age, development status of children and students teach the behaviour rules of the community and enforce such rules.
  - f) regularly inform the parents and the students about the questions that affect them, warn the parent if a measures required to be taken with regard to the protection of the rights of the child or in order to promote the development,
  - g) give effective answer to the proposal of the parent and the student,
  - h) respect the human dignity and rights of children, students and parents,
  - i) transfer the knowledge related to the ethical behaviour of children and students.
- (8) The teacher may participate in a training program once in at least every seven year – as provided for by the legal rules. The teacher who participates in the training program and successfully finishes such course has to be given remuneration – as provided for by the legal rules. The employment and the public servant status of the teacher – with regard to Section 89 (3) of the labour Code and to paragraph d) of Section 30. (1) of the Act on the Legal Status of Public Servants – may be terminated if the teacher did not participate in training programs for reasons in his/her own control, or failed to finish his/her studies. The teacher who passed a teacher examination or any other examination provided for by the law, does not have to participate in training program for a period of seven years after taking such examination.<sup>12</sup>

## CHAPTER IV

### THE SYSTEM OF PUBLIC EDUCATION

#### Public Education Institutions

##### Section 20

(1) Public education institutions involve the:<sup>13</sup>

- a) kindergarten;
- b) primary school;
- c) skilled worker training school, vocational school (hereinafter together: vocational school);
- d) secondary grammar school, secondary vocational school (hereinafter together: secondary school);
- e) primary arts education institution [hereinafter together with those under Paragraphs b)-e): school];
- f) therapeutic education institution and institution for conductive teaching method;
- g) youth hostel and residence hall [hereinafter: residence hall; together with those under Paragraphs a)-g): education institution].

(2) Therapeutic education institution and institution for conductive teaching method: kindergarten, primary school, secondary school, specific vocational school, specific vocational school for skills development, preparatory vocational school or residence hall established in compliance with the type of the disability.

##### Section 21

The institutions of the special teaching services of public education are:<sup>14</sup>

- therapeutic consultancy, early development and health centre;
- expert and rehabilitation committee examining learning abilities, and the committee performing national expert and rehabilitation activities;
- education advisory centre,
- speech therapy institution,
- further education and vocational guidance centre,
- institution for conductive teaching method.

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<sup>12</sup> Government Decree No. 277/1997. (XII. 22.); Decree of the Minister of Education No.. 41/1999. (X. 13.)

<sup>13</sup> Decree of the Minister for Education and Culture No. 11/1994. (VI. 8.), Decree of the Minister for Education No 9/1989. (IV. 30.)

<sup>14</sup> Decree of the Minister for Education and Culture No 14/1994. (VI. 24.).

## Section 22

- (1) Institutions providing professional teaching services: municipal and national institutions providing professional teaching services.<sup>15</sup>
- (2) Institutions providing service: central workshops.<sup>16</sup>
- (3) The public education institution may perform the tasks of more public education institutions of different types as well (hereinafter: multipurpose institution; together with those under Sections 20-22: public education institution)
- (4) A public education institution may be merged with an institution not performing public education tasks after proceedings in the case and form defined in this Act.

## Section 23

The Minister of Education may establish or permit the establishment of public education institutions different from those defined in Sections 20-22, if they comply with the provisions of this Act and the Act on vocational education, furthermore, he may permit the establishment of primary and secondary schools educating on the basis of a specific teaching program the purpose of which is not the preparation of the student for the examination of basic education or school leaving examination. Secondary schools may be given permission for not preparing the student for the examination of basic education if they do not prepare him for the secondary school leaving examination either. Attached to the application shall be the program related to the establishment and activities of the public education institution, in the case of kindergartens and schools that related to the knowledge to impart. If the school does not provide preparation for the examination of basic education or the secondary school leaving examination, provisions under Section 9, Subsections (1)-(3) and Section 46 of this Act shall not be applied.

### The single Public Education Institutions

#### The Kindergarten

## Section 24

- (1) Kindergartens are institutions educating the child from the age of three until the child's reaching the level of development necessary for school attendance – if legal rules do not stipulate otherwise – at most until the age of seven. Kindergarten education is performed in the framework of programs necessary for the education of the child and covering every aspect of life in the kindergarten.
- (2) In the year of his/her turning 5 from the first day of the kindergarten's academic year the child is obliged to participate in preparatory programs held in the framework of kindergarten education, which prepare him/her for school life.
- (3) Preparatory programs for school life cannot take up more than four hours a day.
- (4) Kindergarten programs shall be organized in a way enabling the kindergarten to perform its task related to kindergarten education and the daytime care of the child while also meeting parental expectations. The time available for the performance of tasks defined in this Act is limited to 50 hours, which shall be supplemented for good cause with the time needed for tasks related to the daytime care of the child.

### Common rules of school education

## Section 25

- (1) The school's tasks involve the systematic education of students and their preparation for the examination of basic education and the secondary school leaving and vocational examinations. In the preparation for the vocational examination legal entities, unincorporated business entities and private entrepreneurs may also participate as regulated in this Act and legal rules related to vocational education.
- (2) The preparation of the student for the examination of basic education, the secondary school leaving and the vocational examinations is accomplished in the framework of the obligatory classes. The school facilitates the preparation of the students for the examination of basic education, the secondary school leaving and the vocational examinations in the framework of not obligatory (facultative) classes.
- (3) The numbering of grades is continuous - with the exception defined in Subsection (6) – from the primary school's 1<sup>st</sup> grade until the last grade of secondary studies.

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<sup>15</sup> Decree of the Minister for Education and Culture No 10/1994. (V. 13.)

<sup>16</sup> Decree of the Minister for Education and Culture No 5/1988 (II. 17.).

(4) From the 1<sup>st</sup> grade of school education until the 10<sup>th</sup>, 12<sup>th</sup> or 13<sup>th</sup> grade – depending on the type of the school – the education performed shall meet the requirements of compulsory education and establish general education – with the exception of primary arts education institutions. The certificate made out after the successful completion of the 8<sup>th</sup> grade gives proof - irrespective of the type of the school – of primary school education. The certificate made out after the successful completion of the 10<sup>th</sup> grade entitles the student – irrespective of the type of the school – for application for the examination of basic education.

(5) The vocational education within the school system <sup>17</sup> (hereinafter: vocational education) – as regulated in legal rules – may prepare the student for the vocational examination or – if it is allowed in this Act – for studies necessary to start work and independent life after the end of compulsory education, the completion of primary education, the finishing of the 10<sup>th</sup> grade, after the finishing of the last grade in the secondary school preparing students for the secondary school leaving examination or after the school leaving examination. This Subsection does not apply to the preparation for vocational examinations in arts.

(6) In the vocational education – if this Act does not stipulate otherwise - the numbering of school grades starts with one and is supplemented by the application of a flash with the number next in line on the basis of Subsection (3) (hereinafter: vocational education grade). Legal rules related to the vocational education determine what previous school and vocational education is necessary to start studies to acquire qualifications recognised by the state, when the vocational education may start pursuant to the provisions of Subsection (5) as well as the number of vocational education grades.

### Primary schools

#### Section 26

(1) Primary schools operate with eight grades – with the exception defined in Subsections (2)-(3).

(2)

(3) Primary schools may operate with less than eight grades if on the grounds of the predictions of the mid-term schooling plan [Section 88, Subsection (2)] the number of students does not enable the launching of the missing grade, provided that the local government still fulfils its responsibilities.

(4) Primary schools provide primary education.

(5) In the primary school students prepare for their further education in secondary or vocational schools, as well as for their integration into the society in compliance with their interests, abilities and talents.

(6) The students of the primary school may continue their studies – as regulated in provisions related to adoption and admission (Sections 42, 46, 66-67) - in the appropriate grade of another primary, vocational or secondary school.

### Vocational schools

#### Section 27

(1) Vocational schools - with the exception defined in Subsections (7) and (12)-(13) – shall launch a 9<sup>th</sup> and a 10<sup>th</sup> grade and at least two vocational education grades. In the case defined in the National Training List the number of vocational education grades may differ from this.

(2) The 9<sup>th</sup> and the 10<sup>th</sup> grades provide education establishing general education and might provide vocational orientation, preparation for vocational studies and basic vocational education as well.

(3) Vocational education grades provide preparation for the vocational examination in compliance with requirements for vocational education programs - as defined in the National Training List.

(4) Vocational education grades also provide preparation for the examination of basic education for students who have not yet taken it – if this is a condition of taking the vocational examination.

(5) The timing, time frame and proportions of the vocational orientation, the preparation for vocational studies, the basic vocational education and the theoretical and practical vocational education as well as of the education establishing general education are determined in the framework curriculum. A separate legal rule contains provisions on practical education.

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<sup>17</sup> Act LXXVI of 1993; Decree of the Minister for Education and Culture No 16/1994. (VII. 8.); Decree of the Minister for Education No 45/1999. (XII. 30.); Decree of the Minister for Education No 1/2001. (I. 16.), Decree of the Minister for Education No 26/2001. (VII. 27).



(6) Students of the vocational school may continue their studies - in compliance with provisions related to adoption and admission (Sections 42, 46, and 66-67) - in the appropriate grade of another vocational, primary or secondary school.

(7) If the vocational school provides preparation for the vocational examination in arts, provisions related to vocational schools shall be applied with the following modifications:

a) students may join the vocational education before the end of their compulsory education, in the education phase establishing their general education as well,

b) education in the vocational school may start – according to the central program (curriculum) – with the 5<sup>th</sup>, 7<sup>th</sup> or 9<sup>th</sup> grade,

c) students may meet vocational education requirements parallel with the requirements of the education phase establishing general education (hereinafter: parallel education),

d) in the case of parallel education the student may meet the requirements of the education phase establishing his/her general education and those of the vocational education in the same school, in different grades as well,

e) in the case of parallel education the student may take the vocational examination after the successful completion of the 10<sup>th</sup> grade,

f) if the student prepares for an artistic performance, the timing of the vocational education shall adjust to that of the rehearsals and the performance,

g) in the case of parallel education Section 25, Subsection (3) of this Act shall be applied to the numbering of grades. To the numbering of vocational education grades and the determination of the number of grades provisions under Section 25, Subsection (6) shall be applied, if the vocational education is organized as supplementary education for students holding the qualifications required.

(8) Those who have not finished the primary school's 8<sup>th</sup> grade and are over 16 years may participate in one or two years of catch up training in the framework of regular school education, in the 9-10<sup>th</sup> grade of the vocational school. After the successful completion of the catch up training the student may continue his/her studies in the 1<sup>st</sup> vocational education grade of the vocational school. The catch up training shall be organized as defined in legal rules.

(9) Vocational schools may operate as specific vocational schools or specific vocational schools for skills development as well with the purpose of the school education of students with physical, slight mental, mid-mental disabilities, the disability of the senses or other disabilities.

(10) The vocational school

a) operates as a specific vocational school if it prepares students unable to keep up with other students due to their disabilities for the vocational examination or provides them with the knowledge necessary for starting work and starting independent life.

b) operates as a specific vocational school for skills development, if it provides students with mid-mental disability preparation for starting independent life and the acquisition of simple working processes which enable them starting work.

(11) To the operation of specific vocational schools (division, class, and group), the legal status of students and their financial backing from the Labour Market Funds provisions related to vocational schools shall be applied. These provisions shall be applied to the specific vocational school for skills development as well in the case if its students take part – in compliance with provisions related to vocational education - as least in 15 practical classes in a week on the average of the academic year.

(12) The vocational school (division, class) for the skills development of disabled students operates as a preparatory vocational school (division, class) if the education is performed exclusively in the 9-10<sup>th</sup> grades. In the 9-10<sup>th</sup> grades the student may prepare for taking the examination of basic education as well as for continuing his/her studies in the vocational education grade of the specific vocational school or the vocational school for skills development.

(13) The vocational school is allowed to operate with vocational education grades alone if it prepares students for the vocational examination who have successfully completed their studies in the 10<sup>th</sup> grade.

## Secondary Grammar Schools

### Section 28

(1) Secondary grammar schools operate – with the exception defined in Subsections (2)-(3) – with four grades. In the four-grade secondary grammar school the education starts in the 9<sup>th</sup> and finishes in the 12<sup>th</sup> grade.

(2) The secondary grammar school may operate with 6 or 8 grades if on the grounds of the predictions of the mid-term schooling plan [Section 88, Subsection 2] the conditions necessary for the accomplishment of compulsory education may be created in this way and the secondary grammar school enrolment of students who wish to start their secondary grammar school studies in the 9<sup>th</sup> grade is possible on metropolitan and county

level. Education starts in the 7<sup>th</sup> grade in the six-grade secondary grammar school and in the 5<sup>th</sup> grade in the eight-grade secondary grammar school and finishes – in both the six- and the eight-grade secondary grammar schools – in the 12<sup>th</sup> grade. In secondary grammar schools operating with six or eight grades – if it is stipulated by legal rules – education shall be organized for four grades as well pursuant to the provisions of Subsection (1).

(3) If the multipurpose institution performs both the tasks of a secondary grammar school and those of secondary vocational schools – in a case defined in legal rules – secondary grammar school education may start exclusively in the 9<sup>th</sup> grade.

(4) If education in the secondary grammar school defined in Subsections (1)-(2) is performed in two languages (in Hungarian and a foreign language, including ethnic and minority languages) (hereinafter: bilingual education) – pursuant to the provisions in the Directives for bilingual schools and the Directives for the school education of the national or ethnic minority - education may be completed in the 13<sup>th</sup> grade.

(5) The education performed in secondary grammar schools establishes general education and prepares the student for the secondary school leaving examination and for tertiary education (hereinafter: secondary education) Secondary grammar schools may also provide theoretical and practical classes from the 11<sup>th</sup> grade which prepare for and facilitate starting work.

(6) In the secondary grammar school the student prepares for the secondary school leaving examination, further education in tertiary education institutions and starting work.

(7) The student of the secondary grammar school – pursuant to the provisions related to adoption and admission (Sections 42, 46, 66-67)- may continue his/her studies in the appropriate grade of another primary school, secondary grammar school, secondary vocational school or vocational school.

## Secondary Vocational Schools

### Section 29

(1) Secondary vocational schools operate – with the exception defined in Subsection (2) – with four grades, which – with the exception defined in Subsections (2) and (8)-(9) – prepare students for the secondary school leaving examination and establish general education. From the 9<sup>th</sup> grade on vocational orientation as defined in the framework curriculum and from the 11<sup>th</sup> grade – in compliance with the National Training List – basic theoretical and practical education for profession groups may be provided as well. Secondary education starts with the 9<sup>th</sup> grade and finishes with the 12<sup>th</sup> or in the case defined in Subsection (2) the 13<sup>th</sup> grade. The number of vocational education grades preparing the student for the vocational examination is determined by the National Training List. Separate legal rules contain provisions on practical education. Where this Act stipulates concerning preparatory and basic vocational education, there vocational orientation and basic education for profession groups shall also be meant.

(2) If education in the secondary vocational school is performed in two languages - pursuant to the provisions in the Directives for bilingual schools and the Directives for the school education of the national or ethnic minority - education may be completed in the 13<sup>th</sup> grade of the secondary vocational school.

(3) The timing, time frame and proportions of education establishing general education, vocational orientation, preparatory vocational education, basic vocational education and theoretical and practical vocational education are determined in the framework curriculum. Separate legal rules contain provisions on practical education.

(4) In the vocational education grades the secondary vocational school prepares the student pursuant to the provisions laid down in the National Training List for vocational examinations requiring the completion of the last grade of secondary education and secondary qualification.

(5) In the secondary grades of the secondary vocational school the student finishes his/her preparations for the examination of basic education, furthermore he/she prepares for the secondary school leaving examination, tertiary education, starting work and joining the vocational education.

(6) The student decides, whether he/she takes the secondary school leaving examination, the vocational examination after the secondary school leaving examination or – if it is allowed by the legal rule relevant to vocational education – only the vocational examination.

(7) The student of the secondary vocational school – pursuant to the provisions related to adoption and admission (Sections 42, 46, 66-67) – may continue his/her studies in the appropriate grade of another secondary vocational school, secondary grammar school or vocational school.

(8) If the secondary vocational school prepares the student for vocational examination in arts

a) in the case of parallel education – as laid down in the central program (curriculum) – education in the secondary school grades may start in the 5<sup>th</sup>, 7<sup>th</sup> or 9<sup>th</sup> grades and finish in the 13<sup>th</sup>,

b) to the organization of the vocational education provisions under Section 27, Subsection (7), Paragraphs a), c)-d) and f)-g) shall be applied,

c) the student takes the vocational examination following the secondary school leaving examination.

(9) The secondary vocational school may operate with vocational education grades alone if it prepares students holding the certificate of secondary school leaving examination for the vocational examination.

The right for specific care and rehabilitative education, the therapeutic education institution, the education obligation

### Section 30

(1) Children with physical, slight mental, mid-mental disabilities, the disability of the senses, speech defect or other disabilities have a right for education, therapeutic education or education with conductive teaching method suitable for their state in the framework of specific care after the establishment of their disability. Specific care shall be ensured – depending on the age and state of the child or student, in accordance with the expert opinion of expert and rehabilitation committees defined in Section 35, Subsection (2) – in the framework of early development and care, kindergarten education, school education and developmental preparation. Early development and care may be realized in the framework of home care, nursery care, care provided in homes for the disabled, care provided in children's homes, therapeutic consultancy, development and care provided in the framework of early development and care or education with conductive method.<sup>29</sup>

(2) The kindergarten or school education of children with physical, slight mental, mid-mental disabilities, the disability of the senses, speech defect or other disabilities may be provided separately – in therapeutic education institution, kindergarten group, kindergarten branch, school branch, class or group established for this purpose – or together with the other children or students – in the same kindergarten group and branch or school class (hereinafter kindergartens and schools participating in the – joint or separate – education of disabled children and students and residence halls participating in the care of disabled students together: education institutions participating in therapeutic education). Kindergarten groups and branches providing separate care for the children and school branches, classes or groups providing separate school education for the students – corresponding to the therapeutic education institution [Section 20, Subsection (2)] – shall be established in compliance with the type of the disability. In the education institutions participating in therapeutic education children and students receive habilitative and rehabilitative care of health and education purpose as well.

(3) Education institutions participating in therapeutic education shall correspond to the personal and material conditions necessary for the specific kindergarten and school education, habilitative and rehabilitative care of health and teaching purpose of children or students with physical, slight mental, mid-mental disabilities, the disability of the senses, speech defect or other disabilities. The education institution is chosen by the parent on the basis of the expert opinion of the expert and rehabilitation committee examining learning abilities and the committee performing national expert and rehabilitation tasks.

(4) In the interest of the child or student the public administration officer may oblige the parent to appear with his/her child at the expert examination or to have the child enrolled into the appropriate education institution on the basis of the expert opinion [hereinafter the education institution chosen according to Subsection (3) and the education institution assigned by the public administration officer according to Subsection (4): assigned education institution, assigned kindergarten, assigned school].

(5) If the education institution assigned may not admit the child the institution providing expert opinion attempts to find another institution corresponding to the personal and material requirements necessary for specific education. If the admission of the child may not be solved in this way either the institution providing expert opinion determines how the child or student may join education and puts the child down for admission until his/her admission may be solved.

(6) If due to his/her disability the child is unable to accomplish his/her compulsory education, he/she shall participate in developmental preparation ensuring his/her development from the year of his/her turning five, from the first day of the kindergarten's academic year (hereinafter the compulsory participation in developmental preparation: education obligation). Education obligation is in force until the end of compulsory education. The expert and rehabilitation committee decides concerning the extension of the education obligation. The developmental preparation may be accomplished in the framework of home care, care provided in homes for the disabled, rehabilitation institutions or daytime institutions for the disabled, therapeutic consultancy, development and care provided in the framework of early development and care, education with conductive method or until six year's age in the framework of kindergarten care. The public administration officer may oblige the parent pursuant to the provisions of Subsection (4) to appear with his/her child at the expert examination or to ensure for him/her the participation in the developmental preparation in accordance with the expert opinion.

(7) Children and students struggling with adoption problems, learning difficulties or behavioural abnormalities are entitled to participate in rehabilitative education helping them to find their place in the community. The

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<sup>29</sup> Decree of the Minister for Education and Culture No 14/1994. (VI. 24.) .

rehabilitative education may be realized in the framework of kindergarten or school education or in education advisory centres.

(8) The expert and rehabilitation committee decides in the question of the child's or student's struggling with adoption problems, learning difficulties or behavioural abnormalities or suffering from disability on the request of the education advisory centre.

(9) Students suffering from physical or mental disabilities, the disability of the senses, speech defect or other disabilities or struggling with adoption problems, learning difficulties or behavioural abnormalities may be exempted by the head teacher – on the basis of the expert opinion of the expert and rehabilitation committee or the education advisory centre, in accordance with the provisions concerning the division of labour laid down in legal rules – from evaluation and rating in certain subjects or parts of subjects – with the exception of practical education. If the student is exempted from evaluation and rating in certain subjects or parts of subjects the school has to organize – within the time frame laid down in Section 52, Subsection (7) and Subsection (10), Paragraph c) of this Act - private classes for him/her. The school helps the student in the framework of the private classes to catch up with the others – on the basis of an individual development plan. At the examination of basic education and the secondary school leaving examination the student may choose – in compliance with the examination regulations – other subjects instead of the subjects concerned. At the entrance, rating, interim, supplementary, repeat, secondary school leaving and the vocational examinations, as well as at the examination of basic education he/she shall be provided a longer time for preparation, at written exams the application of aids used during school studies (typewriter, computer etc.) shall be allowed or if necessary, the substitution of written examinations by oral ones or of oral examinations by written ones shall be made possible.

(10) Tasks related to early development and care and education obligation may be performed in the position of teacher by therapeutic teachers (therapists) and teachers applying the conductive teaching method, or social workers, kindergarten teachers, primary school teachers and teachers with the guidance or if necessary assistance of a therapeutic teacher (therapist) and a teacher applying the conductive teaching method, not in the position of teacher by social workers, physiotherapists, nurses, child caretakers, teacher's assistants, therapeutic assistants and nursery caretakers with the guidance of a therapeutic teacher (therapist) or a teacher applying the conductive teaching method.

(11) The following tertiary qualifications and vocational qualifications are required from those fulfilling the position of teacher in education institutions participating in therapeutic education:

a) if the primary purpose of kindergarten programs and school classes is the reduction of the disadvantages resulting from the disability as well as in the case of habilitative, rehabilitative kindergarten programs and school classes of health and teaching purpose: in compliance with the type of the disability therapeutic teacher, teacher applying the conductive method, teacher applying the conductive method and primary school teacher or therapist qualification, vocational qualification or the qualification defined in Section 17, Subsection (1) or qualifications acquired in the framework of specific in-service training at a university or college entitling for the performance of the activity,

b) if the disabled child or student is of sound mind and the primary purpose of the kindergarten programs or school classes is neither the reduction of the disadvantages resulting from the disability, nor the student's habilitation, rehabilitation of health and teaching purpose, as well as in the case of extra-curricular or residence hall programs: the qualification and vocational qualification defined in Section 17, Subsection (1).

(12) If on the basis of Subsection (11), Paragraph b) the position of teacher may be fulfilled by a person holding the qualification and vocational qualification defined by Section 17, Subsection (1) it shall be ensured that a teacher applying the conductive method or a therapeutic teacher (therapist) who holds the qualifications and vocational qualifications suitable for the type of the disability helps with the work of the other teachers.

## The Primary Arts Education Institution

### Section 31

(1) The primary arts education institution performs the teaching of arts. Primary arts education establishes artistic expressiveness and prepares the student for further vocational education. The student may not accomplish his/her compulsory education or prepare for the examination of basic education in the primary arts education institution.

(2) The primary arts education institution has – in compliance with the requirements and curriculum of primary arts education – at least six and at most twelve grades, in the framework of which education is performed in preparatory, primary and further education grades. The student may take a basic examination of arts after the

completion of his/her studies in the last primary grade and a final examination in arts after the completion of his/her studies in the last further education grade.<sup>29</sup>

(3) The basic examination of arts entitles the student to continue his/her studies in the further education grades. The basic and the final examination of arts shall be organized as laid down in legal rules.

### The Residence hall

#### Section 32

(1) The residence hall's task is to create the conditions necessary for the accomplishment of studies for those

- a) who at their residence do not have the opportunity to enforce their right for education, free choice of school, learning in national or ethnic minority languages or learning in a therapeutic education institution or
- b) the parents of whom are not able to create the necessary conditions of their education.

(2) The residence hall's responsibility towards the student is

- a) to educate him/her in a humane atmosphere, improve his/her personality, cultivate his/her talents in accordance with his/her abilities and interests and help him/her with his/her studies,
- b) to provide opportunities for sports and self-education,
- c) to develop his/her spontaneous activity, independency and sense of responsibility,
- d) to help him/her acquire the knowledge and skills necessary for his/her choice of career or starting independent life in the case of the residence halls of secondary schools.

(3) The residence hall is in communication with the parent and school of the student.

### The Multipurpose Institution

#### Section 33

(1) Multipurpose institutions involve the:

- a) uniform school and the complex school,
- b) public education institution with joint management,
- c) general community centre (hereinafter: GCC).

(2) Multipurpose institutions may be established if the financial, material, technical and personal conditions of their establishment and operation are ensured for the performance of every task.

(3) The uniform and the complex school are organisationally uniform institutions concerning the accomplishment of teaching tasks. The uniform school accomplishes the tasks of different types of schools with the application of a syllabus and a system of requirements divided by uniform joint and related school types. The complex school implements the tasks of different types of schools with the application different syllabuses and systems of requirements suitable for different tasks.

(4) The public education institution with joint management accomplishes the tasks of public education institutions of types in the framework of organisationally and professionally independent institution units. In the public education institution with joint management institution units performing the tasks of uniform or complex schools may operate as well. In the public education institution with joint management – for the accomplishment of tasks defined in Section 34, Paragraphs a), d)-f) of this Act – institution units providing special teaching services may operate as well. In the public education institution with joint management institution units performing activities – listed in Section 121, Subsection (1), Paragraph 22 of this Act - not related to education may operate as well.

(5) The general community centre accomplishes in the framework of organisationally and professionally independent institution units public education, cultural, arts, general education and sporting tasks, at least one of each. In the general community centre institution units accomplishing tasks of uniform or complex schools may operate, too, as well as institution units performing activities – listed in Section 121, Subsection (1), Paragraph 22 of this Act – which are in connection with education, but not related to public education. In the general community centre – pursuant to the provisions of Subsection (4) – institution units providing special teaching services may also operate.

(6) In the organisationally and professionally independent institution unit only such a person may be charged with managerial responsibilities who corresponds to the conditions necessary for the management of an independent institution accomplishing the same tasks. Provisions related to the open competition shall be applied in the case of managerial commissions regulated in this Subsection as well.

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<sup>29</sup> Decree of the Minister for Education and Culture No 27/1998. (VI. 10.).

(7) Multipurpose institutions shall prepare their rules of organization and operation and a teaching program, general community centres shall prepare a teaching and cultural program.

(8) Institution units performing different activities may co-operate with each other within the public education institution with joint management on the basis of the teaching program, while in the general community centre on the basis of the teaching and cultural program.

(9) The management of the general community centre and of the public education institution with joint management, as well as the coordination of the work of different institution units may be facilitated by the Board of Directors – involving the same number of representatives of each institution unit - and furthermore by a management and expert body. The Board of Directors takes part – as regulated in legal rules - in the enforcement of employer rights.

(10) In the public education institution with joint management and the general community centre – on the basis of the unanimous decision of the parties concerned – the following institutions may be established: institutional parents' association (community) with uniform authority relevant to every institution unit, in the general community centre GCC parents' association (community); institutional students' self-government, in the general community centre GCC students' self-government; institution board, in the general community centre GCC board; kindergarten, school, residence hall association (community) of parents; school, residence hall students' self-government; kindergarten board, school board, residence hall board.

(11) The institution unit providing uniform special teaching service may participate in the performance of tasks related to early development and care and developmental preparation, in the management of a travelling expert network and the care of disabled children or students participating in education in the same kindergarten group or school class with the other children or students.

(12) In the public education institution with joint management and the general community centre to the accomplishment and management of tasks not belonging to the public education services legal rules relevant to the activity shall be applied with the difference that regarding establishment and operation of the general community centre the regulations under Section 18, Subsection (7)-(8), Sections 37-38, Section 40, Subsections (1)-(3), Section 54 and Section 102, Subsection (3) of this Act shall be applied to every institution unit.

#### The special teaching services

##### Section 34

The special teaching service helps with the educational work of the parent and teacher and the accomplishment of the tasks of the education institution. Special teaching services involve the following:<sup>30</sup>

- a) therapeutic consultancy, early development and care;
- b) expert and rehabilitation activity examining learning abilities, furthermore the national expert and rehabilitation activity
- c) education advisory centre;
- d) speech therapy;
- e) further education and vocational guidance centre;
- f) education with conductive method;
- g) physiotherapy.

##### Section 35

(1) The task of the therapeutic consultancy and early development and care is to provide early development and care for disabled children following the recognition of their physical, or mental disability, the disability of the senses, speech defect or other disabilities with the involvement of the parent and to provide counselling for the parent. If the child is over 3 years old, he/she may receive early development and care in the case if he/she is not able to join kindergarten education.

(2) In the framework of the expert and rehabilitation program examining learning abilities or of the national expert and rehabilitation program the following tasks shall be performed:

a) on the basis of the screening and examination of the disability proposals shall be put forward for the child's or student's care in the framework of specific care, the way, form and place of care and for the special teaching service related to the care.

b) the existence of the conditions necessary for the accomplishment of specific care shall be examined.

(3) The task of the education advisory centre is to explore the problems of the child struggling with adoption problems, learning difficulties or behavioural abnormalities, to prepare an expert opinion on the basis of this and

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<sup>30</sup> Decree of the Minister for Education and Culture No 14/1994. (VI. 24.).

provide rehabilitative education for the child with the involvement of the teacher and the parent, furthermore to provide expert opinion for school enrolment on the request of the kindergarten if the individual skills and development of the child make this necessary.

(4) The task of the speech therapy is to help with starting speaking, the correction of speech defects and language or communication-related abnormalities and the prevention and cure of dyslexia.

(5) The task of the further education and vocational guidance centre is the expert examination of the student's skills, learning abilities and orientation, as well as the recommendation of the appropriate school as a result of this.

(6) The task of the special teaching service applying the conductive method is the education, development and care of children with injured central nervous system.

(7) The task of the physiotherapy is the specific physical education of the child or student with health purpose, if he/she has been referred to physiotherapy or physical education based on special criteria by the school doctor or the specialist after the screening test.

(8) Special teaching services may be provided by those corresponding to the conditions laid down in legal rules.

#### Services related to the professional teaching services

##### Section 36

(1) The professional teaching services facilitate the work of the public education institutions, their maintainers and teachers as well as activities in connection with the safeguarding of the student's interests.

(2) The professional teaching services involve:<sup>31</sup>

a) teaching assessment, the task of which is to measure and assess the effectiveness of the education performed in the education institution and to facilitate the organization of the work of the local, regional and national public education;

b) consultancy, the task of which is to make known and disseminate education and teaching methods;

c) teaching guidance, the task of which is to collect, preserve, process and make available professional information, data and teaching documents (syllabuses, textbooks, manuals etc.) and to provide guidance;

d) management-related teaching service, the task of which is to prepare programs, syllabuses, to provide consultation on organizational issues, to transmit economic, legal etc. information, to make known and help with the application of syllabuses, textbooks and school equipments, and to contribute to the preparation of teaching programs for schools and residence halls;

e) the support and organization of the training, in-service training and self-education of teachers;

f) the organization and co-ordination of school and talent contests;

g) the information and consultation service for students, the task of which is to support students, student communities and student self-governments by providing information necessary for the assertion of their rights and the communication of information related to economic and legal issues or education administration.

(3) Professional teaching services shall be organized according to the demands.

(4) Professional teaching services may be provided by those corresponding to the conditions laid down in legal rules.

(5) It is determined by the Minister of Education or – concerning the professional subjects of vocational education – the minister who is competent on the grounds of the Act on vocational education, or – in the case if the education is performed only in one or a few schools – by the leader of the organization of national competence (hereinafter: the minister responsible professional teaching services shall be organized on a national level. The Minister of Education or – in his sphere of authority determined by the Act on vocational education – the minister responsible for vocational education assigns an institution to provide the service or establishes and maintains an institution for this purpose.

(6) The organization of professional teaching services helping with the kindergarten, school and residence hall education for national or ethnic minorities on a national level shall be ensured – in accordance with the provisions on the division of labour laid down in Subsection (5).

#### Chapter V.

### THE OPERATION OF THE INSTITUTIONS OF THE PUBLIC EDUCATION SYSTEM

#### General operational rules

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<sup>31</sup> Decree of the Minister for Education and Culture No 10/1994. (V. 13.).

### Section 37

- (1) The public education institution is an institution established for the accomplishment of public education tasks determined in this Act. The public education institution is a legal entity.<sup>32</sup>
- (2) The establishment of the public education institution shall be reported for registration within thirty days following the signing of the foundation charter by the sending of the foundation charter and – if the maintainer does not perform the activity on the grounds of the authorization of a legal rule – the document authorising him to the performance of a public education service. In the case of budgetary organs the report shall be made by the organ managing the registration, in other cases by the Public Administration Officer or the Head of Public Administration as follows: in the case of kindergartens and primary schools by the competent Public Administration Officer according to residence, in the case of residence halls, education institutions participating in therapeutic education, multipurpose institutions and other public education institutions by the Head of Public Administration competent according to residence. The costs of the procedure related to the registration are borne by the petitioner.
- (3) Registration may be refused in the case of offences against legal rules.
- (4) The public education institution is established – retroactively to the day of the signing of its foundation charter - with the registration.
- (5) The foundation charter of the public education institution shall contain the type, name, basic activity, national or ethnic minority or other tasks and member institutions of the institution, the assets serving the accomplishment of the tasks, the disposition right over the assets, licenses related to the management, the name of the founder, the address of the residence and site of the institution, in the case of education institutions the name of the branch, in the case of schools the number of grades.
- (6) The data in the registers are public. Changes of the data recorded shall be reported – pursuant to the provisions in Subsection (2).
- (7) If the public education institution has been registered by the Public Administration officer or the Head of Public Administration and its residence changes it shall be registered again as regulated in Subsection (2) in the case if there is change in the Public Administration Officer's sphere of authority as well. This registration does not affect the date of establishment of the public education institution.
- (8) The public education institution is wound up – on the day of the deletion - by its deletion from the registers.
- (9) If the public education institution is maintained by a governmental organ or the local government further provisions may be laid down in legal rules concerning the content of its foundation charter, its registration and deletion.
- (10) To public education institutions founded and maintained by the local or national minority government – if Acts or government decrees do not stipulate otherwise – provisions relevant to the public education institutions founded and maintained by local governments shall be applied.

### Section 38

- (1) Public education institutions shall correspond to the conditions necessary for the accomplishment of their tasks. The public education institution accomplishes its tasks on the basis of the funds provided by the founding and the maintaining organ and of other returns. The public education institution shall appropriate its costs of maintenance and operation in the budget drawn up and determined by the maintainer annually.
- (2) The public education institution – if it does not hinder the accomplishment of its basic tasks – may also perform activities with the purpose of making financial profits. The proceeds coming from this activity – if they are used for the accomplishment of the basic tasks of the public education institution or for the remuneration of the students participating in the activity – may be left out of consideration by the determination of the budget serving the accomplishment of the basic tasks of the public education institution and the institution may not be deprived of it.

### Section 39

- (1) The education institutions are professionally independent. They may make decisions in every issue related to their organization and operation which is not referred to the sphere of authority of somebody else by legal rules.
- (2) In the preparation, execution and controlling of decisions concerning the operation of the education institution – pursuant to the provisions of legal rules – teachers, students, parents or their representatives may take part.
- (3) The number of leaders, teachers, employees who help the education directly and of other employees necessary for the accomplishment of the basic service is determined by Appendix No. 1.

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<sup>32</sup> Act IV of 1959; Act XXXVIII of 1992, Act X of 1995; Act C of 2000



(4) In the rooms of the education institution no party or organisation attached to a party – according to its foundation charter – is allowed to operate.

#### The order of operation

##### Section 40

(1) The provisions relevant to the operation, inside and outside relations of the public education institution are determined by the rules of organization and operation.

(2) The rules of organization and operation of the public education institution shall be prepared by the leader of the public education institution and adopted by the teaching staff in education institutions and by the meeting of teaching staff in other public education institutions. In the education institution the kindergarten, school and residence hall board, furthermore the students' self-government of the school or residence hall exercise – as laid down in legal rules – the right of consent on the adoption and modification of the rules of organization and operation.

The rules of organization and operation of the public education institution with joint management and of the general community centre contain the common rules of operation and – separately for each institution unit – provisions related to the operation of the single institution units.

(3) The rules of organization and operation are validated by the approval of the institution's maintainer.

(4) On the basis of this Act the data defined in Appendix No. 2. shall be recorded and handled in the public education institution.

(5) The public education institution is obliged to keep records ordained in legal rules and provide data determined by the National statistical data collection program and local governmental decrees. The public education institution – as defined in legal rules – investigates and keeps records of students' and children's accidents, fulfils its prescribed duty of registration and sends the records of the accident to the maintainer, in the case of local governmental education institutions to the Public Administration Officer or the Head of Public Administration of the maintaining local government.<sup>33</sup>

(6) The shield of the Hungarian Republic may be placed in the rooms serving the accomplishment of the basic task of the public education institution, on its nameplate, on the façade of its building and furthermore it may be indicated on its round stamp.

(7) The regulations related to the students' rights and duties, their work schedule in schools and residence halls, curricular and extra-curricular programs, the order of residence hall activities and the use of school rooms, residence hall rooms and territories belonging to the school or residence hall are laid down in the house rules of the school or residence hall. The house rules of the kindergarten lay down regulations related to children's rights and duties and their work schedule in the kindergarten. The house rules are prepared by the head of the kindergarten, school or residence hall and approved by the teaching staff. For its adoption and modification the school board, residence hall board, kindergarten board and furthermore the students' self-government of the school or residence hall exercises the right of consent.

(8) The school may let somebody else have its sports facilities for use only without endangering the operation of the school's sports club.

##### Section 41

1) In education institutions the education of children and students shall be organized on the basis of liberty of conscience and the principle of tolerance between people with different world-views.

(2) In education institutions the liberty of conscience and freedom of religion of children, students, parents and employees shall be respected.

(3) Children, students, parents and employees mustn't be urged to confess or deny their ideological conviction.

(4) Children, students, parents and teachers mustn't be disadvantaged due to their conviction of conscience.

(5) The responsibilities of the education institution involve the supervision of children or students under its charge, the creation of healthy and safe conditions of education,<sup>18</sup> the exploration and handling of causes bringing about children's and students' accidents, the organization of the children's and students' regular medical examination, particularly of at least one dental, one ophthalmologic and one internal examination in a year for children attending the kindergarten and until the end of their compulsory studies for the students of primary, secondary and vocational schools, furthermore of two examinations annually for the measuring of the physical state of primary school, secondary school and vocational school students.

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<sup>33</sup> Act XLVI of 1993, Government Decree No. 170/1993. (XII. 3.).

<sup>18</sup> Degree of the Minister for Welfare No. 26/1997. ( IX. 3.).

(6) Education institutions perform tasks related to talent scouting, the cultivation of talents, the correction of early learning and adoption problems, the catch up program of disadvantaged children and child and youth protection; they explore the causes endangering children's and students' development, employ teaching means to prevent and compensate harmful effects. They initiate measures in the child's or student's interest when necessary. The accomplishment of tasks related to child and youth protection is facilitated by the children's welfare service.

#### Section 42

(1) The school – with the exception defined in this Act – may determine the conditions necessary for the establishment of the student status (hereinafter: admission requirements). The school is obliged to publish the admission requirements in the admission guide at the time defined in the schedule of the academic year.

(2) If the school holds an entrance examination, the examination shall be taken in front of a committee of the school's teachers. The members of the committee are assigned by the head teacher. Entrance examinations may be organized in the way and circle determined in the schedule of the academic year.

(3) The tasks of the practical training<sup>19</sup> are performed by the school or - on the grounds of the agreement with the school or the study contract - by the legal entity, unincorporated business entity or private entrepreneur corresponding to the conditions of practical training (hereinafter: the organizer of the practical training). To the signing of the agreement and to the practical training provided on the basis of a study contract (hereinafter: study contract) provisions of the Act on vocational education shall be applied. If the organizer of the practical training is not a governmental body or a local self-government and – pursuant to the provisions relevant to vocational education – it establishes an apprentice workshop (apprentice farm, shop, hospital ward, garden, yard, kitchen or laboratory, demonstrational, apprentice or special class room etc.) to its registration, the permission for the start of its operation and to the signing of public education agreements provisions relevant to schools not maintained by local self-governments shall be applied.

(4) To the practical training performed in vocational and secondary vocational schools provisions of legal rules on vocational education<sup>34</sup> concerning

a) the establishment of the conditions of practical training;

b) vocational requirements

shall be applied.

(5) The maintainer may establish a maintainer's apprentice public education institution with the purpose of co-operation in the tasks of teacher training and in-service training organized in the framework of the professional teaching services. The requirements relevant to the fulfilment of the supervisor duties (the duties of kindergarten and primary school teachers supervising trainees) [Section 17, Subsection (9)] shall be applied in this public education institutions as well.

#### Section 43

(1) The maintainer may assign the residence hall to educate students of outstanding skills.

(2) The work schedule of the residence hall shall be determined to adjust to the work schedule of the schools. Travelling home maynot be made compulsory for students in the course of the academic year and they may be forbidden to travel home only in cases defined in the house rules. The forbidding of travelling home maynot be used as a means of discipline.

### The education and teaching program

#### Section 44

(1) Education in the education institution is performed on the basis of the education and teaching program. The education and teaching program is approved by the teaching staff and validated by the approval of the maintainer. The maintainer is obliged to obtain the opinion of an expert – who is in the National Experts' Register – before approving the education and teaching program.

(2) The education and teaching program shall be made public. Parents shall be informed at the end of the previous academic year of textbooks and school equipments necessary for the education.

#### Section 45

(1) Kindergartens prepare an education program on the basis of the Basic Program for Kindergarten Education or choose one from the education programs prepared in this way.

(2) Schools prepare an education program and as a part of it – if this Act does not stipulate otherwise – a local curriculum on the basis of the framework curriculum based on the National Curriculum or choose a curriculum

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<sup>19</sup> Decree of the Minister for Education No. 9/1993. (XII. 30.).

<sup>34</sup> Act LXXIX of 1993.

prepared in this way and include it into their teaching program as a local curriculum. For the preparation of the local curriculum secondary schools shall also take the requirements of the secondary school leaving examination in different examination subjects into consideration.

(3) Primary arts education institutions prepare their local curriculum on the basis of the Requirements and Curriculum of Primary Arts Education or choose a curriculum prepared in this way and include it into their teaching program as a local curriculum.

(4) Schools use a local curriculum spanning all their grades. Multipurpose institutions use uniform teaching programs spanning every education task, in the framework of this kindergarten education programs, local school curriculum and residence hall education programs for the accomplishment of different tasks. The teaching program of education institutions operating in the general community centre is a part of the teaching and cultural program also determining the activity of institution units performing tasks not related to public education. The teaching and cultural program shall ensure the accomplishment of public education services and services not related to public education according to uniform principles.

(5)

(6) To the preparation of the vocational program of vocational education provided in vocational education grades of schools provisions of legal rules on vocational education shall be applied.<sup>34</sup>

(7) If the student participates in practical training outside the school on the basis of the agreement between the school and the organizer of the practical training the school and the organizer of the practical training shall bring the program of the theoretical vocational education provided by the school into line with the program of the practical training.

#### Section 46

The local curriculum of the school shall insure – with the exception of vocational education – the change of school, the student's adoption with supplementary examination or the repetition of the grade if necessary.

#### Section 47

The education program of kindergartens contains:<sup>35</sup>

- a) the education principles and objectives of the kindergarten,
- b) the education tasks ensuring the child's development, his/her preparation for community life and the catch up training of the socially disadvantaged,
- c) the teaching activity related to child and youth protection,
- d) the ways of co-operation of the parent, child and teacher and the possible ways of improving their co-operation,
- e) in the case of kindergartens participating in national or ethnic minority education tasks related to the cultivation of the minority's culture and language,
- f) the controlling, measurement, evaluation and quality assurance system of kindergarten education,
- g) the list of equipments and devices facilitating the accomplishment of the education program.

#### Section 48

(1) The teaching program of schools determines:

a) the education program of the school, in the framework of this:

- the teaching principles, objectives, tasks, means and procedures of the education provided by the school,
- teaching tasks related to the improvement of students' personalities,
- tasks related to the improvement of the community,
- the teaching activity related to adoption and behavioural difficulties,
- the activity promoting the development of talents and skills,
- tasks related to child and youth protection,
- the catch up training of students exposed to failures in their studies,
- the activity helping with the reduction of social disadvantages,
- the controlling, measurement, evaluation and quality assurance system of education provided by the school,
- the list of equipments facilitating the work of the teachers and necessary for the accomplishment of the teaching program,
- the ways of co-operation of the parent, child, school and residence hall teacher and the possible ways of improving their co-operation.

b) the local curriculum of the school, in the framework of this<sup>37</sup>

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<sup>34</sup> Decree of the Minister for Education and Culture No 16/1994. (VII. 8.) ,Government Decree No. 45/1997. (III. 12.).

<sup>35</sup> Government Decree No. 137/1996. (VIII. 28.).

- the subjects taught in different grades of the school, the obligatory and facultative classes and their number, the syllabus prescribed and its requirements,
- the principles on the basis of which applicable textbooks, study-aids and school equipments shall be chosen,
- the conditions of being allowed to go up a class,
- the requirements and ways of the student's questioning and examining, the requirements of the evaluation and rating of the student's conduct and diligence and furthermore – within the framework of legal rules – the way of the evaluation and rating of the student's performance, conduct and diligence,
- in the case of national and ethnic minority education the syllabus of the national or ethnic minority mother-tongue, history, geography, cultural and national studies,<sup>36</sup>
- for students participating in national or ethnic minority education syllabus for the acquisition of the Hungarian language and culture; for students not belonging to the national or ethnic minority syllabus to get acquainted with the culture of the national or ethnic minority of the settlement,

c)-d)

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

(2) If the primary school provides higher-level education in arts, furthermore if the vocational school or the secondary vocational school prepares the student for vocational examination in arts, the teaching program of the school as well as of the primary arts education institution may subscribe that the student is obliged to participate in the rehearsals and performances in the framework of obligatory classes (orchestra, choir, dance group etc.)

(3) The complex school, the public education institution with joint management and the general community centre applies different types of local curricula suitably for the accomplishment of the education objectives of different types of schools. The uniform school applies the same local curriculum for the accomplishment of the education objectives of different types of schools; this shall contain the common syllabus and requirements relevant to every student, the supplementary syllabuses and requirements based on the education objectives of different types of schools as well as the required achievement on the basis of which students may join the supplementary education.

(4) The school may include the preparatory vocational studies into its local curriculum on the basis of the central program (curriculum), the National Curriculum or the requirements in the examination subjects of the secondary school leaving examination.

(5) The teaching program of the primary arts education institution<sup>37</sup> shall contain the system of the objectives and tasks of teaching the single artistic activities, the number of classes and the requirements in different education phases, the tasks of the cultivation of talents and the elements listed after the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and furthermore – except for provisions relevant to the evaluation and rating of the conduct – the 4<sup>th</sup> dash of Subsection (1), Paragraph b).

#### Section 49

(1) Residence halls prepare a teaching program – on the basis of the provisions of the Basic Program for Residence Hall Education – with regard for the teaching program of the schools concerned.

(2) The teaching program of the residence hall shall contain:

- a) the education principles and objectives of the residence hall,
- b) the pedagogical principles of the organization of students' routines, studies and leisure time,
- c) the principles of activities promoting the students' development, the cultivation of their talents, their catching up with others, choice of career and in the case of secondary school residence halls their independence,
- d) in the case of the residence hall education of students belonging to the national or ethnic minority the tasks of the national or ethnic minority's cultural and mother-tongue education,
- e) the plans of catch up programs and activities serving the cultivation of the talents of disadvantaged students as well as programs helping them with social adoption,
- f) the methods and means of the residence hall community life's improvement, the principles of the cultural and sports activities' organization,
- g) activities related to child and youth protection,
- h) the residence hall's traditions and plans for its further development,
- i) the ways of communication and co-operation with the school and the parent,
- j) the controlling, measurement, evaluation and quality assurance system of education provided by the residence hall,
- k) the list of equipments and devices facilitating the work of the teachers and necessary for the accomplishment of the teaching program.

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<sup>37</sup> Decree of the Minister for Education No 28/2000. (IX. 21.).

<sup>36</sup> Decree of the Minister for Education and Culture No 32/1997. XI. 5.)

<sup>37</sup> Decree of the Minister for Education and Culture No 27/1998. (VI. 10.).

## Section 50

If the education of children with physical, slight or mid-mental disabilities, the disability of the senses, speech defect or other disabilities is provided<sup>35</sup>

- a) in kindergartens the education program of the kindergarten shall also contain the specific developmental activity serving the reduction of disadvantages resulting from the disability;
- b) in schools the local curriculum shall also contain the developmental program adjusting to the type and degree of the disability. The local curriculum, the professional program may determine for the accomplishment of the requirements of the single grades a period of time longer than one academic year as well.

## Section 51

- (1) The school may introduce its teaching program or its modification in bottom up system from the academic year following its approval.
- (2) If the school does not prepare its students for the examination of basic education or the secondary school leaving examination it shall indicate this in the admission guide.

The schedule of the academic year, the teaching and training time, the extra-curricular activities

## Section 52

(1) The length of the term or academic year of schools – except for the year of the examination of basic education, the secondary school leaving examination and the vocational examination – is 185 school days in every grade. Schools shall organize their education – if this Act does not stipulate otherwise – according to the work schedule for full time education [Section 121, Subsection (1), Paragraph 23] ensuring facultative classes, extra-curricular activities, the division of classes, private lessons and basic school services [Section 121, Subsection (1), Paragraph 1] (hereinafter: school education within the full time system). The student may start his/her last academic year in school education within the full-time system in the year of his/her turning

- a) 16 in the case of eight-grade primary schools,
- b)
- c) 22 in the case of secondary schools and vocational schools.

The deadline defined in Paragraph c) may be lengthened by one year in the case if the student started his/her studies in the 1<sup>st</sup> grade of the primary school in his/her 7<sup>th</sup> year, furthermore if he/she participates in vocational education and the number of vocational education grades is more than two. In the case of students with physical or mental disabilities, the disability of the senses, speech defects or other disabilities and students struggling with adoption problems, learning difficulties or behavioural abnormalities, furthermore if school requirements could not be met due to the student's long-term medical treatment three further years shall be added to the age defined in Paragraphs a)-c).

(2) The schedule of the academic year and of the academic year within is determined by the Minister of Education (the schedule of the academic year). Tasks related to the organization of the academic year shall be laid down in the schedule of the academic year<sup>38</sup>, particularly the first and last day of the academic year, the period in the framework of which school education is carried on (term, academic year), the length of holidays and the period in which they shall be organized, the period of the evaluation of applications for admission, of the examination of basic education, of the secondary school leaving examination and of the vocational examination. The provisions laid down in the schedule of the academic year are obligatory for every school. The school prepares – with regard to the provisions laid down in the schedule of the academic year – an annual work scheme, which shall contain the working days without classes and the holidays the school may freely dispose over.

(3) The number of the obligatory classes - except for Subsections (4) and (6) - may not exceed

- a) four classes a day in the 1<sup>st</sup> and 2<sup>nd</sup> grades;
- b) four or five (on weekly average four and a half) classes a day in the 3<sup>rd</sup> and 4<sup>th</sup> grades;
- c) five classes a day in the 5<sup>th</sup> and 6<sup>th</sup> grades;
- d) five or six (on weekly average five and a half) classes a day in the 7<sup>th</sup> and 8<sup>th</sup> grades;
- e) six classes a day in the 9<sup>th</sup> – 13<sup>th</sup> grades;
- f) in the case of vocational education the practical training provided inside and outside the school may not exceed the time determined in the Act on vocational education;
- g) in vocational education grades the number of the theoretical vocational classes may not exceed seven classes a day; on one school day the number of theoretical vocational and practical vocational classes together may not exceed eight classes; if the vocational school or secondary vocational school prepares the student for the

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<sup>35</sup> Decree of the Minister for Education and Culture No 23/1997. (VI. 4.) .

<sup>38</sup> Decree of the Minister for Education and Culture No 15/2001. (V. 25.)

vocational examination in arts, in the case of parallel education this number is eight classes a day on a weekly average. If the vocational school or secondary vocational school prepares the student for the vocational examination in arts in the framework of parallel education the number of classes used for the studies of the teaching phase establishing general education may not be less than 50% of the classes prescribed for the grade in Subsection (3), Paragraphs b)-e) on the average of the academic year.

(4) In the national and ethnic minority education the number of obligatory classes determined in Subsection (3) is raised by 10%.

(5) The number of the student's compulsory studies may not exceed seven classes a day in the case of catch up training - as defined in Section 27, Subsection (8) of this Act - and five or six (on weekly average five and a half) classes a day in the case of studies necessary for starting work and starting independent life – as defined in Section 27, Subsection (10) of this Act.

(6) In the education institution participating in therapeutic education obligatory habilitative and rehabilitative classes of health and teaching purpose shall be organized as well besides the classes prescribed in Subsection (3) for disabled students. The student participates in as many habilitative and rehabilitative classes of health and teaching purpose as many he/she needs for the reduction of his/her disadvantage resulting from the disability. The weekly time frame for habilitative and rehabilitative classes of health and teaching purpose is

a) in the case of students with mental disability 15%,

b) in the case of students with other disabilities – except for autism – 15%,

c) in the case of students with poor sight 25%,

d) in the case of blind students, students who are hard of hearing, impeded in their movement or have speech impediment 40%,

e) in the case of deaf and autistic students 50%

of the weekly number of classes prescribed in Subsection (3) for the grade. If the student is taught in a separate class the weekly time frame shall be determined also separately for each class. If the student is taught together with the other students without disabilities – in the same class – the weekly time frame shall be determined for groups of eight by dividing the number of students entitled to the same care by eight. The time frame falling to the group may be exploited even if there is less than eight students in the group on the basis of the division. By this calculation the number of students shall be taken into account on the basis of the actual number of the students. If the school arranges the class from students of different grades (hereinafter: contracted class) and the weekly number of classes laid down in Section (3) is different for the single grades the weekly time frame of the habilitative and rehabilitative classes shall be determined on the basis of the weekly number of obligatory classes prescribed for the upper grade. The weekly time frame may be rearranged between the single grades, during the academic year between school weeks. For the student with mid- mental disability the school shall organize the education tasks in the framework of classes of health and teaching habilitation and rehabilitation in the framework laid down in Subsection (3), Paragraph a) [hereinafter the classes under Subsections (3)-(5): obligatory classes].

(7) The school organizes not obligatory (facultative) classes according to the interests and demands of the students with the purpose of catch up, development, the cultivation of talents, consultation and specific or supplementary education (hereinafter: facultative class). If the head teacher does not determine longer time frames with the approval of the maintainer the time frames of not obligatory classes shall be

a) in the 1<sup>st</sup>-4<sup>th</sup> grades 10%,

b) in the 5<sup>th</sup>-6<sup>th</sup> grades 25%,

c) in the 7<sup>th</sup>-8<sup>th</sup> grades 30%,

d) in the 9<sup>th</sup>-10<sup>th</sup> grades 45%,

e) in the 11<sup>th</sup>-13<sup>th</sup> grades 60% and

f) in the vocational education class 5%

of the weekly number of obligatory classes prescribed for the grade in Subsections (3)-(5).

If in the contracted class the weekly number of classes laid down in Section (3) is different for the single grades the weekly time frame of the not obligatory classes shall be determined on the basis of the weekly number of obligatory classes prescribed for the upper grade. The weekly time frame may be rearranged between the single grades, during the academic year between school weeks. The school may exploit the time frame at its disposal for not obligatory classes to the organization of extra-curricular classes and the division of classes as well. From the time frames determined in this Subsection each grade may use one class a week to organize the community programs of the class and for the individual care of the students.

(8) For the organization of physiotherapeutic education three classes are at the disposal of each group of 16 – above the school's time frame of classes.

(9) The school is obliged to organize physical education based on special criteria in the framework of obligatory classes. The school is obliged to create the conditions necessary for the daily physical education of the students and enable – if the school operates at least with four grades and at least one class in each grade - the operation of

the school's sports club. The time frame necessary for the daily physical education shall be created against the time frame available for obligatory and not obligatory classes. The school organizes the trainings of the school's sports club against the time frame available for the organization of not obligatory classes. The trainings of the school's sports club shall be also taken into account when the school organizes the daily physical education. The tasks of the school's sports club may be performed – on the basis of the agreement with the school – by the students' sports association of the school as well.

(10) Above the time frame determined in the framework curriculum for obligatory classes from the 1<sup>st</sup> grade to the 4<sup>th</sup> two and a half extra classes in a week shall be included into the school's local curriculum for physical education. For the organization of these physical education classes against the time frame available for obligatory and not obligatory classes – above the time frame determined in the framework curriculum - one class may be taken into account. This time frame may not be taken into account when the time frame of the not obligatory classes determined in Subsection (7) is calculated. The school may depart from this regulation with the application of regulations under Subsection (9).

(11) Private classes – for one-three students – may be organized

a) in the musical branch of primary arts education – except for preparatory classes – in three classes a week against the time frame available for classes if the student is provided at least four classes a week on the average of the academic year and in one and a half classes a week if the student is not provided four classes a week on the average of the academic year,

b) in the secondary vocational school and the vocational school in five classes a week per student against the time frame available for obligatory and not obligatory classes if the school prepares the student for the vocational examination in music or acrobatics,

c) in other schools not mentioned - above the time frame available for obligatory and not obligatory classes - in 5% of the weekly obligatory classes – laid down in Subsection (3) – with the purpose of the cultivation of talents or the catching up of disadvantaged students,

d) beyond the regulations of Paragraphs a)-c) it is determined by the school how many per cent of the time frame available for obligatory and not obligatory classes it uses for private classes.

(12) The time frame available for private classes shall be reduced by the number of the private classes that have been organized. The time frame may be rearranged between different grades, school weeks, obligatory, not obligatory or extra-curricular classes within the school.

(13) For the private class education of students who continue their studies as private students on the grounds of Section 120, Subsection (1) of this Act or due to their serious illness there are – on the average – ten classes a week at the school's disposal above the time frame for obligatory and not obligatory classes. The time frame may be rearranged between the single school weeks and students.

(14) It is determined by the school how many per cent of the time frame available for obligatory and not obligatory classes shall be used with the application of the division of class and to what classes it shall be used. The time frame available shall be reduced according to the number of classes used for the education of the study groups established.

(15) The academic year of the school is composed by five days long school weeks. Saturdays and Sundays are resting days. The student is entitled to resting days on public holidays as well. The schedule of the academic year changes in accordance with the work schedule shaped by public holidays and after the last day of the academic year a continuous summer holiday of at least thirty days shall follow.

(16) School weeks may also be organized with six days – with Saturday education – on the initiation of the school board and the school's students' self-government and with the maintainer's approval in the case if the school may provide for the students at least forty-two continuous resting hours in a week and one or more continuous holidays in the course of the semester instead of the resting days may be cancelled. The school's head teacher may order the organization of school weeks of six days with the maintainer's approval also without providing holidays instead of the resting days may be cancelled if the 185 school days prescribed could not be organized otherwise due to extraordinary holidays. Students shall be provided holidays consisting of at least six continuous days – as determined in the schedule of the academic year – at least two times during the teaching year.

(17) The provisions of this Section shall not be applied regarding primary arts education institutions with the exception of Subsections (2) and (9). The schedule of the teaching in primary arts education institutions is determined by the school – with regard to regulations on the schedule of the academic year, resting days and holidays.

(18) In vocational education legal rules relevant to vocational education shall be applied to the organization of the practical training.

## Section 53

(1) The school organizes – parallel to classes – extra-curricular programs according to the students' interest and demands.

(2) Extra-curricular programs involve:

- a) the day-care centre and the study room centre;
  - b) study group, interest group, literary and debating society, choir, artistic group [hereinafter groups under Paragraph b) together: students' circle];
  - c) students' sports club;
  - d) schools' contests, vocational or cultural contests, championships within the school or between schools, students' day;
  - e) class or group activities which are laid down in the school's teaching program but may not be realized in the framework of classes, particularly school excursions, environmental education, cultural or sports events.
- (3) The school is obliged to provide – according to the parent's demand - day-care or study room service until the end of the 10<sup>th</sup> grade, in institutions participating in therapeutic education in every grade.
- (4) Day-care and study room centre activities shall be organized to meet the requirement related to the child's education and day-time care according to the parents' demands. For the organization of day-care and study room centres four and a half hours a day are available in the first four grades, three hours a day in the 5<sup>th</sup>-8<sup>th</sup> grades and all the other grades of schools participating in therapeutic education and two hours a day in the 9<sup>th</sup>-10<sup>th</sup> grades, a time frame which shall be extended for good cause with the time necessary for the tasks related to the child's day-time care. The weekly time frame shall be determined for the day-care or study room groups established.
- (5) In the case of primary arts education institutions regulations under Subsections (1)-(4) shall not be applied. In primary arts education institutions extra-curricular activities may be organized as well.
- (6) The school library operating within the school shall ensure that the students and teachers may take advantage of its services on every school day.
- (7) The residence hall organizes different activities for the students admitted and in receipt of residence hall accommodation with the purpose of their catching up or the cultivation of their talents; it might also organize preparatory classes providing specific knowledge, furthermore leisure time activities listed in Subsection (2), Paragraphs b) and d) and activities enabling the individual care of the student. The time frame available for the organization of residence hall programs may not be less than fourteen hours a week – per residence hall group – in the case of preparatory classes and ten hours a week in the case of other residence hall activities. The weekly time frame may be rearranged between the single residence hall tasks, study groups and in the course of the academic year between school weeks. Residence hall activities may be organized in the framework of private or group activities. To the organization of private activities provisions under Section 52, Subsection (10), Paragraph b) and Subsection (11) of this Act shall be applied.
- (8) The work schedule of the residence hall shall be determined to enable the student to travel home on a regular basis, but travelling home during the academic year may not be made obligatory.

#### The head of the public education institution

#### Section 54

- (1) The head of the public education institution is responsible for the proper and legitimate operation of the public education institution and its economical management; he/she exercises employer rights and takes decisions in every issue related to the institution's operation which is not referred to the sphere of authority of someone else by legal rules or the collective agreement (regulations for civil servants). He/she exercises his/her rights in questions related to the employment and the circumstances of the life and work of employees complying with his/her reconciliation obligation prescribed in legal rules. The head of the education institution is furthermore responsible for education, the operation of the institution's controlling, measurement, evaluation and quality assurance system, the organization and performance of tasks related to child and youth protection<sup>40</sup>, the creation of the healthy and safe conditions of education, the prevention of students' and children's accidents and for the organization of the students' and children's regular medical examination. The head of the education institution may order extraordinary holidays if the operation of the education institution may not be ensured due to extraordinary weather, epidemics, natural catastrophes or other unavoidable causes or if the institution would face considerable danger or irreparable damage without taking such measures. To take such measures he/she shall obtain the maintainer's approval or if this is impossible he/she shall inform the maintainer immediately.
- (2) The head of the public education institution represents the institution.<sup>39</sup>
- (3) The head of the public education institution may occasionally or in certain types of cases transfer his/her sphere of authority defined in Subsections (1)-(2) to his/her deputy or another employee.

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<sup>40</sup> Act XXXI of 1997.

<sup>39</sup> Act IV of 1959.



## Section 55

(1) a) The independent education institutions shall be headed by

- the leader of the kindergarten in the case of kindergartens,
- the head teacher in the case of schools, residence halls and other public education institutions

- by the head teacher or director general – depending on the employer’s decision – in the case of institutions providing national professional teaching services.

b) Member institutions or institution units of an independent institution shall be headed by

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

(2) The duties of the head of the education institution involve particularly

- a) the leading of the teaching staff;
- b) the co-ordination and supervision of education;
- c) the preparation of decisions belonging to the teaching staff’s sphere of authority and the organization and controlling of their expert implementation;
- d) the creation of the personal and material conditions necessary for the operation of the education institution on the basis of the available budget;
- e) the co-operation with the school board, interest representation bodies of the employees, students’ self-governments and parents’ organisations (communities);
- f) the organization of the celebration of national and school holidays in a decent manner, adjusting to the work schedule;
- g) the co-ordination of the child and youth care;
- h) the co-ordination of activities related to the prevention of students’ and children’s accidents.

## The teaching staff

## Section 56

(1) The teaching staff is the community of the teachers of the education institution, the institution’s most important consultative and decision-making body in education questions.

(2) The members of the teaching staff are: every employee of the education institution in the position of teacher, the institution’s business manager and the employees with tertiary qualification who help with the education directly.

(3) The teaching staff of the education institution has decision-making rights in questions related to education, matters related to the operation of the education institution and in questions defined by this Act and other legal rules, otherwise it has right for formulating opinion and making proposal.

## Section 57

(1) The teaching staff’s sphere of authority involves the right to

- a) approve the professional and teaching program and its modifications;
- b) approve the rules of organization and operation and its modifications;
- c) to prepare the annual work schedule of the education institution;
- d) approve analysis, evaluations and reports on the work of the education institution;
- e) choose a teacher to represent the teaching staff;
- f) approve the house orders;
- g) to decide whether students may be allowed to go up a class;
- h) to decide in the disciplinary cases of the students, to admit the students to the rating exam;
- i) to formulate expert opinion on managerial programs submitted for the competition announced for the position of the leader of the institution or institution unit;
- j) decide in further issues defined in legal rules.

(2) The teaching staff may express its opinion or put forward proposals in every issue related to the operation of the education institution. The opinion of the teaching staff shall be asked before the approval of the division of subjects, during the distribution of the individual assignments of the single teachers as well as before the commission of the deputy head teachers or the withdrawal of their commission.

(3) The teaching staff of the education institution decides about

- a) the institution of an action to the court against the decision if they refuse to approve the professional or the teaching program or the rules of organization and operation;
- b)

(4) The teaching staff may establish a committee from its members – for a definite period or occasionally – to prepare or take decisions in issues in the scope of their duties or it may transfer the exercise of their rights to the professional co-operative, the school board or the students' self-government. The organization exercising the authority transferred is obliged to inform the teaching staff – in the way and at the interval determined by the teaching staff – on the matters in which it proceeds on behalf of the teaching staff. These provisions may not be applied when the professional and teaching program or the rules of organization and operation are approved.

(5) In the public education institution with joint management and in the general community centre the teaching staff proceeding shall consist of the leader of the institution, the business manager and the employees – listed in Section 56, Subsection (2) -

a) employed in the institution unit if the matter affects only one institution unit – performing the task of education institution - ,

b) employed in every institution unit concerned if the matter affects more institution units – performing tasks of education institution.

(6) Guest teachers do not have a right to vote in matters belonging to the teaching staff's sphere of authority – except for issues belonging to Subsection (1), Paragraphs g)-h).

(7) If the public education institution (institution unit, member institution) is not an education institution, furthermore in matters of the public education institution with joint management and the general community centre affecting the whole institution the rights due to the teaching staff – except for those related to the student status – shall be exercised by the meeting of teaching staff [Section 121, Subsection (1), Paragraph 26].

### The professional co-operative

#### Section 58

(1) The teachers of the education institution may establish professional co-operatives. The co-operative provides assistance in professional and methodical questions for the preparation, organization and controlling of education in the education institution. On the teachers' initiation co-operatives between institutions may also be established.

(2) In kindergartens, schools and residence halls one professional co-operative may be established for the performance of the same tasks, for one subject or field of education. In member institutions and branches separate professional co-operatives may operate.

### The parents' organisation

#### Section 59

(1) In kindergartens, schools and residence halls parents may establish parents' organizations (communities) to enforce their rights and fulfil their duties.

(2) If more parents' organisations (communities) operate in the kindergarten, school or residence hall the parents' organisation (community) entitled to act on behalf of every parent of the kindergarten, school or residence hall is the one elected by more than 50% of the parents of the students admitted to the kindergarten, school or residence hall. In the case of the lack of such a parents' organisation (community) the parents' organisations (communities) may establish a joint organisation to handle issues affecting the whole education institution or commission one of the parents' organisations (communities) to represent them (hereinafter: kindergarten, school or residence hall parents' organization).

(3) The parents' organization may make decisions regarding its own rules of operation, the approval of its work schedule and the election of its officials.

(4) The kindergarten, school or residence hall parents' organization may initiate the establishment of the kindergarten board, school board or residence hall board, furthermore it may decide who shall represent the parents in the kindergarten board, school board or residence hall board.

(5) Legal rules and the rules of organization and operation of the kindergarten, school or residence hall may lay down further rights for the parents' organization (community).

### The School Board

## Section 60

(1) In the school a board may be established to help with education and advance the co-operation of the teaching staff, the parents, students and the maintainers of the institution and furthermore other institutions interested in the operation of the institution.

(2) The parents, the teaching staff and the students' self-government may delegate the same number of representatives to the school board.

(3)

a) The maintainer,

b) the child care centre, child and youth protection institute,

c) the local minority self-government, in the case of schools fulfilling regional or national duties the national minority self-government provided it is not the maintainer of the school,

d) in vocational schools and secondary vocational schools the regional Chamber of economics may delegate one representative to the school board.

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

a) at least 20% of the members of the teaching staff,

b) the representative of the parents' organisation (community) of the school or in the case of the lack of it at least 20% of parents of students attending the institution,

c) the representative of the students' self-government of the school, in the lack of it at least 20% of the students attending the school [hereinafter: those under Paragraphs a)-c) together: the parties interested].

(5) The members of the school board are elected for the representation

a) of the parents by the parents' organisation (community) of the school or in the lack of it by the parents of students attending the school,

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

c) of the students' self-government of the school by the members of the students' self-government of the school or in the lack of it by the students attending the school.

(6) The school board shall be established if its establishment is initiated by the representatives of at least two of the parties interested and if they also participate in its work.

(7) If the establishment of the school board is initiated by the representative of the parents' organisation (community) of the school or in the lack of it by at least 20% of the parents or by the representative of the students' self-government of the school respectively or in the lack of it by at least 20% of the students attending the school the members of the teaching staff shall contribute to the establishment and the work of the school board.

(8) The representative acting on behalf of the the parents in the school board – on the grounds of the election defined in Subsection (5), Paragraph a) – may also be a person whose child does not study at the school.

(9) The representative acting on behalf of the students' self-government in the school board – on the grounds of the election defined in Subsection (5), Paragraph c) – may be such a person of age as well who is neither the student, nor the employee of the school or whose child is not attending the school.

(10) If any of the interested parties initiate the establishment of the school board the head teacher of the school shall establish a committee within 30 days after the initiation with the same number of representatives delegated by each interested party participating in the work of the school board to prepare the establishment of the school board.

## Section 61

(1) The decision-making competence of the school board involves the approval of its rules of operation and its work schedule, the election of its officials, furthermore issues in which the teaching staff or the not self-governmental maintainer transfers its decision-making right to the school board.

(2) The school board participates in the evaluation of decisions made by the education institution concerning the enforcement of students' rights and the fulfilment of their duties as well as of petitions put in against the measures.

(3) The school board exercises the right of consent

a) when approving the rules of organization and operation in questions defined in legal rules;

b) when approving the house rules;

c) when determining the conditions on the basis of which education provided on the basis of enterprises and related services may be made use of.

(4) The school board may express its opinion in every question related to the operation of the education institution. The opinion of the school board shall be asked before approving the teaching program and before signing the public education agreement defined in Section 81, Subsection (1), Paragraph e).

(5) The school board has the right of making proposal in every question related to the operation of the education institution, with special regard to issues affecting the management of the education institution, the person of its leader, the whole institution or a major group of the students.

(6) The school board may use the rooms and equipments of the school free of charge provided it does not hinder the school's operation.

(7) To the establishment, operation, legal position and responsibilities of the kindergarten board, residence hall board, institution board or the GCC board provisions relevant to the school board shall be applied with the difference that the provisions relevant to the students' self-government shall not be applied in the case of the kindergarten board, that the scope of activities of the GCC board extends to institution units performing tasks not related to public education as well and that – on the grounds of the agreement between the interested parties - further organs or organisations may also delegate a representative into it above those listed in Section 60, Subsection (4).

### The students' communities, the students' self-government

#### Section 62

(1) The school or residence hall may establish students' circles – pursuant to the provisions of the house rules – for the organization of the joint activities of their students.

(2) The student communities may exercise the decision-making right – with the hearing of the opinion of the teaching staff – when planning and organizing their own community life and electing their officials and they are entitled to represent themselves in the students' self-government.

#### Section 63

(1) The students, student communities and student circles may establish a students' self-government for the representation of the students' interests. The scope of the activity of the students' self-government extends to every question affecting the students. The work of the students' self-government is assisted by the person of age who is commissioned by the students, who is also entitled – on the grounds of the commission of the students' self-government - to act on behalf of the students' self-government.

(2) If more students' self-governments are active within the school or residence hall, the self-government entitled to act in matters affecting the whole education institution is the one in the election of which more students participated provided that the representation of more than 50% of the students is ensured in this way. In the lack of such a students' self-government the students' self-governments of the school or residence hall may establish a common institution to handle issues affecting the whole education institution or they may commission one of the students' self-governments (hereinafter: school or residence hall students' self-government).

(3) The students' self-government may decide – with the asking of the teaching staff's opinion – about its own operation, the appropriation of financial means provided for the operation of the students' self-government, the exercise of its competence, the program of a working day without school, the establishment and operation of the information system of the school or residence hall students' self-government and the commission of the student leader (executive editor) and editorial staff of the information system's editorial office (school paper, school radio etc.).

(4) The rules of organization and operation of the students' self-government are adopted by the electing student community and approved by the teaching staff. The approval of the rules of organization and operation may be refused only if they offend legal rules or if they are inconsistent with the rules of organization and operation or the house rules of the school. The teaching staff shall make a statement regarding the approval of the rules of organization and operation within thirty days following their introduction. The rules of organization and operation as well as its modification shall be regarded as approved if the teaching staff makes no statement within thirty days.

(5) The students' self-government may formulate its opinion or make proposals in every question related to the operation of the education institution and the students.

(6) The students' self-government may use the rooms and equipments of the school or residence hall free of charge provided it does not hinder the school's or residence hall's operation.

(7) In the school or residence hall students' general assemblies shall be organized at least ones a year with the purpose of the review of the students' self-government's operation and of the enforcement of students' rights.

#### Section 64

(1) Students' self-governments are entitled to establish unions<sup>41</sup> or to join such organizations. The union may not exercise the rights of the students' self-government in the school or residence hall.

(2) The school or residence hall students' self-government exercises the right of consent in the following questions affecting the students:

a) in matters defined in legal rules when approving and modifying the rules of organization and operation of the school;

b) when laying down the principles of the distribution of social allowances among the students;

c) when investing financial means provided for youth political purposes;

d)

(3) The school and residence hall students' self-government exercises the right of consent when approving or modifying the house rules.

(4) To the establishment, operation and legal status of the institution students' self-government and the GCC students' self-government provisions relevant to the school and residence hall students' self-government shall be applied.

#### Admission to the kindergarten, the student status and the residence hall membership

#### Section 65

(1) The admission and adoption to the kindergarten occurs on the basis of application. Children may be admitted to the kindergarten when they have turned three years old. The parent may request the admission or adoption of his/her child to the kindergarten at any time. New applicants are admitted continuously during the kindergarten's academic year.

(2) The child shall be admitted or adopted principally to the kindergarten in the district of which he/she lives or his/her parent works. The leader of the kindergarten shall decide about admission and adoption to the kindergarten. If the number of applicants exceeds the number of the children who may be admitted the leader of the kindergarten or in the case of more kindergartens the maintainer of the kindergarten shall organize a committee to make proposals for the admission. The kindergarten – including the assigned kindergarten – is obliged to admit or adopt the child participating in preparatory programs for school life held in the framework of kindergarten education if his/her permanent address or in the lack of it his/her residence is in its district (kindergarten providing compulsory admission). If the kindergarten assigned [Section 30, Subsection (4)] is not obliged to admit or adopt the child it may refuse his/her admission only due to the lack of place.

(3) The leader of the kindergarten decides about the division of the children admitted to the kindergarten into groups with regard to the opinion of the parents and kindergarten teachers. The rules on the organization of kindergarten groups are laid down in Appendix No. 3. of this Act.

#### Section 66

(1) The student (private student) is in student status with the school. The student status is established by means of admission or adoption. The head teacher of the school decides about the admission and adoption pursuant to the provisions laid down in Section 42, Subsections (1)-(2) and Sections 46-47. Primary schools are not permitted to organize entrance examinations.

(2) The primary school – including the assigned school as well – is obliged to admit or adopt the child of school age the permanent address or in the lack of it the residence of whom is in its district (school providing compulsory admission). The maintainer may assign the vocational school – in the 9<sup>th</sup>-10<sup>th</sup> grade - to provide compulsory admission. The assigned school [Section 30, Subsection (4)], if it is not a school providing compulsory admission may refuse the student's admission only due to the lack of place. Applicants belonging to the national or ethnic minority shall be admitted and adopted – if they meet the admission requirements – to the school (branch, class, group) teaching in the language of the national or ethnic minority or in the language of the national or ethnic minority and in Hungarian.

(3) The student status is established on the day of the registration. The student may exercise his/her rights based on the student status from this point of time. Legal rules or the house rules of the school may determine the beginning of the first academic year as a term of the exercising of some rights.

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<sup>41</sup> Act II of 1989.

(4) Students of school age shall be enrolled to the first grade of the school at the time determined by the self-government of the village, town, of the district of the capital or of the town with county rights. The time determined for the registration shall be published as usual in the place.

(5) The head teacher decides about the division of the students admitted into classes or groups – with asking the opinion of the expert co-operative or in the lack of it the teaching staff. The rules on the organization of classes and groups are laid down in Appendix No. 3. of this Act.

#### Section 67

(1) Legal rules on vocational education determine the terms of the participation in the vocational education related to school and vocational grounding. Those who are not of school age may participate in the acquisition of the knowledge necessary for starting work and independent life also if they do not have primary qualifications.

(2) If the vocational school or the secondary vocational school prepares its students for the acquisition of qualifications to which the requirements medical and aptitude tests shall be met the medical expert opinion and the expert opinion regarding the student's aptitude shall be considered when admitting or adopting the student to the first vocational education grade or when allowing him/her to continue his/her studies.

(3) If the vocational school or the secondary vocational school prepares its students for the acquisition of qualifications to which the requirements of a professional aptitude test shall be met the student may be admitted or adopted to the first vocational education grade or allowed to continue his/her studies if he/she has passed the professional aptitude test. The admission or adoption to the vocational education grade or the permission to continue the studies may not be refused in the case of students who have entered a study contract provided that they hold the required school and vocational grounding, meet the requirements regarding age as well as the requirements of the aptitude, professional aptitude and medical tests. If meeting the requirements of the aptitude and professional aptitude test was the condition of the signing of the study contract the school decides about the student's admission, adoption and the continuation of his/her studies on the basis of the results of these examinations – provided that they are not older than two years. The requirements of the professional aptitude examination are determined by the head teacher of the school and the organizer of the practical training.

(4) The requirements of the aptitude test as well as the requirements of the professional aptitude test shall be published in the admission guide.

(5) Legal rules on vocational education may determine further terms for the participation in vocational education.

#### Section 68

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

(2) In the case of an independent residence hall, it is the head of the residence hall who shall decide about admission, while in the case of a non-independent residence hall it is the head of the school who shall decide with the approval of the head of the residence hall. It is the principal or the head of the residence hall who shall decide about assigning students to activities, consulting the teaching staff of the residence hall. The rules for organizing classes are defined in Appendix 3.

(3) In cases laid down in legal regulations, students have to be admitted to the residence hall.

(4) Admission to residence hall and accommodation outside it is for one academic year, apart from exceptions defined in the legal provision. Turning down an application for admission to a residence hall or accommodation outside it may not be used as a means of disciplining.

#### The duties of under-age students

#### Section 69

(1) If the family circumstances, the development of abilities or the particular situation of a child justify it, on request, he or she may be exempted by the head of the kindergarten from kindergarten education preparing children for school.

(2) In case the particular abilities, handicap or special situation of a student justify it, the head of the school may, at the request of the student, exempt him or her from attending the compulsory classes partly or entirely. The head of the school may, at the request of student, exempt him or her from studying ability subjects if the student's particular abilities or special situation justify it.

(3) Students taking private tuition shall be exempted from all compulsory classes.

(4) Students exempted from attending compulsory classes are to give account of their knowledge at times appointed by the head of the school and in ways determined by the teaching staff.

(5) A student's legal relationship shall be suspended if the student has been allowed to interrupt his or her studies or has been prohibited to continue the academic year through disciplinary action. During the suspension of the student's legal relationship, the student has the right to attend the facilities of the school, to be informed about issues concerning him or her, or to apply for transfer to another school. Students may exercise their rights based on a student's legal relationship even during its suspension, unless the legal regulations stipulate otherwise.

#### Section 70

(1) Teachers shall assess the students' performance and progress with marks during the academic year, while at mid-term and at the end of the term, the students shall be assessed in a school report. The work and behaviour of students shall be assessed by the class-master, after consulting the other teachers of the class. The students and the parents of under-age students shall be regularly informed of the marks received. The results in the school report shall be determined on the basis of the marks received during the year. The student and the parents of under-age students shall be informed of the results in the school report. The assessment of students results and work should not be used as a means of disciplining.

(2) The marks are the following:

a) in the evaluation and assessment of a student's knowledge, top mark (5), good (4), satisfactory (3), pass mark (2) and fail mark (1);

b) in the evaluation and assessment of a student's behaviour, exemplary (5), good (4), variable (3), bad (2);

c) in the evaluation and assessment of a student's work, exemplary (5), good (4), variable (3), negligent (2).

(3) Instead of giving marks during the year, and in the first six forms instead of assessing students in the school report, the pedagogical programme of the school may prescribe a different marking system for the assessment of a student's performance, work and behaviour. In schools educating and teaching in accordance to the alternative pedagogical requirements and methods, the school may depart from the provisions of Subsections (1)-(2), in accordance with the contents of the pedagogical programme.

(4) The teaching staff shall survey the end-term marks of each student in the framework of an assessing meeting, and shall decide whether the student may pass to next form on the basis of the marks defined by the teachers and the class-master. If the student's end-term mark differs considerably from the average of the marks received during the academic year to the disadvantage of the student, the teaching staff shall request the teacher to inform them of its reason and, if it is justified, to change his or her decision. If the teacher is not willing to change his or her decision, and the teaching staff does not agree with him or her, this latter may modify the mark to the student's advantage on the basis of the marks received during the academic year.

(5) In the assessment of a student, the provisions in Subsections (1) and (4) shall be applied even if the school does not use marks, with the exception of the stipulations concerning the use of marks during the academic year and in the school report .

(6) If the practical training of a student is not carried out by the school, his or her performance, behaviour and work during the practical training shall be assessed by the organizer of the practical training in accordance with the provisions of Subsection (2). It is the teaching staff that shall determine the mid-term and end-term mark of a student on the basis of the assessment given by the organizer of the practical training, and shall decide whether the student may pass to next form or may take a vocational examination. If the school organises interposed examination, the mid-term and end-term mark shall be determined on the basis of the assessment given by the organizer of the practical training and the result of the interposed examination. The provisions of Subsections (1) and (4) shall also be applied in the case of a student taking part in non-school practical training.

(7) The head of the school may exempt a student admitted to the first form from the evaluation and assessment on the basis of the expert opinion of the educational advisor or of the rehabilitative committee of experts, if it is necessitated by the student's ability and maturity, or the student may be authorised to make progress in accordance with his or her personal ability and maturity (hereinafter: individual progress).

(8) If a student has been exempted from the assessment, he or she shall finish the first form as a preparatory form together with the other students. During the preparatory form the student shall prepare for the school requirements in the framework of playful preparation. The preparatory form may also be organized in the framework of morning day-care classes.

(9) In the case of individual progress, it should be defined in the authorization on the basis of the expert opinion mentioned in Subsection (7) that for the different subjects which is the form by the last teaching day of which the student has to catch up with the others. The individual progress may take longer in some subjects than others, but should be terminated in every subject by the fourth form.

(10) The preparatory form may be transformed into individual progress until the last teaching day of the month following the first semester, on the basis of the expert opinion mentioned in Subsection (7).

#### Section 71

(1) A student may pass to next form if he or she has successfully met the set study requirements.

(2) A student who passes to next form or the form of vocational education does not have to be re-enrolled.

(3) A student may meet the requirements set for two or more forms in one academic year or in less time than prescribed, if it is permitted by the head of the school.

(4) If a student under compulsory education is repeating the same form for a second or further time because he or she did not meet the requirements of study [Paragraph 38, Subsection (1) of Section 121], the school shall enable the student to take part in individual classes of the given subject or subjects, on the charge of the time limit defined in Subsection (7) and Paragraph c), Subsection (10) of Section 52 of this Act.

(5) At the request of a student, he or she may be permitted to repeat any year with the exception of vocational training, even if the student could pass to next form, .

(6) In the institutions of primary art education, students may pass from the basic year to further training only if he or she passed the artistic primary examination organized in accordance with the provisions.

#### Section 72

(1) Students shall obtain reports on the accomplishment of each form and certificates on meeting the educational requirements of the examination of basic education, the secondary school leaving examination and the vocational examination. These reports and certificates shall be regarded as official documents. The reports and certificates are to be written in Hungarian or, if the school teaching is carried out - partly or entirely - in the language of a national or ethnic minority group or in another foreign language, in two languages: in Hungarian and in the language of the national or ethnic minority group or the foreign language. The report and certificate forms shall contain the coat of arms of the Republic of Hungary.

(2) Schools may only use certificate and report forms or other necessary forms, which have been approved by the Ministry of Education, with the exception of certificates of vocational qualification, which shall be approved by the Ministry of Labour. The permission of the Ministry of Education, in case of certificates of vocational qualification the permission of the Ministry of Labour shall be needed for the printing and distribution of the certificate and report cards and forms.

(3) A central register should be kept on issued certificates of secondary school leaving examination and certificates of vocational qualification, in accordance with the contents of the regulations of examination.

#### Section 73

If a training school or a secondary vocational school prepares the students for artistic vocational examination in the framework of parallel teaching, the report and the decision on whether the student may pass to next form may be made separately, considering the requirements of basic education and the requirements of vocational education separately.

#### Cessation of kindergarten placement, students' legal relationship and membership of a residence hall

#### Section 74

(1) Kindergarten placement shall cease:

- a) on the day of the transfer, if a child has been transferred to another kindergarten,
- b) on the day indicated in the letter, if a parent declares in writing that his or her child quits the kindergarten
- c) on the day when the cessation of the placement may not be appealed against, if the head of the kindergarten ceases the child's kindergarten placement because of arrears on payments after demanding payment from the parents repeatedly without any result and investigating the child's social situation,
- d) on the last day of the academic year, if the child has been admitted to school,
- e) on the last day of the academic year in which the child turns seven, if the child has not been admitted to school.

(2) Kindergarten placement is ceased if the child's unjustified absence from kindergarten classes exceeds what is permitted by legal regulations.

(3) The provisions laid down in Paragraphs b)-c) of Subsection (1) and in Subsection (2) may not be applied if the child is participating in kindergarten education preparing for the school requirements.

#### Section 75

(1) A student's legal relationship shall cease:

- a) on the day of the transfer, if the student has been transferred to another school,
- b) on the day of issue of the certificate on the completion of the last form of primary school,
- c) on the last day of the last academic year of compulsory education, if the student does not wish to continue his or her studies,
- d) on the last day of the first examination period following the completion of the last form of secondary school,



- e) on the last day of the first examination period following the completion of the last form of secondary vocational school, if the student does not wish to continue his or her studies or if the student may not continue his or her studies for lack of conditions necessary for further education,
- f) at a training school or a secondary vocational school
- on the last day of the first vocational examination period following the completion of the last form,
  - on the last day of the first vocational examination period, if the student takes part in practical training under a student contract,
  - if the student has become incapable, for health reasons, of continuing his or her studies, and if there is no other suitable form of vocational education in the school, or if the student does not wish to continue his or her studies or may not continue them for lack of conditions necessary for further education,
- g) in the institutions of primary art education,
- on the day indicated in the declaration, if the parents or a student of age declares the cessation of studies,
  - on the last day of the last basic form, if the student does not take the artistic primary examination,
  - or on the day of the final examination of the final form of further training, or on the day of issue of the certificate on the completion of the last form if the student does not take the final examination, and in the case defined in Paragraph i),
- h) on the day of acknowledgement of the declaration, if the student declares in writing that he or she quits school after the cessation of compulsory education,
- i) on the day when the cessation of the legal relationship may not be appealed against, if the head of the school ceases the child's kindergarten placement because of arrears on payments after demanding payment repeatedly and without any result from the parents, or in case of a student of age from the student, and after investigating the student's social situation .
- (2) After the cessation of compulsory education, the school may terminate the student's legal relationship even without request if the student has not completed at least the eighth form and there is no adult education in the school or the student does not wish to continue his or her studies there.
- (3) A student's legal relationship shall cease if the student's unjustified absence from compulsory classes has exceeded what is permitted by legal regulations, with the exception of a student under compulsory education.
- (4) A student's legal relationship shall cease on the day the disciplinary decision of expulsion from the school may not be appealed against.
- (5) On the last day of the academic year, the school may terminate the student's relationship of a student who is not under compulsory education by a unilateral declaration if he or she did not complete the study requirements of the same form for the second time. On the last day of the academic year, the school may also terminate the student's legal relationship of a student who, according to the provisions of Subsection (1) of Section 52, may not take part in the regular school education, on the condition that there is not adult education in the school, or the student does not wish to take part in it.
- 6) For the cessation of the student's legal relationship, in the case of unified schools the provisions concerning secondary schools, in the institutional units of public educational institutions with common administration and of general cultural centres providing school tasks the provisions concerning the type of schools providing the according tasks shall be applied.
- 7) A student's membership with a residence hall shall cease:
- a) with the cessation of the student's legal relationship in cases defined in legal regulations, otherwise at the end of the academic year,
  - b) when the disciplinary resolution expelling the student from a residence hall may not be appealed against,
  - c) on the day when the cessation of the placement may not be appealed against, if the head of the residence hall terminates the student's membership because of arrears on payments after demanding payment from the parents and the student repeatedly without any result and investigating the student's social situation
  - d) on the day indicated in the declaration, if the student renounces in writing his or her membership with the consent of the parents,
  - e) on the day of the transfer, if the student is admitted to another residence hall,
- 8) The contents of Paragraphs b)-c) of Subsection (7), shall not be applied if the student may not comply with compulsory education without the membership of the residence hall.
- 9) An under-age student may make a declaration with the parents' agreement , even after the termination of compulsory education, which results in the cessation of student's legal relationship or the student's membership of the residence hall.
- 10) The kindergarten placement, the student's legal relationship or the membership of a residence hall ceases if the educational-teaching institution ceases to exist without legal successor.

Disciplinary and damages liability of students, damages liability of the educational-teaching institution

(1) If a student breaches his or her duties deliberately and seriously, the student may be disciplined on the basis of disciplinary action by a written resolution. Government decree No. 20/1997. (II.13.), and Decree of the Ministry of Education and Culture No. 42 11/1994. (VI.8.)

(2) The disciplinary punishment may be:

- a) a reprimand,
- b) a severe reprimand,
- c) a reduction or withdrawal of certain benefits and allowances,
- d) transfer to another class, study group or school,
- e) a prohibition from continuing the academic year in the given school,
- f) expulsion from school.

(3) In case of students under compulsory education, the disciplinary punishments defined in Paragraphs e)-f) of Subsection (2) may not be applied. The disciplinary punishment defined in Paragraph d) of Subsection (2) may be applied if the head of the school has agreed with the head of the other school to transfer the student. The disciplinary punishment defined in Paragraph c) of Subsection (2) may not be applied in connection with welfare allowances and benefits.

(4) In the disciplinary action taken against a student of a secondary vocational school or a training school the local chamber of trade is to be involved if the student has signed a student contract.

(5) When a member of a residence hall breaks the regulations of the residence hall, the following disciplinary punishments may be applied:

- a) a reprimand,
- b) a severe reprimand,
- c) expulsion.

(6) When establishing the disciplinary punishment, the student's age, mental maturity and the severity of the deed committed have to be taken into consideration. The disciplinary punishment is determined by the teaching staff. The opinion of the student council of the school and the residence hall has to be taken into consideration in the course of the disciplinary proceedings.

(7) The student and the parents of an under-aged student should be informed of the disciplinary proceedings, appointing its reason. In the course of the disciplinary proceedings, the student should be given a hearing and an opportunity to present his or her point of view and defence. A trial should be held if the student disputes the breach of duty imputed to him or her, or if it is justified because the facts need to be clarified. The student and the parents of the under-aged student should be invited to the procedure. In the case of under-age students parents should always be involved to the disciplinary proceedings. The student may be represented by a parent or a delegate during the disciplinary proceedings. The disciplinary trial shall be held even if the student, the parent or the delegate do not appear despite the fact that they were notified duly. The disciplinary process shall be launched and conducted at the initiation of the student or the parents in case of under-age students.

(8) For one breach of duty only one disciplinary punishment may be inflicted on the student. If a disciplinary punishment could be inflicted both at the school and the residence hall because of breach of duty and there is no agreement to the contrary between the educational-teaching institutions, the disciplinary punishment shall be established in the educational-teaching institution where the proceedings began first.

(9) If the breach of duty was committed during the practical training, the disciplinary proceedings are to be conducted at the school.

(10) Only disciplinary resolution which may not be appealed against may be carried out. The rules for conducting disciplinary proceedings are laid down in legal regulations.

#### Section 77

(1) If a student causes damage unlawfully to the educational-teaching institution or to the organizer of the practical training in connection with the pursuit of his or her studies, the student is accountable for it as defined in the stipulations of the Civil Code of the Republic of Hungary. 43[Act I of 1959]

(2) In the case defined in Subsection (1), the rate of damages should not exceed

- a) 50 percent of the monthly minimum wage if the damage was caused out of negligence (, the sum should be established in accordance with the regulations in effect on the day of damage),
- b) the damage caused or five times the monthly minimum wage if the damage was caused intentionally, if the students is unable to act or limited in action (, the sum should be established in accordance with the regulations in effect on the day of damage).

(3) If a child or student suffers damages in connection with his or her placement in kindergarten, student's legal relationship, membership in a residence hall, practical training, the kindergarten, school, residence hall or the organizer of practical training is totally liable regardless to culpability. As regards compensation, the stipulations of the Civil Code are to be applied with the difference that the school or the organizer of practical training shall be exempt from their liability only if they may prove that the damage was the result of an unavoidable cause

outside their scope of influence. No damages have to be paid if the damage has been caused by the unpreventable behaviour of the person suffering the damage.

4) If a student of a secondary vocational school or a training school has signed a student contract, the stipulations of the Act on Vocational Education are to be applied when damage is caused to the organizer of the practical training or to the student.

BH1997. 589. If there is no student contract, it is the school or the organizer of the practical training that has to pay the damages to the student if the accident occurred during work in the apprentice workshop [Subsection (2) of Section 49 of the Act LXXVI of 1993, Subsections (3)-(4) of Section 77 of the Act LXXIX of 1993]

BH1996. 310. The school is liable for the damage suffered by the student in connection with the pursuit of his or her studies regardless to culpability. [Subsection (1) of Section 347 of the Civil Code, Subsection (1) of Section 38 of the Act I of 1985, Subsection (3) of Section 77 of the Act LXXIX of 1993]

### Special Provisions Concerning School Education and Teaching Adjusted to Students' Occupations

#### Section 78

(1) Students who are not under compulsory education and may not or do not wish to take part in regular school education may start or continue their studies in school education that is adjusted to their occupations from work, family etc., to their level of knowledge and age (hereinafter: adult education)

(2) Studies may be continued only within the framework of adult education from the academic year

a) when the student turned 17, in the case of primary schools of eight forms ,

b)

c) when the student turned 23, in the case of secondary school and training schools.

The limit defined in Paragraph c) may be extended by one year, if the student started his or her studies in the first form of primary school at the age of 7, or if he or she took part in vocational education where there are more than two vocational forms. The limits defined in Paragraphs a)- c) shall be prolonged by 3 years in the case of students with physical, sensory, mental, speech or other handicap, or students with adaptational disorder, learning or behavioural disorder, or if the student could not meet the requirements because he or she was under permanent medical treatment.

(3) After the compulsory education is terminated, it is the student or the under-age student together with parents in case of under-age student, who decides whether to continue school education in the regular system or in adult education until the age defined in Subsection (2).

(4) Adult education may be organized

a) in schools created for that purpose, enumerated in Paragraphs b)-d) and f) of Subsection (1) of Section 20 of this Act, or

b) in the adult education section, class or group of schools created for the purpose of school education in the regular system.

5) In adult education a separate class or group may be organized for students of age of 16 to 20.

6) In adult education, education and teaching may be organized with the schedule of full-time education or with the schedule of evening, correspondence or other specific courses (e.g. distance education). Teaching may be organized with the schedule of full-time education for those who are allowed to take part in regular school education under Subsection (1) of Section 52.

7) In adult education

a) school education and teaching may be based on the individual preparation of students,

b) if teaching is not organized with the schedule of full-time education, the days of individual preparation that are defined by the school should be included in the 185 school-days, and provisions concerning the 5-day school-week shall not be applied,

c) it is not obligatory to apply the provisions concerning non-compulsory classes, the division of classes and individual classes, extracurricular activities, everyday physical training.

### Special Provisions Concerning Institutions of Public Education Not Run by Local Authorities

#### Section 79

(1) If an educational-teaching institution has not been founded by a local authority, it may start operation only with a permit.

(2) Together with the application for the permit, the following documents shall be enclosed: the deed of foundation of the educational-teaching institution, its educational and pedagogical programmes, as well as the documents which show that the institution meets the personal and material requirements needed for starting operation and educational and teaching work. The application and its supplements may be submitted in a form specified in the legal regulations.

(3) In the case of a kindergarten or primary school it is the Public Administration Officer of the local authority of where the institution is to operate who decides on granting the permit, in the case of an institution of primary art education, a secondary-school, a training school, an institution of special pedagogical education for the defective an educational-teaching institution of a multipurpose institution or a residence hall it is the chief Public Administration Officer of the local authority of where the institution is to operate who decides. Before making the decision, the Public Administration Officer should obtain an expert opinion regarding to Paragraph a) of Subsection (4). Expert opinions may be obtained from experts included in the National Directory of Experts. The costs of the procedure in connection with the permit are to be borne by the applicant.

(4) The permit may be denied if

a) the educational-teaching institution's educational and teaching programmes are not in accordance with the requirements specified in the Act on Vocational Education

b) the institution does not have the personal and material conditions for its operation, or if its budget does not show from what sources shall the costs necessary for carrying out its tasks be paid.

(5) If the activities or the place of operation of the educational-teaching institution changes, the permit defined in Subsection (1) has to be obtained again by the maintainer of the institution.

(6) If the Public Administration Officer refuses the permit necessary for the operation, he or she also has to refuse the registration of educational-teaching institution, if he or she has already registered the educational-teaching institution, he or she is to delete it from the registration. In the case of a budgetary organization, he or she shall contact the Ministry of Finance, to have the institution deleted from the registration.

#### Section 80

(1) It is the Public Administration Officer or chief Public Administration Officer who carries out the legal supervision of the maintenance of an educational-teaching institution not run by a local authority, in accordance with the working order defined in Subsection (3) of Section 79.

(2) The Public Administration Officer or chief Public Administration Officer shall observe within the framework of official supervision whether the maintainer of the educational-teaching institution is operating the institution in accordance with what has been laid down in the deed of foundation and the permit necessary for the operation.

(3) Within the framework of legal supervision, the Public Administration Officer or chief Public Administration Officer shall call on the maintainer to stop the breach of law while ensuring an appropriate deadline. If the maintainer does not take action within the deadline allowed, the Public Administration Officer or chief Public Administration Officer may initiate the establishment of the unlawful activities, decisions or default by a court of law. Legal action is to be initiated within 30 days of the expiry of the deadline allowed for stopping the breach of law. If the court establishes a breach of law and the maintainer of the institution does not stop it within the deadline set by the court, the Public Administration Officer or chief Public Administration Officer shall withdraw the permit necessary for operation and shall delete the educational-teaching institution from the registration or, if it is a budgetary organization, shall contact the Ministry of Finance to have the institution deleted from the registration.

(4) The Public Administration Officer who carries out legal supervision may suspend the operation of an educational-teaching institution if the educational and teaching work carried out there violates public safety, public order, public health or public morals, or is against the rights or civil rights of others, or if the educational-teaching institution does not meet requirements necessary for carrying out its tasks. Unless the delay would mean substantial or irreversible damage or danger, the maintainer has to be called on to stop the activities criticized and to remedy the deficiencies while ensuring an appropriate deadline before the suspension of operation. The Public Administration Officer may prescribe instant execution of the verdict. Within 15 days after the verdict may not be appealed against, the Public Administration Officer may initiate legal action as defined in Subsection (3) and take proceedings in accordance with the requirements of the above-mentioned Subsection, unless the cause for legal action has ceased to exist.

(5) If the educational-teaching institution also has places of operation other than that of the mother institution, it has to apply for a permit from the Public Administration Officer of the local authority where the unit is to operate, as laid down in Section 79. The Public Administration Officer has the scope of authority regarding the unit defined in Subsections (1)-(4), with the difference that in the case of a unit, it is the Public Administration Officer of the local authority of where the mother institution operates who deletes the unit from the registration.

(6) The Public Administration Officer shall take measures for the suspension of paying normative budget contribution while sending the administrative definitive judgment if the maintainer did not stop the breach of law and the criticized activities in spite of being called on by the Public Administration Officer in accordance with the regulations of Subsections (3)-(4) and consequently the establishment of the breach of law by a court of law has been initiated. 44[Act IV of 1957]

#### Section 81

- (1) If an educational-teaching institution is not run by a local authority or a state body:
- a) the educational-teaching institution may also operate as an institution committed in respect of religious or ideological conviction, and in compliance with it, it may stipulate the adoption of a certain religion or ideological conviction as requirement for admission, may include into its pedagogical programme the philosophical, ethical, cultural knowledge appropriate to the religious, ideological conviction and may restrict or exclude the exercise of rights defined in Paragraph d), Subsection (1) of Section 19 of this Act and may define rights and requirements regarding the religious practice for the employees in the operational regulation and for children and students in the regulations of the institution,
  - b) and religious instruction figures in the school's curriculum, the teacher or instructor of religion shall have either a tertiary-level qualification of teacher or instructor of religion acquired in a denominational higher educational institution or a tertiary-level qualification in connection with religious life (e.g.: priest, theologian) and shall have the commission of the local religious authority,
  - c) the following stipulations shall not be applied at the founding and maintenance of the schools: the stipulations concerning the medium-range plan of registration [Subsections (2)-(3) of Section 26, Subsection (2) of Section 28], from the stipulations concerning the admission of children and students Section 46, the first and third to fifth sentences of Subsection (2) of Section 65, Subsection (2) of Section 66, Subsection (3) and the first sentence of Subsection (4) of Section 68, and from the stipulations concerning the choice of the leader Subsection (8) and Appendix 3 defining the size of classes and groups of Section 18,
  - d) payment may be made a condition of the admission to kindergarten, school or residence hall, a condition of kindergarten placement, student's legal relationship, membership with residence hall, and they may depart from the Sections 74-75 of this Act in written agreement regarding the cessation of kindergarten placement, the student's legal relationship and membership with residence hall,
  - e) the institution may participate in the execution of certain tasks under a written agreement between the maintainer of the institution and the local authority responsible for the execution of those tasks (hereafter: "public education agreement"). Within the framework of the public education agreement, education becomes free for children and students and the provision of Paragraph d) maynot be applied within the framework of the agreement. For the execution of the tasks defined in Subsection (3) of Section 86, the public education agreement shall be concluded with the local authority of Budapest, of the county or of the city with county rights.
- (2) If it is a religiously or ideologically committed institution that participates in the execution of tasks of the local authority under a public education agreement made on the basis of Paragraph e) of Subsection (1), the conclusion of the agreement does not exempt the local authority from its obligations concerning children and students whose parents do not want them to attend an educational-teaching institution which is religiously or ideologically committed. The conclusion of the agreement maynot put disproportionate burden on these parents, children or students.
- (3) The contents of a public education agreement are set freely by the parties, with the stipulation that the agreement has to contain:
- a) the educational and teaching tasks,
  - b) the number of children and students,
  - c) the participation in educational tasks within the kindergarten and in tasks related to school education and teaching in fulfilling compulsory education, and in connection with this, the possible transfer of the exercise of certain operational rights to the employer,
  - d) the period for which the agreement has been concluded,
  - e) the sources that may be used by the maintainer of the institution to execute the tasks, as well as the sum of the supplementary subsidies granted on this ground, and the services which become free for the children, students and parents under the agreement, and the services for which they shall pay fees.
- (4) The sum of the supplementary subsidies shall be defined in a way that it should make it possible to execute the undertaken tasks for free or for a fee in accordance with the provisions of Sections 114-115, and 117 of this Act.
- (5) The period set in a public education agreement has to ensure that children and students concerned may complete kindergarten education and school studies on the basis of the agreement.
- (6) Otherwise for the public education agreement the provisions of the Civil Code of the Republic of Hungary regarding commission shall be applied.
- (7) The public education agreement has to be made public in a way which is customary locally.
- (8) The Minister of Education may also conclude a public education agreement if the educational-teaching institution executes tasks in the whole country or in a wider area, provided the maintainer initiated the conclusion of an agreement according to Paragraph e) of Subsection (1) without any results.
- (9) In the case of a secondary vocational school or training school, the Minister of Education may sign the agreement with the consent of the minister responsible for the vocational education.

(10) The Minister may also make a public education agreement with the local government of a minority. The Minister is obliged to make a public education agreement with the local government of a minority if the execution of school and residence hall tasks in connection with national and ethnic minorities is unsolved in the framework of task execution of the local government, and the school or residence hall executes national tasks. If the local government assigns the ownership or the maintenance right of the public educational institution in its possession or under its maintenance to the government of a national minority, the local government is obliged to conclude a public education agreement in accordance with the provisions of Subsections (3)-(4).

(11) If the ecclesiastical legal entity made an agreement extended to the tasks of public education with the Government concerning the educational-teaching institution under its maintenance and it is not a case of transmission of institution defined in Subsection (13), it may undertake the collaboration in the tasks of the local government in a unilateral statement sent to the local government of the village, city, city with county rights and Budapest district which has jurisdiction where the institution operates. The Catholic Church of Hungary is entitled to make a unilateral statement on the basis of the agreement between the Republic of Hungary and the Apostolic See. The statement shall contain the data enumerated in Paragraphs a)-d) of Subsection (3), its preparation should follow the provisions of Subsection (5), while at its execution the provisions of Subsection (6) shall be applied. The local government shall send the statement to the Budapest district or county local authority within three working days. The supplementary subsidies defined in Subsections (1)-(2) of Section 6 of the Act CXXIV of 1997 on financial conditions of the activities of religious life and with public purposes (hereinafter: Act on financial conditions of ecclesiastical activities with public purposes) shall be provided on the charge of the central budget from the academic year following the sending of the statement.

(12) The Minister of Education is obliged to make public education agreement with the ecclesiastical legal entity if the school, residence hall run by the ecclesiastical legal entity executes a national task, except in cases where the educational-teaching institution falls within the verdict of Subsection (13). The Minister of Education shall make an agreement on the request of the ecclesiastical legal entity about the provision of professional pedagogical service on the basis of the contents of Subsection (11).

(13) If the property does not fall within the verdict of the Act CXXV of 1997 on the settlement of the ownership of the former property of the church (hereinafter: Act on the settlement of the ownership of former property of the church) and the local government transmits the educational-teaching institution operating in the property under its maintenance to the maintenance of the ecclesiastical legal entity, the local authority is obliged to make a public education agreement at the request of the ecclesiastical legal entity. If it is not the ecclesiastical legal entity who initiates the agreement detailed in Subsection (11), an agreeing statement of the signatory of the agreement or in other cases the agreeing statement of the body of the autonomous organization (monastic organization, etc.) of the legal entity which is entitled to declaration at the official registration (hereinafter: church body entitled to declaration at the official registration ) should be attached to the receipt and the public education agreement. On the basis of the public education agreement, the ecclesiastical legal entity becomes entitled to the supplementary subsidies from the academic year following the signing of the public education agreement. The supplementary subsidies shall be paid on the charge of the central budget and shall be accounted with the transmitting local government, on the basis of Subsection (9) of Section 118 of this Act.

(14) If it is the Minister of Education who makes the public education agreement, he or she shall send a copy to the Budapest district or county local government where the educational-teaching institution operates.

## Section 82

(1) If an institution of pedagogical specialized services or a pedagogical professional service-providing institution is not run by the local government or a state body, the stipulations contained in Subsections (1)-(3) and in the second sentence of Subsection (5) of Section 80, and in Paragraph e) of Subsection (1) and in Subsections (7)-(8) and (10) of Section 81 are to be applied regarding the activity of the institution. For the pedagogical specialized services and the pedagogical professional services payment may be specified. The scope of authority defined in this paragraph shall be exercised by the chief Public Administration Officer, except for the conclusion of the public education agreement.

(2) For the public education agreement defined in Subsections (8)-(10) of Section 81 and in this Section the agreement of the Minister of Finance should be obtained.

(3) Considering the public educational institutions run by a local government of a national minority, the scope of authority defined in Section 80, and in Subsection (1) shall be exercised by the chief Public Administration Officer of the local authority where the institution operates.

## Rules of Procedure

## Section 83

- (1) An educational-teaching institution shall inform students and parents in writing about its decisions concerning children and students, in cases and forms defined by the legal regulations.
- (2) Students and parents may initiate proceedings on behalf of the child against a decision or measure or student, or the absence of measures (hereinafter: "decision") of the kindergarten, school or residence hall, within 15 days of being informed about it or, or if they were not informed, within 15 days of its acknowledgement, with the exception of the evaluation and assessment of studies, behaviour and work. Proceedings may be initiated even against the evaluation and assessment of studies, behaviour and work if the assessment was not realized in accordance with the local curriculum used by the school, or the procedure of the assessment breaches the law or the provisions concerning student's legal relationship.
- (3) The petition initiating the proceedings
- a) is a petition for revision, if it has been lodged on grounds of violation of individual interests,
  - b) is a petition submitted on legal grounds, if it has been lodged on grounds of breach of legal provision.
- (4) It is the representative of the maintainer who acts and makes second-degree decisions in respect of:
- a) petitions on legal grounds and
  - b) admission to and expulsion from kindergarten, the establishment of a student's legal relationship, membership, or their cessation as well as petitions for revision in connection with disciplinary action concerning a student.
- (5) The petition for revision, with the exception of the petitions for revision enumerated in Subsection (4) shall be judged by the school board or, in the absence of one, a committee that consists of at least three members of the teaching staff. As an outcome of the judging, the school board or the committee
- a) may reject the petition for revision,
  - b) may order those failing to make a decision to make it,
  - c) may abrogate the decision and order the maker of the decision to make a new decision.
- (6) In connection with the calculation of the deadline of handing in a petition on legal grounds, negligence and proceedings concerning the judging of the petition, the stipulations concerning appeals procedures of the general regulations of state administration procedures are to be applied. 45[Act IV of 1957]
- (7) Students and parents may apply for revision by a court of law of the decision on the petition for revision within 30 days of being informed about the decision, on grounds of breach of legal provision, with reference to being contrary to the law or to the provisions concerning student's legal relationship, with the exception of the petition on a legal ground and the contents of Paragraphs a)-b) of Subsection (2) of Section 76 and Paragraphs a)-b) of Subsection (5) of Section 76.
- (8) The decision of the educational-teaching institution is final, if there was no petition filed to commence proceedings within the deadline defined in Subsection (2), or if the concerned renounced the petition to commence proceedings. The decision of the appeal court become into force at the announcement For the announcement the provisions of the act on general rules of administrative procedures shall be applied. The decision in force may be executed, unless court revision was requested. The decision maker may order the immediate executing of the decision in case the strong interest of the other students in the same educational-teaching institution justifies it.
- (9) To the recommendation of the student council, the teaching staff, the school board or the parents' association (community) a person or organization authorized to act in public education within thirty days, the representative body of the local authority on the 30<sup>th</sup> day the latest following the first meeting has to give a proper answer.

#### Section 84

- (1) If the maintainer of the educational-teaching institution does not approve the pedagogical or educational program of the institution, or its organizational and operational regulations, the teaching staff, the conference of professional employees may ask the court to revise the decision, on grounds of breach of legal provision, within 30 days of being informed about the decision, with the exception defined in Subsection (3).
- (2) The school board, the student council, the parents' association (community) may lodge a petition on legal grounds with the maintainer within 15 days if their rights are violated. With the exception defined in Subsection (3), the decision of the maintainer may be appealed against at a court of law, in accordance with the contents of Subsection (1).
- (3) If the decision in accordance with Subsections (1)-(2) has been made by the representative body (the general assembly) of the local government running the educational-teaching institution, a legal supervision may be initiated with the administrative office of the county.
- (4) In court cases defined in Subsection (7) and in Subsections (1)-(2) of Section 83, Chapter XX of Act III of 1952 on Civil Procedure shall be applied. The court has the right to change the decision. The Court shall make a specially prompt decision.
- (5) Within three days after the decision, the parent or the student may submit a request on legal grounds against the decision, acting or the absence of acting (hereinafter together: decision) of the independent examination committee, the committee of the examination of basic education, secondary school leaving and vocational examination to the National Centre of Public Education, Assessment and Examination referring to breach of

legal provision. The request shall be judged by the National Centre of Public Education, Assessment and Examination within three working days. For the procedure the Subsections (6)-(8) of Section 83, Subsection (4) of Section 84, Subsection (3) of Section 104 of this Act shall be applied with the departure that failing the deadline defined for the submission of the petition means the loss of rights and there is no place for justification. (6) Those who exercise the right of approval in decisions concerning public education at an educational-teaching institution, may make a declaration within 30 days. This deadline may be extended before the expiry of the deadline by a maximum of 30 days, with a declaration made to the other party. Failing the deadline means the loss of rights and there is no place for justification. In calculating the deadline, the stipulations of the Act on the general rules of state administration proceedings are to be applied. If any debated issue between the parties concerned maynot be settled through conciliation in the course of exercising the right of approval, a nine-member committee has to be set up at the educational-teaching institution. The teaching staff and the exerciser of the right of approval delegate three members each to the committee. Three members shall be invited by the maintainer of the educational-teaching institution from the experts in the National Directory of Experts, at the expense of the budget of the educational-teaching institution. The committee shall define its own operational order, with the restriction that it decides with a simple majority of vote. The committee's decision is to substitute agreement.

## CHAPTER VI

### THE ORGANISATION AND CONTROL OF PUBLIC EDUCATION

#### The Communal Tasks of Public Education and the Duties of Municipalities

##### Section 85.

(1) Local municipalities shall undertake tasks related to public education as stipulated herein.<sup>46</sup>

(2) The state shall participate directly in the tasks related to public education by means of establishing and operating institutions, or by entering agreements with the operators of institutions not established by the state or by a municipality.

(3) Both legal and natural entities may participate in undertaking the tasks related to public education defined under article (1) by means of establishing and operating educational institutions or institutions providing specialised pedagogical services or pedagogical professional services.

(4) Local municipal councils, if operating two or more institutions of public education, are obliged to prepare, individually or jointly with other local municipalities, a plan of undertaking tasks, and operating and developing networks of institutions (hereafter referred to as municipal action plan) to facilitate the preparations for the municipal decision-making required for organising the tasks related to public education. The municipal action plan shall include a description of how the municipality shall undertake its obligatory tasks, and what non-obligatory tasks the municipality intends to undertake. It shall also include propositions concerning the operation, maintenance, development and reorganisation of the system of institutions. During the preparation of the action plan, the consent of any local minority councils shall be obtained regarding issues that pertain to national or ethnic minorities. For the preparation of the action plan, opinions shall also be sought from the leaders of public educational institutions operating in the locality, from student and parental associations, from operators of institutions not established by the state or by the municipality, from local trade unions, and, if no local minority councils exist, from the applicable national minority councils. Local municipalities shall evaluate the implementation of the local action plan at least biannually, and revise it as required. The local municipality shall investigate whether the educational or pedagogical programme corresponds to the stipulations of the municipal action plan, as per point a) of article (2) of section 103 of this Act.

##### Section 86.

(1) The municipal councils of townships, towns, districts of the Capital, and towns of county rank are obliged to provide for kindergarten care and primary school education; as well as for the kindergarten care and primary school education of members of ethnic or national minorities in settlements inhabited by ethnic or national minorities.

(2) The obligation stipulated by article (1) includes provision for those children and students with physical, perceptual, minor mental, vocal or other deficiencies, who may be schooled and taught together with other children and students.

(3) The municipal councils of counties and, unless otherwise stated in article (4), the Capital, shall provide for:

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<sup>46</sup> Act LXV. of 1990.



- a) dormitory housing, including housing for national and ethnic minorities,
  - b) secondary and vocational school instruction,
  - c) secondary and vocational school instruction for national and ethnic minorities,
  - d) adult education,
  - e) primary art education,
  - f) counselling related to higher education and career opportunities, educational counselling, speech therapy services, and therapeutic gymnastics,
- in case the municipal councils of a township, town, or district of the Capital does not undertake these tasks, or the these are not already provided for in the area of the county or the Capital.
- (4) Unless otherwise stated in the agreement between the municipal council of the Capital and that of a district of the Capital, the municipal council of a district of the Capital is obliged to provide for:
- a) primary education of students with minor mental deficiencies;
  - b) primary art education;
  - c) primary education of adults;
  - d) educational counselling, speech therapy services, and therapeutic gymnastics.
- (5) If the number of students belonging to the same national or ethnic minority within a settlement is not sufficient for minority education to be arranged locally, the municipal council of the Capital or the county, as stipulated by rule of law, shall organise, upon request from the pertaining national minority council, the teaching of their vernacular language and national heritage as a supplement to their phase of education providing general knowledge (hereafter referred to as supplementary minority education). Supplementary minority education may be organised as a branch of an existing school, by establishing a specific minority language school, or by employing itinerant educators.

#### Section 87.

- (1) The municipal councils of counties and, unless otherwise stated in article (2), the Capital, shall provide for:
- a) ensuring that those students whose domicile or in default of this, place of residence maynot provide the facilities of care and education till the completion of compulsory education may change school upon completion of primary studies without undergoing a supplementary examination or having to repeat a academic year,
  - b) the dissemination of information regarding secondary and vocational school entrance examinations,
  - c) municipal-level pedagogical professional services,
  - d) the education required for the completion of compulsory education by children under extended care in children's health resorts, health institutions or rehabilitation institutions,
  - e) nursery, care and dormitory facilities for those children and students with physical, perceptual, mental, vocal or other deficiencies, who maynot be cared for or schooled together with other children and students,
  - f) the conditions required for the completion of educational obligations,
  - g) the organisation of counselling concerning the special education of children with disabilities, early development and care; expert opinions and rehabilitation concerning the capacity of learning, and conductive education facilities,
  - h) the operation of a network of itinerant specialists as required for fulfilling the tasks outlined in points e) to f), as well as the task of providing therapeutic gymnastics.
- (2) Unless otherwise stated by the agreement between the municipal council of the Capital and the municipal council of a district of the Capital, the municipality of the district of the Capital is obliged to ensure the provision of municipal-level pedagogical professional services regarding kindergarten care and primary school instruction and education.
- (3) The municipal council of the Capital shall ensure the provision of national-level specialist diagnosis and rehabilitative facilities of disabilities. The national-level tasks of specialist attention and rehabilitation are defined by rule of law.
- (4) The municipal councils of the Capital and the counties shall ensure the operation of the system of uninterrupted substitution of teachers on Capital and county level, as stipulated by rule of law.

#### Section 88

- (1) The municipal council of the Capital and the municipal councils of the counties shall, after consulting respectively the municipal councils of the districts of the Capital or the local municipalities within the county and in co-operation with these councils, prepare a plan of undertaking tasks, and operating and developing networks of institutions (hereafter referred to as development plan) to facilitate the preparations for the municipal decision-making required for organising the tasks related to public education. For the preparation of the development plan, opinions shall also be sought from the Statistical Office and the Employment centre of the Capital or the county (hereafter jointly referred to as collabourators), from the regional Chamber of Commerce, from student and parental associations of the Capital or the county, from operators of institutions not established by the state or by a municipality, and from the teachers' trade union of the Capital or the county. The municipal

councils of counties and towns of county rank shall prepare the development plans for their own regions, then approve them jointly in the Board of Arbitration. The plans regarding the undertaking of the obligatory tasks of county municipalities stipulated in sections 86 and 87 of this Act, including especially the plans for the provision of opportunities for continuing education in secondary institutions as required after completing eight classes, shall be included as an independent chapter in the county's development plan. The county's development plan shall include the principles of co-operation between municipalities concerning the undertaking of educational tasks, and the assurances and conditions for the seamless integration of the system of educational institutions. The local minority councils concerned may provide recommendations for the development plan and collaborate in its preparation. The opinion of the national minority council shall be obtained for the preparation of the development plan. When approached by the municipal council of the Capital or a county, collaborators are obliged to provide the data required for the preparation of the development plan. The development plan of the Capital shall be issued by the municipal council of the capital, and that of a county by the municipal council of that county, in the form of a proposition, by passing a resolution. For the purposes of the application of this article, a pedagogical professional association is defined as an association that has registered itself at the municipal council of the Capital or a county as such, by presenting their charter and certifying their registration at court.

(2) The development plan shall include an assessment of the situation as concerns the organisation of the provision public education; a list of the tasks to be solved and a medium-term schooling plan for the area of the Capital or the county. The development plan shall be prepared so that it clearly indicates the way individual municipalities fulfil their obligations to undertake tasks related to public education, and the location where children and students who have a permanent domicile or, failing this, a place of residence at a certain settlement, may avail of the public educational services outlined in the present Act, particularly kindergartens, schools and specialised pedagogical services that provide compulsory education. The schooling plan shall state, taking into account the expected variations in the number of students, the total enrolment capacity of individual school types, and the tasks with which specific schools contribute to providing compulsory education and establishing the conditions for higher education. Public educational institutions maintained by entities other than a local municipality or a State organ shall be taken into account for the preparation and amendment of the development plan if such an institution co-operates in providing the municipality's obligatory tasks according to an agreement on public education, or its operator has presented a declaration at the local municipality in the case defined in article (11) of section 81, or has entered an agreement on public education with the Minister of Education. In absence of an agreement on public education or a declaration, a public educational institution maintained by entities other than a local municipality or a State organ may not be included in the development plan.

(3) The development plan shall be made for a period of six years at least. The development plan shall be reviewed at least once every four years, as well as any time at least five percent of the concerned local municipalities, or of local minority or national minority councils, or of all the interested parties, requests so.

(4) Municipalities may fulfil their tasks by establishing and maintaining institutions, by forming partnerships, or by entering agreements with other municipalities or providers. If municipalities fulfil the tasks defined herein by means of a partnership, they shall specify the defrayal and sharing of expenses in the deed of partnership.

(5) A local municipality may establish a new institution of public education or extend the tasks of an existing institution if the human and material resources and budget required for commencing operation or adding new tasks are available or may be made available. A decision to do so requires an expert opinion from the municipal council of the Capital or the applicable county, based on the development plan.

(6) A local municipality may dissolve one of its institutions of public education or discontinue the provision of service if it may ensure the continuation of the same activity or service at the same level in such a way that its use lays no disproportionate burden on children, students or parents. A decision to do so requires an expert opinion from the municipal council of the Capital or the applicable county, based on the development plan.

(7) A local municipality may transfer part or whole of the right of ownership or maintenance of one of the educational institutions owned by it to maintainers organised on a doctrinal or other basis, if it may ensure the continuation of the same activity or service at the same level for those children or students whose parents do not wish their children to attend a doctrinally affiliated or transferred educational institution, in such a way that its use lays no disproportionate burden on children, students or parents. A decision to do so requires an expert opinion from the municipal council of the Capital or the applicable county, based on the development plan.

(8) If a local municipality wishes to dissolve one of its institutions of public education, or transfer part or whole of its right of ownership or maintenance to an entity other than an organ of state or local municipality, in spite of a negative recommendation of the expert opinion based on the development plan from the municipal council of the Capital or the applicable county, then the decision to do so requires a qualified majority as defined in article (2) of section 15 of Act LXV of year 1990, concerning local municipal councils. Decisions made in this way shall also give regard to the stipulations of articles (6) and (7).

(9) If the municipal council of a township, town or district of the Capital may no longer undertake the provision of one of the tasks listed under article (3) of section 86 in one of the institutions of public education owned by it,

it shall notify the municipal council of the Capital or the applicable county of the transfer of the particular task. The latter shall decide, with regard to the stipulations of article (6) and in accordance with the procedure outlined in article (3) of section 102, whether the continued operation of the former institution is necessary for the provision of the transferred task. Upon request from the municipal council of the Capital or the county, the municipality transferring the task is obliged to cede the use of the assets of the institution that provides the transferred task to the municipal council of the Capital or the county. This transfer shall take place free of charge. The date for the transfer of the task and cession of assets shall be July 1 of the year following the notification in case of an institution or task related to care or education, and January 1 of the year following the notification in case of an institution or task related in any other way to public education, unless otherwise agreed on by the parties. If the municipal council of a township, town or district of the Capital has been fulfilling a transferred task by means of a multipurpose institution and the assets of that institution meant for the transferred task may not be delineated, then upon request from the municipal council of the Capital or the county the use of all the assets of that institution shall be transferred, along with the other tasks fulfilled by that institution. The cession of use defined in this article shall take place for a period of at least ten years. For other aspects of the cession of use the regulations of the Civil Code of the Republic of Hungary shall prevail.

(10) If the municipal council of the Capital or the county does not request the cession of the use of assets as per article (9), then the assets of the institution may only be alienated if the owning local municipality is fulfilling its tasks stipulated in article (1) of section 86 as the maintainer of the institution. In case of the alienation of the institution, right of pre-emption is due to purchasers who shall continue to turn the assets of the institution to providing tasks related to public education. Real estate acquired in such a way shall be placed under a ban of alienation and encumbrance for ten years.

(11) The dissolution of an educational institution maintained by the Capital or a county, or the transfer of part or whole of its right of ownership or maintenance to a maintainer other than the state or a local municipality, requires a decision by the general assembly, approved as stated under article (8), in case the decision is not in accordance with the development plan. For such an issue, the opinion of the Board of Arbitration is required in case of an institution of public education maintained by a county.

(12) If a kindergarten or school has been providing nursery care or school education or care for national or ethnic minorities, then for the decisions specified in articles (6), (7) and (9) the local municipal council needs to obtain the consent of the local minority council applicable to the location of the institution, and the opinion of the national minority council.

(13) If a educational institution is dissolved with a legal successor, then the dissolution shall not affect the nursery enrolment, student status or dormitory eligibility of children. In case the parents do not wish their child to attend the educational institution of the legal successor, or if a educational institution is dissolved without a legal successor, the local municipal council shall specify, with regard to the stipulations of articles (6) and (7), the educational institution to which children may be transferred, if requested by the parents prior to the dissolution of the former educational institution. The head of the specified educational institution may only refuse receiving the child or student on the grounds of lack of space.

Judgement of the Supreme Court, 2000. 454. Aspects of the obligation of local municipalities by rule of law to fulfil their educational tasks, and to the sharing of the expenses incurred in fulfilling this obligation in the case of several local municipalities undertaking joint - bilingual - educational tasks: [Act LXV of year 1990 (The Act concerning Local Municipal Councils), section 8. article (4), section 43. article (1), section 107. article (2); Act LXXIX of 1993, section 88, section 90. article (1), section 102. article (2) point b); Civil Code, section 4. articles (1) and (4), section 198. article (1), section 201. article (1)].

#### Section 89.

In order to ensure the uninterrupted provision of public educational tasks, the municipal councils of the Capital and the counties shall initiate agreements with the municipal councils operating in the area of the Capital or the county, for the organisation of regional tasks related to public education, including especially:

- a) fulfilling tasks related to the completion of compulsory education (formation of school networks, provision of education for classes nine and ten, enrolment, transfers, operation of specialised pedagogical services);
- b) providing nursery and care facilities for children and students of national and ethnic minorities and for children and students with a physical, perceptual, mental, vocal or other deficiency;
- c) establishing the conditions necessary for undergoing compulsory education, operating a network of itinerant specialists of teaching disabled children, speech therapists and conductive therapists.
- d) ensuring the transfer of those whose domicile does not provide conditions for care and education all through the period of compulsory education to another school without undergoing a supplementary examination or having to repeat a academic year;
- e) settling issues related to secondary and vocational school entrance exams, and solving region-specific problems;

f) defining the area of operation (enrolment eligibility) of institutions providing for a region (schools and residence halls for the education and care of disabled children; dormitories, speech therapy institutions, etc.) and defining the contributions required to operate and maintain these.

#### Section 90.

(1) The municipality maintaining an institution of public education shall specify the area of operation (enrolment eligibility) so that children or students living in that area may not be refused entrance or transfer to that kindergarten or school [section 65, article (2) and section 66, article (2)], and the area of operation of institutions providing specialised pedagogical services, as well as the schedule of the opening hours of kindergartens, and ensure the publicity of this information by the routine procedure.

(2) Prior to deciding the area of operation (enrolment eligibility) of a kindergarten or kindergarten section caring for children with a physical, perceptual, mental, vocal or other deficiency or a school, school group, class or section educating children with a physical, perceptual, mental, vocal or other deficiency or a speech therapy institution, the maintaining municipality shall obtain the opinions of the municipalities concerned.

(3) Prior to deciding the area of operation (enrolment eligibility) of an institution caring for or educating children with a physical, perceptual, mental, vocal or other deficiency, maintained by the municipal council of the Capital or a county and accommodating students from several counties or regions, the opinion of the Ministry of Education shall be obtained.

(4) Prior to deciding the area of operation (enrolment eligibility) of a educational institution providing nursery care or school care and education for children belonging to a national or ethnic minority, the local municipality shall obtain the consent of the local minority council concerned; or in case of a school providing for a region or the entire country, that of the National Minority Council.

(5) For the preparation of the information regarding admission to secondary and vocational schools, information about expected changes in the structure of employment, as relevant to the number of admissible students, shall be obtained from the employment centre of the Capital or the county.

#### Section 91.

(1) The chief Public Administration Officer shall

a)

b) appeal to the Minister of Education for the prescription of an extraordinary vacation if educational institutions in the area of the Capital or a county may not be operated due to extreme weather conditions, an epidemic, a natural disaster or other insurmountable adversity. For the appeal by the chief Public Administration Officer, opinions shall be obtained from the notaries of the municipalities concerned, unless the delay would entail significant hazards or irreparable losses. If opinions could not be obtained, the chief Public Administration Officer shall forthwith inform the notaries of the municipalities concerned about the actions taken.

(2) The chief Public Administration Officer and the notaries of towns of county rank shall

a) collaborate, as stipulated in the examination rules of the secondary school leaving examinations, in the preparation and administration of the secondary school leaving examinations;

b) collaborate in the operation of the information system of public education.

(3) The chief Public Administration Officer shall prepare and administer a register of public educational institutions not maintained by local municipalities, and forward this by August 31 of every year to the Health Insurance Fund of the Capital or the counts; also ensuring the access of the interested persons to this register by means of the institution providing pedagogical professional services.

(4) The Public Administration Officer or chief Public Administration Officer of the municipality maintaining an institution of public education, or of the municipality indicated in the agreement in case of a partnership of municipalities, shall

a) collaborate in the organisation of tasks related to monitoring and evaluating the pedagogical activity carried out in kindergartens, schools and residence halls;

b) judge the applications listed in article (4) of section 83;

c) collaborate in the preparation and administration of the examination of basic education as prescribed by the examination rules of the examination of basic education;

d) perform the preparatory tasks related to the administration of the open application procedure for appointing the heads of public educational institutions maintained by the local municipality;

e) inform the applicable expert or rehabilitation committee about which institutions – as listed herein under articles (1) and (2) of section 30 – have the facilities to provide the special care required for disabled children or students;

f) facilitate and supervise the activity of educational institutions for the prevention of student and child accidents, and forward the records of student and child accidents semi-annually to the Ministry of Education;

g) inform the Minister of Education, or in case of a secondary vocational school or apprenticeship school, the Minister relevant to the specialisation of the school, of the establishment, reorganisation or dissolution of any institutions of public education;

h) perform all tasks relegated to his or her scope of authority or duty by rule of law.

(5) The Public Administration Officer shall forward one copy of his or her operative decisions concerning the registration or removal from the register, and the issue or revocation of the license to operate, of kindergartens and primary schools not maintained by local municipalities.

(6) For performing the tasks described under points a) and b) of article (2) and points a) and c) of article (4), the Public Administration Officer or chief Public Administration Officer shall avail as prescribed by rule of law, or, if no rule of law applies, may avail on the basis of an agreement, of the collaboration of an institution providing expert or pedagogical professional services listed in the register dealt with by the present Act.

(7) Duties of the local authorities of the domicile, or in default of this, the place of residence of a child or student are as follows:

a) the mayor shall assist parents in the school enrolment and travel arrangement of their child during the period of compulsory education, if the settlement concerned does not have a school that provides care and education till the completion of compulsory education.

b) the Public Administration Officer shall

- maintain a register of children and students obliged to participate in the activities that prepare them for school life organised as a part of kindergarten care, or to participate in compulsory education and compulsory training; and monitor the performance of the tasks stipulated under point a) of article (2) of section 14 herein.

- forward the register of children obliged to participate in kindergarten and compulsory education to the kindergarten and primary school applicable to the domicile, or in default of this, place of residence of the child,

- upon receiving a report, or ex officio, order the fulfilment of the obligation to participate in the activities that prepare for school life organised as a part of kindergarten care, or to participate in compulsory education and compulsory training, if parents fail to fulfil this obligation.

(8) In the conditions described under point b) of section (1), the Public Administration Officer shall appeal to the Minister of Education for the prescription of an extraordinary vacation for the educational institutions in the settlement. Prior to this appeal, opinions shall be obtained from the heads of the institutions concerned, unless the delay would entail significant hazards or irreparable losses. If opinions could not be obtained, the Public Administration Officer shall forthwith inform the heads of the institutions concerned about the actions taken.

(9) The municipality of the domicile, or in default of this, the place of residence, unless ordered otherwise by the present Act, shall reimburse the expenses of travel to the kindergarten providing compulsory care or school providing compulsory education; and shall, if necessary, provide adult accompaniment for the child or student if the kindergarten or school is located outside the settlement and commuting to the kindergarten or school is not provided by the municipality.

#### The Minister

#### Section 92.

(1) The Minister of Education shall perform the departmental control of public education as prescribed by this Act.<sup>47</sup>

(2) The range of the departmental control of the Minister of Education extends to all activities within the scope of this Act, regardless of the type of institution or organisation carrying out these activities, and the identity of the maintainer of the institution.

(3) The scope of control over the specialised training administered at secondary vocational schools and apprenticeship schools are defined by the Act concerning vocational training.

#### Section 93.

(1) The Minister of Education shall

a) issue – after requesting the opinion of the National Public Education Council and the Public Education Policy Council – the Objectives of Bilingual School Education, the Objectives of the Pre-school Education of Disabled Children, the Objectives of the School Education of Disabled Students, the National Plan of Residence-hall Education, the framework curricula, the requirements and curricular programme of primary art education, the Objectives of the Pre-school Education of National and Ethnic Minorities, the Objectives of the School Education of National and Ethnic Minorities, and perform the tasks related to the revision of these. The consent of the National Minority Committee shall be obtained for issues that concern the education of national and ethnic minorities in the framework curriculum and the National Plan of Residence-hall Education; and for the

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<sup>47</sup> Government Decree No. 162/1998. (IX. 30.)

Objectives of the Pre-school Education of National and Ethnic Minorities and the Objectives of the School Education of National and Ethnic Minorities;

b) regularly, but at least once every three years, evaluate the experiences concerning the introduction and implementation of the National Programme of Pre-school Education and the National Curriculum, with the collaboration of the National Public Education Council and the National Minority Committee; if necessary, appeal to the Government for a modification of these, having requested the opinion of the Public Education Policy Council and the consent of the National Public Education Council, as well as the consent of the National Minority Committee for issues concerning children and students belonging to a national or ethnic minority; and arrange for the preparation of kindergarten education programmes and school curricula, involving the national minority council in issues related to the pre-school education and school education of national and ethnic minorities;

c) define the requirements of the examination of basic education and the secondary school leaving examination, and perform the tasks related to the revision of these;

d)

e) arrange for national pedagogical professional services;

f) decide with the collaboration of the National Public Education Council, excepting vocational training, on the entry of books on the register of educational books and of materials on the register of educational materials; arrange for the publication of these registers, and publish and maintain the list of obligatory material and equipment for institutions of public education;

g) by way of the National Public Education Evaluation and Examination Centre, provide for the professional investigation and evaluation of pedagogical work carried out in educational institutions on the national, regional, county or Capital levels, excepting the specialised requirements of vocational training;

h) establish the conditions for quality assurance as prescribed by rule of law;

i) establish and operate the office of the ministerial commissioner for educational rights;

j) specify the requirements concerning the planning, healthy and safe operation, furnishing and educational material supply of institutions of public education;

k) make recommendations for the supplying of statistical data;

l) approve of the certificate forms used by schools and the forms required for issuing these certificates, excepting the certificates of vocational training and the forms required for issuing these; license the printing and circulation of the certificate forms;

m) perform the tasks related to the handling and use of the part of the Labour Market Fund delineated for vocational training, as prescribed by rule of law;

n) perform the tasks of educational policy related to regional development.

(2) The Ministry of Education may, at its own expense, call for national or regional professional examinations, or the preparation of pedagogical professional surveys, screenings and analyses. It may also request the maintainer of an educational institution to have professional examinations or pedagogical professional surveys, screenings or analyses carried out in the institution they maintain, and report the findings of these. If a maintainer fails to obey this request, the National Public Education Evaluation and Examination Centre shall proceed upon the order of the Minister of Education.

(3) The Minister of Education shall form an In-service Teacher Training Accrediting Body in order to facilitate the preparation for decisions concerning the approval of the programmes of in-service teacher training. The formation and operation of the In-service Teacher Training Accrediting Body is provided for by rule of law. The In-service Teacher Training Accrediting Body shall report its activity at least twice per annum to the National Committee for In-service Teacher Training.

(4) The Minister of Education is obliged on the basis of his or her authority as defined by point c) of section 97 of the Act LXV of year 1990, concerning local municipal councils, to order the head of an administrative office to call upon a local municipal council to terminate any breach of law related to the performance of tasks related to public education, stating a time limit for this; and if this request is not carried out, to institute legal proceedings at the National Court of Audit, the Constitutional Court, or the Court of Justice, depending on the nature of the case.

(5) If the Minister of Education judges the operation or management of an institution of public education to be in breach of law, he or she shall inform the applicable Public Administration Officer of chief Public Administration Officer that he or she may assert his or her authority with regard to institutions of public education not maintained by local municipalities, as defined in section 80 of the present Act.

#### Section 94.

(1) The Minister of Education shall regulate

- a) the issuing and implementation of the Objectives of the Pre-school Education of National and Ethnic Minorities, the Objectives of the School Education of National and Ethnic Minorities,<sup>47</sup> the Objectives of Bilingual School Education,<sup>48</sup> the Objectives of the Pre-school Education of Disabled Children, the Curricular Objectives of the School Education of Disabled Students,<sup>49</sup> the national programme of residence-hall education, the framework curricula, and the requirements and curricular programme of primary art education,<sup>50</sup> in accordance with the rules of procedure defined under point a) of article (1) of section 93. The consent of the National Minority Council shall be obtained for matters concerning the education of national or ethnic minorities in the framework curricula and the national programme of residence-hall education, as well as for issuing the Objectives of the Pre-school Education of National and Ethnic Minorities and the Objectives of the School Education of National and Ethnic Minorities;
- b) the professional rules of the operation of institutions of public education,<sup>51</sup> the order of the academic year,<sup>52</sup> the procedure related to the commissioning of the heads of institutions of public education, the questions related to the use of names by educational institutions, the relationship between students' sports associations and educational institutions, the general rules of administration and document handling at institutions of public education, as well as educationally relevant registers, the order of data management, the tasks related to the prevention of student and child accidents, and the activities related to the investigation, registration and reporting of such accidents;
- c) the order of the performance of the national-level tasks of surveying, measuring, evaluation and quality assurance, the activity of the experts listed on the National Register of Experts, as well as the tasks and rules of operation of the office of the ministerial commissioner for educational rights, and the establishment and operation of the In-service Teacher Training Accrediting Body;
- d) the procedure related to the preparation of expert opinions about the education of children with physical, perceptual, mental, vocal or other disabilities, and about children with adaptive problems, learning difficulties and behavioural disorders; as well as the operation of the expert and rehabilitation committee, and national and other expert and rehabilitative tasks;<sup>53</sup>
- e) the conditions and order of declaring books educational, the preparation and publication of the register of educational books, the order of removing books from that register and of support for educational books, as well as the order of entering materials on the register of educational materials and of removing materials from that register, the preparation and publication of the register of educational materials, and the publication of the register of obligatory material and equipment;
- f) the tasks related to the participation in activities that prepare for school life and to the fulfilment of compulsory education and compulsory training;<sup>54</sup> certain issues related to student status; the allowances and benefits available to students, excepting allowances and benefits available to participants of vocational training<sup>55</sup>; and the extent of fees payable by students;
- g) the order of examinations excepting the secondary school leaving examination, and the publication of the examination requirements of the secondary school leaving examination;<sup>56</sup>
- h) the enclosures required for issuing the license to launch the operation of an educational institution not established by a local municipal council,<sup>57</sup> and the conditions for collaboration in the performance of specialised pedagogical services<sup>58</sup> and pedagogical professional services<sup>59</sup>;
- i) the preparation of the National Register of Experts and the National Register of Examiners, as well as the procedural matters of entry upon these registers and the conditions for renewing entry on these registers;<sup>60</sup>
- j) the training courses that promote the performance of tasks related to public education;<sup>61</sup>
- k)<sup>62</sup>

<sup>47</sup> Decree of the Ministry of Culture and Public Education No. 32/1997. (XI. 5.)

<sup>48</sup> Decree of the Ministry of Culture and Public Education No. 26/1997. (VII. 10.)

<sup>49</sup> Decree of the Ministry of Culture and Public Education No. 23/1997. (VI. 4.)

<sup>50</sup> Decree of the Ministry of Culture and Public Education No. 27/1998. (VI. 10.)

<sup>51</sup> Decree of the Ministry of Culture and Public Education No. 11/1994. (VI. 8.)

<sup>52</sup> Decree of the Ministry of Education No. 15/2001. (V. 25.)

<sup>53</sup> Decree of the Ministry of Culture and Public Education No. 14/1994. (VII. 8.)

<sup>54</sup> Decree of the Ministry of Culture and Public Education No. 11/1994. (VI. 8.)

<sup>55</sup> Joint decree of the Ministries of Labour and of Culture and Public Education No. 9/1993. (XII. 30.)

<sup>56</sup> Decree of the Ministry of Culture and Public Education No. 24/1997. (VI. 5.)

<sup>57</sup> Decree of the Ministry of Culture and Public Education No. 11/1997. (VI. 8.)

<sup>58</sup> Decree of the Ministry of Culture and Public Education No. 14/1994. (VI. 24.)

<sup>59</sup> Decree of the Ministry of Culture and Public Education No. 10/1994. (V. 13.)

<sup>60</sup> Decree of the Ministry of Education No. 42/1999. (X. 8.)

<sup>61</sup> Decree of the Ministry of Culture and Public Education No. 41/1999. (X. 13.)

<sup>62</sup> Decree of the Ministry of Culture and Public Education No. 24/1997. (VI. 5.)

- l) the conditions in which bonus salary shall be awarded for outstanding performance at work, and the minimum amount of this bonus salary.<sup>63</sup>
- (2) The Minister of Education shall assert the range of authority described under article (1) over issues of vocational training in unison with the ministers responsible for that vocation.
- (3) The Government regulates by decree
- a) the implementation and publication of the national programme of pre-school education;<sup>64</sup>
  - b) the implementation and publication of the National Curriculum;<sup>65</sup>
  - c) the implementation and publication of the examination rules of the secondary school leaving examination;<sup>66</sup>
  - d) the problems related to the issue and use of student identity cards;<sup>67</sup>
  - e) the establishment and operation of the system of uninterrupted substitution of teachers on Capital and county level;<sup>68</sup>
  - f) the introduction of obligatory specialist examinations for teachers, the system of further education for teachers, and the allowances and benefits available to participants of further education;<sup>69</sup>
  - g) the conditions for utilising the contribution available to teachers for purchasing pedagogical technical literature (books, school and university textbooks, journals, etc.), and the rules for the reimbursement of expenses.<sup>70</sup>
- (4) Prior to submitting the National Programme of Pre-school Education and the National Curriculum to the Government, the consent of the National Public Education Council shall be acquired, as well as the consent of the National Minority Committee for issues that concern the kindergarten care or school education of children belonging to a national or ethnic minority; furthermore, the opinion of the Public Education Policy Council shall be acquired.
- (5) Prior to submitting the governmental decrees specified under points a) to c) and f) of article (3) to the Government, the consent of the national minority councils shall be obtained for issues that concern the kindergarten care or school education of children belonging to a national or ethnic minority.
95. (1) The tasks of the Minister of Education related to the development of public education comprise
- a) the preparation of long and mid-range development plans for public education;
  - b) the establishment, operation, development and modernisation of the nation-wide system of examinations;
  - c) the preparation of a development programme for the transformation of the school network and schooling system, and the monitoring of the transformation;
  - d) the investigation of pedagogical problems emerging in public education, and the development of pedagogical solutions and methods;
  - e) providing the financial and institutional background for research in educational science;
  - f) establishing the conditions for the in-service training necessary for refreshing the knowledge of teachers and heads of institutions of public education, and facilitating the in-service training of the participants of the tasks of managing public education on a national or municipal level;
  - g) providing professional assistance for the preparation of Capital and county-level development plans and municipal action plans;
  - h) providing the conditions for expert supervision of the entry of books on the register of educational books;
  - i) supporting the development of pedagogical systems, including especially the framework curriculum issued for the educational phase of public education and the school types defined herein, as well as the availability of accredited teacher training and further training courses and pedagogical professional services that enable or facilitate practical application;
- (2) The national institutions providing pedagogical professional services shall collabourate in performing the task of the Minister of Education described under article (1).
- (3) Once every three years, the Minister of Education shall, with the collabouration of the National Council of Student Rights, convene the Student Parliament comprised of the delegates of the student councils of schools and residence halls, and in case of educational institutions where no student council is in operations, delegates elected by a student meeting in which at least twenty per cent of the student community of the school or residence hall had participated. The Student Parliament is a students' nation-wide publicity forum dealing with public education, which reviews the implementation of students' rights according to the proposition put forward

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<sup>63</sup> Decree of the Ministry of Culture and Public Education No. 24/2000. (VIII. 29.)

<sup>64</sup> Government Decree No. 137/1996. (VIII. 28.)

<sup>65</sup> Government Decree No. 130/1995. (X. 26.)

<sup>66</sup> Government Decree No. 100/1997. (VI. 13.)

<sup>67</sup> Government Decree No. 30/1999. (II. 15.)

<sup>68</sup> Government Decree No. 20/1997. (II. 13.)

<sup>69</sup> Government Decree No. 277/1997. (XII. 22.)

<sup>70</sup> Government Decree No. 20/1997. (II. 13.)



by the National Council of Student Rights, and which may pass recommendations expressing its opinions and suggestions.

(4) By resolution, the Minister of Education

a) shall take action upon request or ex officio in the context of the organisation or administration of the examination of basic education or the secondary school leaving examination, if the arrangement of the examination of basic education or secondary school leaving examination as prescribed by rule of law would be endangered on a national level without such action;

b) may declare an extraordinary vacation if sought by the Public Administration Officer or chief Public Administration Officer, in the educational institutions of the country, a county, the Capital, or a specific settlement.

(5) During the performance of the actions described under article (4), the Minister of Education may, if the required steps maynot be taken otherwise, take actions that differ from the stipulations of the examination rules and the order of the academic year to the extent necessary for managing the problem at hand. The Minister of Education is obliged to make this decision in three working days. This resolution may be declared executable in advance.

(6) The Minister of Education may – according to the stipulations of the examination rules and by means of the procedure legally regulated by the Act IV of year 1957 concerning the general rules of state administration procedures – revoke a school's right of administering examinations of basic education, secondary school leaving examinations or vocational examinations, and nullify the results of an examination of basic education, secondary school leaving examination or vocational examination and render the certificates issued thereat invalid, if it is proved that the examination was organised unlawfully, or the certificate was issued wrongfully. Certificates rendered invalid shall be collected and destroyed. The Minister of Education shall publish information about an action described in this article in the official paper of the Republic of Hungary, without stating reasons. Prior to making such a decision about vocational examinations or certificates testifying vocational training, the Minister of Education shall obtain the consent of the minister applicable to the vocation concerned.

#### The National Public Education Evaluation and Examination Centre

Section 95/A.

(1) The Government shall establish an organisation financed by state budget called the National Public Education Evaluation and Examination Centre, which shall operate as a central office, under control of the Minister of Education. The National Public Education Evaluation and Examination Centre shall perform its tasks with authority over the entire country.

(2) The tasks of the National Public Education Evaluation and Examination Centre comprise especially the following:

a) to perform within the scope of the departmental control of public education the direction, organisation and co-ordination of surveying, measuring, evaluation and quality assurance tasks;

b) to collabourate in the performance of the official tasks under the authority of the Minister, as specified herein;

c) to collabourate, as specified in the examination rules, in the organisation of the examination of basic education and the secondary school leaving examination and in the judging of appeals for legal remedy, and to operate the independent examiners' committee of the examinations taken during studies;

d) to perform the tasks related to the National Register of Experts and Examiners;

e) to perform the tasks related to regional development and financing thereof, within the scope of departmental control;

f) to collabourate in the performance of the tasks related to operating the information systems of public education.

(3) The National Public Education Evaluation and Examination Centre shall co-operate with the National Minority Committee whilst performing its tasks concerning the pre-school care, school education and residence-hall education of national or ethnic minorities.

(4) The establishment, operation and detailed tasks and authority of the National Public Education Evaluation and Examination Centre are regulated by a decree of government.<sup>20</sup>

#### The National Public Education Council

Section 96.

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<sup>20</sup> Government Decree 105/1999. (VII. 6.)

(1) The professional preparations for decisions related to public education shall be made with the involvement of the National Public Education Council. The National Public Education Council is a national-level expert body for preparing decisions and providing opinions and recommendations.

(2) The National Public Education Council shall monitor the state of public education, prepare recommendations, and take assert opinions about questions of educational policy and research and development related to public education.

(3) The tasks of the National Public Education Council comprise especially the following:

- a) to assert opinions about questions of curricular regulation,
- b) to monitor and assess the issuing and implementation of the National Programme of Pre-school Education and the National Curriculum, and submit proposals for their revision,
- c) to monitor and assess the supply of textbooks and the process of registering textbooks,
- d) to monitor the trends in the quality of public education, and to initiate research projects for improving public education,
- e) to submit proposals to the Minister of Education regarding professional issues related to public education,
- f) to publish an annual report on the status of public education,
- g) to monitor and assess the operation of the in-service teacher training system, with special regard to the process of accrediting further training, and provide an annual opinion on the reports by the ministerial commissioner for educational rights.

(4) The National Public Education Council consists of twenty-three regular and eight assistant members. The members of the National Public Education Council shall be appointed by the Minister of Education on the following basis: three members chosen by the Minister of Education, ten members and three assistant members by the national pedagogical professional associations, six members and three assistant members by the teacher-training institutions of higher education, two members and one assistant member by the Hungarian Academy of Science, and two members and one assistant member by the national associations and chambers of employers. Members shall be appointed for five years, excepting the members chosen by the Minister of Education, whose membership ceases simultaneously with the Minister's term. The national pedagogical professional organisations eligible to participate in the appointing of members are those that have registered themselves at the secretariat of the National Public Education Council, by presenting their charter and certifying their registration at court. The members delegated by the national pedagogical professional organisations and teacher-training institutions of higher education shall be chosen by the following procedure:

- a) each interested party may propose one maydidate,
- b) the Ministry of Education shall collect the proposals and forward these to the recommenders, having separated the maydidates of national pedagogical professional organisations and those of teacher-training institutions of higher education,
- c) each recommender shall indicate respectively the ten and six persons they recommend for the National Public Education Council,
- d) The persons receiving the highest number of votes – ten from the maydidates of national professional pedagogical organisations and six from those of teacher-training institutions of higher education – become regular members of the National Public Education Council, while the next three persons from each group become assistant members. If equal numbers of votes occur, the rank shall be decided by lot,
- e) the tallying of votes and the drawing of lots shall be carried out by the Ministry of Education, in the presence of a Public Administration Officer public.

(5) Permanent and temporary specialist and expert committees may operate within the framework of the National Public Education Council. The permanent committees of the National Public Education Council comprise:

- a) The National Committee for In-service Teacher Training,<sup>71</sup> the duty of which is to monitor the operation of the system of further training and re-training for teachers, heads of institutions of public education, and the participants of the state and governmental management of public education. The National Committee for In-service Teacher Training consists of eight members, five of whom are delegated by the National Public Education Council, and one each by the Minister of the Interior, the Minister of Education and the Minister of Finance. The opinion of the National Committee for In-service Teacher Training shall be requested for any issues that concern the system or operation of in-service teacher training.
- b) The National Board of Secondary School Leaving Examinations, to perform the preparatory tasks related to the specification of the requirements of the secondary school leaving examination. The National Board of Secondary School Leaving Examinations consists of six members, three of whom are delegated by the National Public Education Council, and three by the Council of Science and Higher Education.

(6) The members of the permanent committees stipulated under article (5) are appointed for a duration in office identical to that of the members of the National Public Education Council, excepting the members delegated by ministers, whose membership ceases at the end of the respective minister's term.

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<sup>71</sup> Decree of the Ministry of Education 46/199. (XII. 13.)

(7) The National Public Education Council and its committees shall elect their officials and define the order of their functioning; in this framework they may also define other cases of the termination of membership.

(8) The work of the National Public Education Council is aided by a secretariat. The conditions required for the operation of the National Public Education Council shall be provided by the Ministry of Education.

#### The Public Education Policy Council

##### Section 97.

(1) The Public Education Policy Council is an organisation belonging to the Minister of Education that prepares, assesses and proposes decisions related to public education policy. The Public Education Policy Council is entitled to assert an opinion and make a proposition upon the initiative of any of its members listed in article (2), concerning any question related to public education, excepting questions related to the conciliation of interests concerning civil service and employment status.

(2) Members of the Public Education Policy Council comprise four representatives delegated by each of the following:

- a) the national pedagogical professional organisations,
  - b) the national teachers' trade unions,
  - c) the national parental associations,
  - d) the national students' associations,
  - e) the organisations representing the interests of local municipalities,
  - f) the national minority councils,
  - g) the maintainers of non-state and non-municipal schools,
- and

h) one representative each delegated by the Ministry of Education and other ministries or organisations of national scope concerned with education. In applying this article, the terms pedagogical professional organisation, parental association and student association shall be interpreted as an organisation that has registered itself at the secretariat of the National Public Education Council, by presenting its charter and certifying its registration at court.

(3) The Public Education Policy Council shall elect its officials and define the order of their functioning.

(4) The work of the Public Education Policy Council is aided by a secretariat. The conditions required for the operation of the Public Education Policy Council shall be provided by the Ministry of Education.

#### Professional Committees

##### Section 98.

(1) The National Minority Committee shall participate in the preparation of the decisions of the Minister of Education that concern the pre-school education, school education and residence-hall education of national or ethnic minorities. The National Minority Committee consists of members delegated one by each of the national minority councils. The legal status of the National Minority Committee shall be identical to that of the National Public Education Council, unless otherwise prescribed by this Act. The opinion of the National Minority Committee shall be requested prior to registering a book created for the school education of national or ethnic minorities as an educational book.

(2) The National Council of Student Rights shall participate in the preparation of the decisions of the Minister of Education that concern student rights. The National Council of Student Rights may form views, make propositions and assert its opinion in any issue related to student rights. The National Council of Student Rights consists of nine members, whereof three members shall be delegated by the Minister of Education, three by the national student associations responsible for representing students of ages six to fourteen, and three by those representing students of ages fifteen to eighteen. In applying this article, national student association refers to an organisation, the majority of whose members are in the applicable age range, and which represents the interests of students or facilitates such representation both by its purpose stated in its charter and by actual practice.

(3) The appointment of the members of the committees provided for in articles (1) and (2) shall remain valid for the term specified by the delegating bodies but not over three years, excepting the members delegated by the Minister, whose membership ceases at the end of the Minister's term. The committees shall elect their officials and define the order of their functioning; in this framework they may also define other cases of the termination of membership. The conditions required for the operation of the committees shall be provided by the Ministry of Education.

#### The National Tasks of Surveying Public Education

##### Section 99.

(1) The national tasks of surveying public education include especially: the operation and co-ordination of the national system of examinations, the specification and revision of the requirements of the examination of basic education and the secondary school leaving examination, the development and modernisation of the national system of examinations, and the development of evaluation.

(2) The professional investigation of institutions of public education on a national, regional, county and capital level shall be implemented via the national surveying tasks.

(3) For the performance of the tasks described in articles (1) and (2), a national institution providing pedagogical professional services may be assigned. Municipal institutions providing pedagogical professional services may collaborate in the performance of the tasks on the basis of an agreement made with their maintainer. The agreement with the maintainer of the municipal institution providing pedagogical professional services may be made by the national institution providing pedagogical professional services.

Section 100. The institution providing pedagogical professional services shall be assigned by the Minister of Education, or in the case of vocational education, the minister responsible for the vocation, by the authority defined in the Act concerning vocational training.

### The National Registers of Experts and Examiners

Section 101.

(1) The National Register of Experts lists the name, specialisation, address and place of work of the persons eligible to participate in professional investigation at institutions of education.<sup>21</sup>

(2) The National Register of Examiners lists the data, as specified in article (1), of the persons eligible to be appointed the chair of the examination of basic education or the secondary school leaving examination.

(3) Persons eligible for the National Register of Experts shall have a clean criminal record and

- hold a degree in pedagogy as required for supervising teachers (kindergarten teachers, lower grade teachers), and possess ten years of experience as a teacher or educator; or

- hold a specialised degree of higher education and possess ten years of experience in their academic specialisation, being a renowned scholar of that field.

(4) Persons eligible for the National Register of Examiners shall hold a teacher's degree and qualification, or for secondary school leaving examinations, a university teacher's (including engineering and technical sciences) degree and qualification, as specified under points d) to e) of article (1) of section 17 herein; hold a specialist teacher's qualification, and possess ten years of experience as a teacher, or for secondary school leaving examinations, as a secondary school teacher or teacher at a teacher-training institution of higher education.

(5) Entry on the registers described in articles (1) and (2) shall be valid for five years upon first registration, with the term being repeatedly renewable. Specific rules of law may render the renewal of term subject to further education or passing specialised examinations.

(6) Entry on the registers described in articles (1) and (2) shall take place by way of open application. The call for applications shall be published in the official journal of the Ministry of Education. As regards vocational training, the National Register of Experts shall be prepared and published by the minister responsible for the vocation.

(7) The tasks of an expert or a secondary school leaving examination chair concerned with the pre-school education, school education or residence-hall education of national and ethnic minorities may be performed by persons who have acquired the experience specified in articles (3) or (4) in the context of the education of national or ethnic minorities.

(8) The National Register of Experts and the National Register of Examiners, excepting those of vocational training, shall be compiled and tended by the National Public Education Evaluation and Examination Centre. The National Public Education Evaluation and Examination Centre shall also perform the tasks related to the supervision of the employment of the persons entered on the National Register of Experts and the National Register of Examiners, as prescribed by rule of law.

### Control by the Maintainer

Section 102.

(1) If a maintainer maintains three or more educational institutions, then they shall be obliged to establish and operate a committee managing affairs of public education. If a maintainer maintains a primary school with at least six grades, or a secondary school or vocational school, then one of the participants of the preparatory work

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<sup>21</sup> Decree of the Ministry of Education No. 42/1999. (X. 13.)

related to decisions regarding control by the maintainer is required to hold a degree of higher education that entitles one to work in pedagogy, as specified under section 17 herein.

(2) The maintainer

- a) shall make decisions about the establishment of an institution of public education, the scope of its economic authority, its reorganisation, its dissolution, the modification of its range of activity, the choice of its name, the method of application to a kindergarten, the dates of the period specified for enrolling a larger number of children to a kindergarten, and the specification of the weekly and annual opening times of a kindergarten;
- b) shall specify the budget of the institution of public education, as well as the rules by which cost contributions and tuition fees may be demanded, and the conditions for receiving aid on a social basis;
- c) supervise the economy and legal operation of the institution of public education and the efficiency of professional work; furthermore, in institutions of education and care, supervise child and youth safety programmes and measures for the prevention of child and student accidents. If the maintainer is not a local municipality, then the maintainer shall report any child and student accidents to the chief Public Administration Officer of the Capital or the county as applicable to the headquarters of the educational institution.
- d) appoint the head of the institution of public education and practice employer's rights over him or her;
- e) approve of the organisational and operational regulations of the institution of public education, as well as of the educational or pedagogical programme of an institution of education and care, and the pedagogical-cultural programme of a general cultural centre, or its work schedule if so required by rule of law;
- f) evaluate the performance of the tasks set in the activity or pedagogical programme of the educational institution, and the efficiency of pedagogical professional work.

(3) Prior to making a decision concerning the dissolution of an institution of public education, its reorganisation, the modification of its purpose, the creation or modification of its budget, or the appointing or revoking of its head, the maintainer shall obtain the opinion of the staff of the institution, the school board, the parental association (community) of the school, the school's student council; for educational institutions providing education and instruction in the language of a national or ethnic minority or in the language of a national or ethnic minority and Hungarian, if not possessing right of consent, the opinion of the local minority council, or if no local minority council exists, that of the local spokesperson for the minority, or if no such exists, that of the local association of the minority; and for vocational secondary schools or apprenticeship schools, the opinion of the chamber of commerce of the Capital or the county.

(4) The body (assembly) of representatives shall take an annual survey of the demand for preparatory courses in Hungarian language and for education and instruction in the language of a national or ethnic minority, with the involvement of the local minority council concerned, or the national minority council in case of the assembly.

(5) The maintainer may set new tasks for an institution of public education after securing the conditions necessary for performing that task.

(6)

(7) If the maintainer is a local municipality, then it may verify during the approval of a school's pedagogical programme whether the local curriculum may ensure the change of schools and the reception of students from other schools in the schools maintained by that municipality, as specified in section 46 herein.

(8) In the budget of the educational institution, the maintainer shall provide for the conditions required for the operation of the school board, the parental association (community), and of the student council of the school or residence hall.

(9) During the academic year (term time), and during the academic year, except for the months of July and August, the maintainer may not

- a) launch a new school, reorganise or dissolve a school, residence hall or kindergarten, or transfer its rights of maintenance,
- b) order a school class, residence-hall group or kindergarten group to be reorganised or dissolved,
- c) modify the tasks of a school, residence hall or kindergarten.

(10) If a local municipal council is maintaining an educational institution participating in the kindergarten care, school education and care, or residence-hall care of a national or ethnic minority, or an institution contributing with specialised pedagogical services to the care of such students, then the maintainer shall obtain the consent of the local minority council concerned, or in case of an institution providing for a region or the entire country, that of the national minority council, for the following actions regarding that institution:

- a) its establishment, dissolution, the modification of its range of activity, and the choice of its name,
- b) the specification and modification of its budget,
- c) the evaluation of the professional work carried out thereat,
- d) the approval of the organisational and operational statutes,
- e) for the approval of its educational programme, pedagogical programme and pedagogical-cultural programme, and for the evaluation of the performance of these programmes.

In case of an institution of minority education [as per article (6), section 121], the consent of the minority council applicable as described above shall also be obtained prior to the appointing or revoking of the head of the institution.

#### Section 103.

(1) The maintainer may refuse to approve of the organisational and operational statutes if these are in violation of rule of law. The organisational or operational statutes, or an amendment thereof, shall be regarded as approved if the maintainer fails to declare otherwise within thirty days, or in case of an educational institution maintained by a local municipality, if the decision is made by the body (assembly) of representatives, by the first meeting of the body (assembly) of representatives following the expiry of thirty days.

(2) The maintainer may refuse to approve of the educational or pedagogical programme if it

a) does not correspond to the requirements set forth by the present Act;  
b) includes extra tasks, the conditions for which are not given and the maintainer may not undertake to provide them, or lacks tasks that the maintainer had decided to perform and provided the conditions for.

(3) The educational or pedagogical programme, or an amendment thereof, shall be regarded as approved if the maintainer fails to declare otherwise within thirty days, or in case of an educational institution maintained by a local municipality, if the decision is made by the body (assembly) of representatives, by the first meeting of the body (assembly) of representatives following the expiry of thirty days.

#### Section 104.

(1) The ensuring of the observance of legality shall involve

a) checking compliance with the prescribed procedural regulations in passing the house rules and other internal regulations, with the exception of the collective agreement and the rules of civil service; and the legal observance of the contents of the regulations, of the operation and decision-making, with especial regard to the activities related to the prevention of student and child accidents, the performance of child and youth safety measures, and the establishment of healthy and safe conditions for educational work;

b) judging the requests specified in article (4) of section 83.

(2) As a result of the checking stipulated by point a) of article (1), the maintainer shall call upon the head of the institution of public education to remedy the decision that is in breach of law. If this call is not heeded, the maintainer shall annul the decision in breach of law, and instruct the head of the institution of public education to create a new decision or perform the neglected measures. The same procedure shall be applied when refusing to approve of the organisational and operational statutes. The stipulations of this article may not be applied if over a year has passed since the making of the decision concerned, or if the decision has been reviewed at court, or if the annulling of the decision would infringe rights acquired and practised in good faith. In these cases the maintainer shall inform the head of the institution of public education of his or her conclusions and the procedure to be followed.

(3) The person eligible to proceed in the scope of authority defined in point b) of article (1) is the Public Administration Officer or chief Public Administration Officer in the case of an institution maintained by a local municipal council, and a person holding a degree from a law faculty or the College of State Administration, or any degree of higher education that gives eligibility to lead the educational institution making the decision, in the case of a maintainer other than a municipality. As a result of this procedure, in case of breach of law or infringing of individual interest, decisions may be modified or annulled and the educational institution ordered to make a new decision.

(4) The maintainer may evaluate the performance of the educational or pedagogical programme and the efficiency of professional work carried out in an institution of public education on the basis of

a) pedagogical surveys and evaluations carried out by the municipal institute providing pedagogical professional services, or an expert report prepared by an expert entered on the National Register of Experts, or the results of the examination of basic education and the secondary school leaving examination, or

b) a report prepared by the institution of public education; or

c) the opinion of the school board.

(5) The institution of public education may be obliged to present a comprehensive report of its activity to the maintainer in every academic year, once per year.

Judgement of the Supreme Court, 1999. 189. The scope of the authority of the maintainer of a school over controlling the observance of legality [Act LXXIX of year 1993, section 104. article (1)].

#### Section 105.

An educational institution, the maintenance of which is justified by the interest of public education and which is performing tasks of regional or national relevance, but the maintainer of which is unable to operate the institution by its own resources according to the requirements prescribed by rule of law, may be operated as an institution maintained by the state, on the basis of an agreement entered with the maintainer. The making of this agreement requires the consent of the Minister of Finance.

Section 106.

Control by the maintainer may not infringe the professional independence of the educational institution or the authority of the institution over professional decisions.

The Supervision of Institutions of Public Education

Section 107.

(1) Persons eligible to participate in the professional investigation of institutions of public education are those entered on the National Register of Experts, with the exception specified in point b) of article (2).

(2) If professional investigation takes place in an institution of public education providing for national or ethnic minorities,

a) the supervision shall be carried out by an expert who speaks the language of that national or ethnic minority; if no such expert is available, the survey shall be carried out with the involvement of a teacher speaking that language;

b) the national minority council shall be notified of the professional investigation, and a representative of the council qualified as per article (3) of section 101 herein may participate in the professional investigation even if that representative is not listed on the National Register of Experts.

(3) At least seven days prior to the commencement of the professional investigation, the leader of the supervision shall agree with the head of the institution and the person who had initiated the supervision about the duration, form and methods of the professional investigation, the timing of the supervision, and the way the interested parties may express their opinions on the conclusions of the supervision. In the cases described under points a) and b) of article (8), the maintainer of the institution of public education shall be notified at least seven days prior to the commencement of the professional investigation, informing them that they may be present during the professional investigation.

(4) The conclusions of the professional investigation shall be presented to the subject of the supervision and to the party who had initiated the supervision, as well as to the maintainer, except in the case of point f) of article (8). If supervision takes place in an institution of public education providing for national or ethnic minorities, the conclusions of the professional investigation shall be presented to the local minority council concerned, as well as to the national minority council.

(5) One who disagrees with the conclusions of the supervision, may call for a revision by way of another professional investigation.

(6) As a result of the evaluation, the maintainer – if not holding the rights to take action – shall call on the head of the institution of public education to perform the required actions, stating an appropriate time limit.

(7) The conclusions of professional investigation shall be published in accordance with the legal regulations concerning the security of personal data.

(8) Professional investigation may be initiated, defraying the expenses thereof,

a) on a national, regional, county or Capital level by the Minister of Education, or as regards vocational training, the minister responsible for the vocation, in order to make preparations for directives of national educational policy or to ascertain the fulfilment thereof; and by the national minority council in order to assess the execution of public educational tasks concerning national or ethnic minorities,

b) on a county or Capital level by the municipal council of the Capital or the county in order to make preparations for directives of the development plan of the county or the Capital or to ascertain the fulfilment thereof,

c) on a settlement level by the municipal council of the township, town, town of county rank or district of the Capital, in order to make preparations for directives of local educational policy or to ascertain the fulfilment thereof; and by the local minority council in order to assess the execution of tasks related to the pre-school care or school care and education of national or ethnic minorities,

d) on an institutional level, by the maintainer, in order to make preparations for directives of local educational policy, or to ascertain the fulfilment thereof, or to assess the quality of educational and instructive work carried out in specific institutions,

e) by the head of an institution of public education, in order to have an independent expert assess the quality of educational and instructive work carried out at the institution or by a specific employee,

f) an employee of an institution of public education, in order to have his or her own work assessed.

(9) For the investigation of legal compliance the prescriptions of articles (2) to (6) shall be applied, with the exception that the requirements of prior agreement need not be fulfilled if this would endanger the success of the investigation.

(10) The person or organisation carrying out professional investigation or legal investigation at an institution of public education has no authority of decision or action.

## CHAPTER VII

### PROVISIONS OF INTERNATIONAL RELEVANCE

#### Foreign Educational Institutions in Hungary and Hungarian Educational Institutions Abroad

##### Section 108.

(1) A foreign educational institution may operate and issue foreign certificates in the area of the Republic of Hungary if the state the institution originates from legally acknowledges that institution as an educational institution and the certificate issued by it as a certificate appropriate for educational institutions of the corresponding type, and this acknowledgement has been credibly attested.

(2) The Minister of Education shall register the educational institution and issue to the maintainer the license required for commencing operation. The maintainer may request the registration as per article (2) of section 37 herein, and the issue of the license required for commencing operation as per articles (1) and (2) of section 79 herein, unless otherwise stated by an international agreement. In the founding of a foreign educational institution, in the educational and instructive work carried out thereat, in the investigations thereof, and in matters and decisions concerning the children or students thereat, the prescriptions of that state shall be applied, which has acknowledged the educational institution as its own.

(3) Hungarian citizens may undergo their compulsory education in schools described in article (1) as well as in schools operating abroad. The Public Administration Officer applicable to the domicile, or in default of this, the place of residence of the student shall issue a certificate of possessing student status abroad.

(4) Educational institutions described in article (1) may also operate in Hungary on the basis of an international agreement.

(5) Kindergartens, primary schools, secondary schools and residence halls belonging to the Hungarian state may be established and maintained abroad by the Ministry of Education, vocational schools by the Ministry of Labour, if allowed by the domestic law of the state controlling the location of operation or by an international agreement.

(6) Hungarian educational institution may be founded abroad with a license issued by the Minister of Education, if allowed by the domestic law of the state controlling the location of operation or by an international agreement, and this is credibly attested. If the headquarters of a Hungarian educational institution is located abroad at a Hungarian diplomatic agency, then the prescriptions of article (2) shall be applied in the process of registration and of licensing the commencing of operation. The conditions of founding and operation shall be defined in the license for the establishment and operation of a Hungarian educational institution operating abroad. The Minister of Education shall register Hungarian educational institutions operating abroad and practice the authority defined under section 80 herein.

(7) Support from state budget as per article (6) of section 4 herein is due to the maintainer for Hungarian citizens enrolled at the educational institutions described in article (1), and also for non-Hungarian citizens according to the stipulations of section 110. Support from state budget is also due to the maintainer for Hungarian citizens enrolled at kindergartens or schools operating at Hungarian diplomatic agencies abroad, licensed as per article (6), if the parents of these citizens are staying abroad on official state assignment.

(8) Apart from the institutions of public education defined in article (1), other institutions of public education may also operate in the area of the Republic of Hungary, if these institutions have been registered by the Ministry of Education according to the prescriptions of article (2) of section 37 herein.

(9) The Minister of Education is eligible to enter an agreement of public education with the maintainers of foreign institutions of public education.

(10) The Minister of Education may license, with the consent of the Minister of the Interior, the operation of an educational institution for the children of refugees who have received temporary asylum in the area of the Republic of Hungary even in absence of the conditions specified in articles (1) and (2), by issuing a temporary operating license. The temporary operating license is valid for one year and may be renewed repeatedly. Applications for temporary operating licenses shall be submitted by the Ministry of the Interior. The educational institution concerned shall be registered simultaneously with the issue of the temporary operating license. By issuing the temporary operating license, the Minister of Education acknowledges that the recipients of temporary asylum have organised kindergarten care or school education for their children in the area of the Republic of Hungary. The issue of the temporary operating license does not imply the acknowledgement that the educational institution concerned meets the standards prescribed by the country from which the recipients of temporary asylum have come to the Republic of Hungary, nor does it imply the acceptance of the certificates issued at that school by the Republic of Hungary.



## Hungarian Citizens Studying Abroad

### Section 109.

- (1) Hungarian citizens may study abroad without any specific permission.
- (2) Hungarian citizens may receive their compulsory education at foreign educational institutions.
- (3) For students under compulsory education who have a domicile, or in default of that, a place of residence, the undertaking of studies abroad shall be reported for the purpose of registration to the Public Administration Officer of the township, town, district of the capital or municipal council of a town of county rank applicable to the domicile, or in default of that, the place of residence; or if the student has previously enrolled at a school in Hungary, to the principal of that school.
- (4) The Hungarian student status of students with a permanent domicile shall be suspended for the duration of continuing studies abroad.

## Non-Hungarian Citizens Studying in Hungary and the Continuation of Studies Commenced Abroad in Hungary

### Section 110.

(1) Non-Hungarian citizens are under the scope of compulsory education in Hungary if they have applied for asylum, have received asylum or temporary asylum (hereafter collectively referred to as refugees), or have immigrated to or settled in Hungary, or are unaccompanied minors with a residence permit issued for humanitarian reasons, or have a residence permit along with their parents. The above conditions shall be attested at the time of the enrolment of the student at an educational institution.

(2) If the duration of their stay in the Republic of Hungary

- a) does not exceed one year, then upon request of the parents,
- b) exceeds one year, then by effect of this Act,

children shall be placed under compulsory education. The contents of point a) apply also to holders of resident visas.

(3) The non-Hungarian citizens described in article (1) may avail of the public education services described in this Act on the same conditions as Hungarian citizens. If a non-Hungarian citizen is aged over eighteen years and is staying in the country for at least a year with a residence permit and without parental accompaniment, then he or she may avail of the public education services described in this Act on the same conditions as Hungarian citizens on the basis of reciprocity.

(4) Non-Hungarian citizens holding a letter of invitation from the Ministry of Education may avail of the catering specified in the letter of invitation on the same conditions as Hungarian citizens.

(5) The children of the members of a diplomatic or consular agency operating in Hungary, if they are not within the scope of articles (1) or (2), shall be exempted from the contributions and tuition fees prescribed by this Act, on the basis of reciprocity. The issue of reciprocity shall be settled by the Ministry of Foreign Affairs.

(6) Non-Hungarian citizens outside the scope of articles (1) to (4) shall pay a fee for kindergarten, school and residence-hall services and for the use of specialised pedagogical services, unless otherwise prescribed by an international agreement or by rule of law. The fee may not exceed the portion falling to one student of the expenses allotted for the professional task. The head of the institution of public education may reduce or remit this fee according to the regulations prescribed by the maintainer.

(7) From the day of effect of the Act announcing the international agreement about the Republic of Hungary becoming a member of the European Union, the citizens of the member states of the European Communities shall avail of the services provided for by this Act on the same conditions as Hungarian citizens.

## Recognition and Naturalization

### Section 112.

## Taking Documents from Educational Institutions Abroad

### Section 113.

If a school document is to be used abroad, it shall be attested or appropriately corroborated, unless otherwise called for by an international agreement. Documents may be attested by the maintainer of the school; or by the Public Administration Officer (chief Public Administration Officer) in case of a school maintained by a local municipal council; and corroborated by the Ministry of Education, the Ministry of Foreign Affairs, and by the diplomatic agency in Hungary of the state where the document is to be used.

## CHAPTER VIII

### THE PRINCIPLES OF FINANCING PUBLIC EDUCATION

#### Services Available Free of Charge

### Section 114.

(1) The services available free of charge at educational institutions maintained by local municipalities and organs of state, and in the context of the performance of the tasks of local municipalities, are as follows:

#### a) at kindergartens

- kindergarten activities [as per article (1), section 24], and, if necessary, speech therapy and dyslexia prophylactic sessions, and two hours per day of specialised coaching for children with physical, perceptual, mental, vocal or other disabilities,
- regular health care supervision of the children;
- use of the facilities and equipment of the kindergarten while availing of the free services;

#### b) at primary schools or classes providing fundamental education in all cases, and in vocational and secondary schools with the exceptions specified in sections 115 and 116

- activities of educational classes [as per articles (3) to (6), section 52];
- obtaining the first and a second vocational qualification by participating in full-time education, and receiving the working clothes, personal protective equipment (protective clothing) and sanitary equipment provided for practical training in full-time education, or – in the cases specified in articles (8) and (10) of section 27 – in coaching education and in the courses teaching the fundamental skills for taking up work and starting a career;
- repeating a year in grades one to ten; or repeating a year in grades eleven to thirteen and in the year of specialised training for the first time, or a second or subsequent time if the repetition is necessary for reasons other than the student failing to meet the educational requirements;
- activities outside class, organised within the time allotments specified in article (7) of section 52, including educational or professional competitions, student days, choir and singing activities, other art activities listed in the pedagogical programme, school sports clubs, daily physical exercise, within-school tournaments, and inter-school sports competitions and tournaments;
- supervision prior to the commencement of classes and during mealtimes, as well as day-care and daytime study activities till the end of the tenth grade;
- entrance examination, grading examination, intermediary examination, supplementary examination, corrective examination, professional aptitude test and vocational aptitude examination,
- examination of basic education, secondary school leaving examination, and first and second vocational examination during the existence of student status, and repeated examination or the first corrective examination in case of examinations commenced during the existence of student status;
- the use of school facilities (library, laboratory, computer centre, sports and leisure facilities) and equipment while availing of the free services;

#### c) at residence halls, if participating in education as specified in point b)

- residence-hall activities [as per article (7), section 53];
- the provision of housing conditions, according to the professional standards prescribed by rule of law;
- continuous pedagogical supervision and regular health care supervision,
- the use of residence-hall facilities (library, laboratory, computer centre, sports and leisure facilities) and equipment while availing of the free services or the housing provided;
- in case of students with physical, mental, vocal or other disabilities, all-inclusive care as required by their condition;

(2) For students with physical, mental, vocal or other disabilities, participation in education and residence-hall care shall be free of charge in all cases.

(3) Preparatory training [as per article (6), section 30] and specialised pedagogical services [as per section 34] shall be availed of free of charge.

#### Payment of Contributory Fees

##### Section 115.

(1) The services available upon payment of a contributory fee at educational institutions maintained by local municipalities and organs of state, and in the context of the performance of the tasks of local municipalities, are as follows:

a)

b) the activities outside class not listed under section 114, and day-care and daytime study activities from the eleventh grade of school education and in the year of specialised school training;

c) at institutions of primary art education

- six educational classes per week for learning the practice and theory of the primary subject; one audition (examination) and one artistic performance per year; one occasion of repeating a year because of failing to meet the educational requirements,

- use of the facilities and equipment of the school while availing of these services;

d) in adult education, excepting full-time education organised during the day, from the eleventh grade, in secondary grammar schools and secondary vocational schools, as well as in the year of specialised school training during the acquisition of the first vocational qualification at a secondary vocational school or apprenticeship school, the services listed under points b) and c) of article (1) of section 114;

e) during the second repetition of a year because of failing to meet the educational requirements in secondary grammar schools and secondary vocational schools, from the eleventh grade, and in the year of specialised school training in secondary vocational schools and apprenticeship schools, the services listed under points b) and c) of article (1) of section 114;

f)

(2) The contents of point e) of article (1) shall apply also to the participants of adult education.

(3) Children and students shall pay a contributory fee for meals partaken of at educational institutions as prescribed by rule of law.

#### Payment of Tuition Fees

##### Section 116.

(1) The services available upon payment of a tuition fee at educational institutions maintained by local municipalities and organs of state, and in the context of the performance of the tasks of local municipalities, are as follows:

a) in primary art education, educational class activities beyond those described under section 115; or all educational class activities after reaching the twenty-second year of age;

b) during the acquisition of a vocational qualification, with the exceptions defined in sections 114 and 115, the services listed under points b) and c) of article (1) of section 114;

c) at kindergartens, schools and residence halls, education and care, or services related thereto, that are not part of the educational or pedagogical programme or the local curriculum (basic activity)

d) during the third or subsequent repetition of a year because of failing to meet the educational requirements in secondary grammar schools and secondary vocational schools, from the eleventh grade, and in the year of specialised school training in secondary vocational schools and apprenticeship schools, the services listed under points b) and c) of article (1) of section 114;

e) examination of basic education, secondary school leaving examination, and vocational examination (including corrective and repeated examinations) commenced after the termination of student status, and the second or subsequent corrective examination commenced but not completed during the existence of student status.

(2) The contents of points d) and e) of article (1) shall apply also to the participants of adult education.

#### The Amount of Contributory Fees and Tuition Fees

##### Section 117.

(1) Contributory fees for each academic year are a percentage of the proportion falling to one student of the expenses for the professional task concerned, estimated at the beginning of the academic year, as follows:

a) fifteen to twenty-five per cent in the case specified in point b) of article (1) of section 115;

b) five to ten per cent in the case specified in point c) of article (1) of section 115, for students of ages under eighteen years;

- c) fifteen to thirty per cent in the case specified in point c) of article (1) of section 115, for students of ages over eighteen but under twenty-two years;
- d) twenty to forty per cent in the case specified in point d) of article (1) of section 115;
- e) twenty-five to fifty per cent in the case specified in point e) of article (1) of section 115;
- (2) Contributory fees shall be reduced according to school achievement, in the manner prescribed by the maintainer.
- (3) Tuition fees for each academic year shall not exceed the proportion falling to one student of the expenses for the professional task concerned, estimated at the beginning of the academic year. Tuition fees shall be reduced according to school achievement, except in education carried out on an entrepreneurial basis.
- (4) The maintainer shall define rules, except for education carried out on an entrepreneurial basis and for other services related thereto, on the basis of which the head of a kindergarten, the principal of a school or the head of a residence hall may make decisions apart from the stipulations of section 114, concerning free services, the amount of contributory fees and tuition fees, the benefits that may be granted on the basis of school achievement or social conditions, and the manner of paying the fees.
- (5) The tuition fees applicable to education carried out on an entrepreneurial basis according to the deed of foundation or to services related thereto, possible benefits on these fees, and the manner of their payment shall be decided by the head of the kindergarten, the principal of the school or the head of the residence hall.

### Miscellaneous Issues of Financing

#### Section 118.

- (1) The funds required for the operation of the system of public education is provided by state budget and the contribution of the maintainer, which may be supplemented by the fees for services used by students, and other income earned by the institution of public education.
- (2) The amount of the state funds delineated for the tasks of public education shall be determined in the annual Finances Act.
- (3) The central budget provides normative financial support, based on the number of children or students and the type of the tasks undertaken, to state organs, local municipalities and non-state and non-municipal maintainers of institutions for the operation of the educational institutions maintained by them.
- (4) The annual normative budget support provided to local municipal councils at any time shall never be less than ninety per cent of the total expenses spent on public education by the local municipal council in the second preceding year, reduced the expenses related to the retention and accumulation of capital, the income of the institutions used for the purpose of operation, and the amount of centralised allowances. The amount of the normative contributions shall be equal to or exceed the amount of the normative contributions of the preceding year. The amount of the normative budget support allotted to non-state and non-municipal maintainers of institutions shall not be less than normative support allotted to local municipalities on the same grounds. The annual Finances Act may prescribe different regulations pertaining to organisations under the scope of the law governing corporate tax or to private entrepreneurs.
- (5) The annual Finances Act shall also specify the amount, calculated on the basis of the number of students, of the grant provided to the maintainers of schools for purchasing school textbooks that are sold at market price, the use of which grant is restricted to that purpose only. The manner of using this grant is decided by the teaching staff, having considered the opinions of the school board, the school's parental association (community) and the school's student council. This grant may also be used for purchasing textbooks to be added to the school library, if the library promotes the free access of students to books by lending. A set portion of this grant shall be spent by the school on purchasing durable textbooks, as prescribed by rule of law.
- (6) As regards the following time allotments specified herein,
  - the time allotment specified in article (4) of section 24 for organising kindergarten activities, and that in article (4) of section 53 for organising day-care and daytime study activities shall be supplemented from the resources available for tasks of social administration, and accounted among social expenses, if the daytime care of children requires so; furthermore,
  - the time allotment specified in articles (7) and (8) and (10) to (12) of section 52 for organising non-compulsory (alternative) educational class activities, school activities outside class, individual activities and therapeutic gymnastics, and for breaking up classes; and
  - the time allotment specified in article (7) of section 53 for organising residence-hall activities; and
  - the obligatorily employed numbers of management and staff specified in Appendix 1, and the time allotment that may be used freely at the expense of the obligatory number of classes
 may be increased with the consent of the maintainer, or the obligatory number of classes to be held by the management and the teaching staff members may be reduced, furthermore, the number of the members of kindergarten groups or school classes may be reduced from the maximum specified in Appendix 3, (added

services), if the necessary funds may be provided by the maintainer without extra support from the state budget, or by the educational institution from its own resources.

(7) In the determination of the budget support allotted to institutions of public education maintained by church legal entities, apart from the stipulations of the present Act, those of Act IV of year 1990, concerning the freedom of conscience and religion, and churches shall also be considered.

(8) The contents of sections 114 to 116 herein shall be applied if the maintainer has submitted a declaration to the settlement's municipal council as per article (1) of section 81.

(9) If a local municipal council has entered an agreement of public education with a church legal entity as per article (13) of section 81 herein, and the church legal entity is not entitled according to the regulations of that article to make a unilateral declaration as per article (11) of section 81 herein, then the transferring local municipal council is obliged to remit the amount of the supplementary support determined in articles (1) and (2) of section 6 of the Act concerning the financial conditions of public-purpose ecclesiastical activity from its transferred and own income to the body providing the contribution, or its transferred income shall be reduced by the amount of the supplementary support as long as the agreement of public education remains valid. After the second year following the establishment of the agreement of public education, ecclesiastical organisations entitled to make a declaration may appeal to the National Public Education Evaluation and Examination Centre to be allowed to make a unilateral declaration as per article (11) of section 81 herein. The National Public Education Evaluation and Examination Centre shall grant the permission if the number of the members of classes or groups at the educational institution, with at least seventy per cent of its capacity being utilised, is equal to or higher than ninety per cent of the average number prescribed by Appendix 3 of the present Act. From the academic or academic year commencing after the presentation of the unilateral declaration, the maintainer shall become eligible for the supplementary contribution on the basis of the unilateral declaration; and the agreement of public education may be denounced at immediate notice by either of the parties, after sixty days have expired following the presentation of the unilateral declaration. If a church legal entity is refused the permission to make the unilateral declaration, it may apply for permission again after one year. The law concerning the general rules of state administration procedures shall be applied in the procedure by way of which the National Public Education Evaluation and Examination Centre grants the permission to make the declaration. The above provisions shall also be applied in cases where the church legal entity does not belong under the scope of articles (11) and (12) of section 81 herein, and the local municipal council and the church legal entity enter an agreement of public education concerning the tasks performed by the educational institution established by the church legal entity by mutual consent.

(10) The head of an institution of public education may allow a salary bonus as a reward for specific achievements at work, or for the performance of temporary extra tasks excepting substitute teaching, including especially: pedagogical development activities and high quality work in the field of educational activities outside class (hereafter referred to as salary bonus for outstanding performance). A salary bonus for outstanding performance may be awarded to any employee of an institution of public education on a specific occasion or for a set period. Salary bonus awarded for a set period shall be paid regularly at monthly intervals. This monthly bonus may not be awarded for a period exceeding one educational or academic year, but may be awarded repeatedly. The conditions of awarding a salary bonus for outstanding performance, unless otherwise specified by rule of law, shall be specified in the collective agreement, or in default of that, in the organisational and operational statutes.

(11) The maintainer shall plan the financial backup for providing salary bonus for outstanding performance taking all the institutions of public education it maintains into consideration. This amount shall be determined by calculating the product of the amount specified for one person in the annual Finances Act and the number of people employed as teachers at educational institutions and institutions providing specialised pedagogical services, or as pedagogical experts or pedagogical lecturers at institutions providing pedagogical professional services.

(12) The maintainer shall distribute the amount determined as per article (11) between its institutions on the basis of the number of persons concerned.

#### Section 119.

(1) The municipal council of the county or town of county rank in counties and of the Capital in the Capital, shall establish a public endowment in order to aid the local, regional and national tasks of public education endorsed by the development plan. The income sources of the public endowment comprise the contribution of the central budget as prescribed by the annual Finances Act, other payments prescribed by law or by decree of government, voluntary payments by natural entities, legal entities, or associations of the above entities that do not form a legal entity, as well as any other forms of income specified in the deed of founding. The Chambers of Commerce, and the non-state and non-municipal maintainers of institutions in the capital or the county shall be involved in the allotment of this amount. The public endowment may partially or wholly exclude from the range of beneficiaries those institutions of public education the maintainer of which does not accept the contents of the

development plan. The expenses necessary for the operation of the public endowment shall be covered from the income of the public endowment.

(2) The Government shall establish a public endowment in order to aid the tasks of public education related to the education and care of children with physical, perceptual, mental, vocal and other disabilities, to the provision of specialised pedagogical services, to early development and care, and to preparatory training; and to operate and develop the system of institutions co-operating in the performance of tasks, to facilitate the access of the children and students concerned to the equipment and vehicles necessary for availing of special care, and to aid the organisation of parental care courses. The income sources of the public endowment comprise the contribution of the central budget as prescribed by the annual Finances Act and of the Health Care Fund as prescribed by the law governing its budget, other payments prescribed by law or by decree of government, voluntary payments by natural entities, legal entities, or associations of the above entities that do not form a legal entity, as well as any other forms of income specified in the deed of founding. The expenses necessary for the operation of the public endowment shall be covered from the income of the public endowment.

(3) The extra support necessary for preparing textbooks, recommended curricula, examination requirements and other surveying projects shall be planned in the budget of the Ministry of Education and the ministry responsible for vocational education. The amount assigned for aiding the development of public education and supporting the maintainers shall be planned in the budget of the Ministry of Education. The budget financing of educational institutions operated by ministries shall be planned in the budget of those ministries. The amount of the grants allotted on the basis of state assignments entered by the Ministry of Education shall be planned in the budget of that Ministry. The budget support calculated for the students of educational institutions operating at penal institutions shall be planned in the budget of the Ministry of Justice.

(4)

#### Specific Provisions Regarding Private Tuition, the Fulfilment of Compulsory Education and the Employing of Specialist Pedagogical Services

Section 120.

(1) If on the basis of an expert opinion a student with a physical, perceptual, mental, vocal or other disability, or with adaptive problems, learning difficulties or behavioural disorders

- is undergoing education by way of private tuition, or

- is fulfilling compulsory education by being taught by the parents as a part of home care,

then the costs of employing the specialist specified in the expert opinion shall be borne by institution preparing the expert opinion.

(2) Recompensation shall be provided for

a) the expenses for out-of-town travel by the child or student and the accompanying adult, if such is necessary to reach the institution providing specialised pedagogical services or early development and care, or the institution performing the education of children with physical, perceptual, mental, vocal or other disabilities or providing preparatory training; and

b) the costs of the parental care course organised for the parents of children or students listed under point a);

c)

(3) The recompensation described in point a) of article (2) is due to the parent on the basis of the certificate given by the institution providing the service, as per the regulations concerning recompensation for travel expenses incurred in the use of health care services. This recompensation shall be paid by the directorate of social security or by a cash office of social security.

(4) The costs of the home care course shall be paid by the institution performing the examination or the institution of public education organising the course. The funds for this shall be provided by the national public endowment.

(5) The parents shall be paid the equivalent of their average wages for the days on which they visit a specialist pedagogical service or participate in a home care course.

#### CHAPTER IX.

Closing provisions

Definitions

Section 121.

(1) The present act applies the following terminology:

1. primary services: kindergarten education, education in the frame and out of lessons provided by the school, the residence hall - based on the provision of this act – free of charge, logopedic and dyslexia-prevention lessons, everyday training, regular medical check-up, supervision before lessons and during eating breaks, and regular education in the school and in the residence hall against fee payment in the frame and out of lessons;
2. community of employees: community of employees employed in the frame of employment in public education institution;
3. disproportionate burden: if the child or student may use the education in kindergarten education, education and teaching in school in significantly more difficult circumstances or at significantly higher costs, taking the age and the eventual disability of the child or the student also into consideration (because it shall take much longer to reach such education and teaching institution due to the change; the education and teaching institution may only be accessed by public transportation means and several of change or public transportation means);
4. state organization: with the exception of the municipalities and the local ethnic minority governments any organization based on the planning, administration and reporting of the central budget;
5. supervision: the analysis of the operation of the public education institution based on the effective regulations and the education and teaching program;
6. first qualification: any qualification approved by the state which has been obtained in the frame of teaching in the school system, which entitles the holder of such qualification to fill a position or job or pursue a vocation;
7. increased level teaching: teaching the knowledge of a certain subject – based on the framework curricula – at a higher requirement in a higher number of lessons than the average;
8. effective answer: an answer which defines the opinion, decision and the underlying reasons of a person to whom a question was asked or of a person or organization who or which is entitled to take measures;
9. evaluation: the comparison of the professional objectives public education institution or the maintainer of the institution which has been defined for the sector with the results of the operation of the public education institution;
10. bottom up system: the order of school education and teaching, on the basis of which the changes in the academic and examination requirements may be introduced on the lowest grade affected by the changes;
11. supervision in education and teaching institutions: ensuring the protection of the physical soundness and moral welfare of the child and student from the moment of entering into the education and teaching institution to the lawful leaving of the education and teaching institution, and during the obligatory programs held as part of the teaching program outside the education and teaching organization;
12. maintainer of the institution: the legal entity (municipality, governmental organization, church legal entity, higher education institution, company, cooperative, foundation, non governmental organization, interest representation bodies of the national and ethnic minority, self government of national and ethnic minorities, associations and other legal entity), or natural private individual (as private entrepreneur), which has a licence to pursue public education services activity and ensures the conditions for the operation of public education institution as defined by the provisions of this act;
13. academic year: the phase of teaching and learning the requirements defined in the teaching program;
14. necessary conditions for the education and teaching of disabled: employment of therapeutic teacher, application of special curriculum, study book or any other special accessory which is necessary for the separate education of the disabled children in kindergarten and the education and teaching at school of the children and students in compliance with the type and level of disability; employment of therapeutic teacher with the appropriate qualification, application of special curriculum, study book or any other special therapeutic or technical equipment or accessory which is necessary for providing the special conditions he in compliance with the requirements defined by the relevant committee of specialists for the private education, integrated kindergarten education, school education and teaching and training;
15. institution unit: the organization unit which performs the primary tasks or the public education institution, multipurpose institution (such as kindergarten education, school education, education in residence hall, education consultation and library services);
16. Act of Law: decree of the minister or any other legal rules of higher hierarchy, and the municipal decree with regard to paragraph u) of Section 11. (1), Section 39. (2), Section 40. (2), Section 56. (3), Section 59. (5), a paragraph a) of Section 61. (3), paragraph a) of Section 64. (2), Section 68. (3) and Section 115. (3);
17. skills subjects: music, dance, drawing, physical education, technical courses;
18. performing local tasks: the public education institution performs local tasks if in the average of five years at least 51 % of the attendants of the institution lives in the settlement of the seat of the public education institution;
19. public education interest: if the termination of the public education institution would lead to the situation that certain public education tasks would not be performed and the municipality is not obligated to perform such tasks or the tasks performed for development purposes;

20. children and students with other disability: children and students which have the following disability based on the advice of the committee of specialists or the rehabilitation committee

a) pervasive development problems (e.g. autistic),

b) as a result of psychological development problems the child or student has problems with the participation or with the performance at school, and, consequently, the person is permanently retarded in the development or the learning process (pl. dyslexia, dysgraphia, dyscalculia, mutism, acute hyperactivity, attention problems);

21. second and additional qualification: any qualification acknowledged by the state which entitles the holder to fill a position or a job, pursue a vocation, and such qualification has been obtained as a holder of an existing qualification, which is also acknowledged by the state; without respect o the qualification which is acknowledged by the state but has not been obtained in the frame of the school system;

22. further provision at appropriate standard: if the new personal and material conditions of kindergarten education, school education and teaching or education in residence hall shall continue to ensure the existing teaching and education services in compliance with the standards and the provision set out in Appendix 1 and 3 of the Act on Public Education (e.g. kindergarten education of national or ethnic minorities, school education and teaching in language environment, the teaching on different faculties, the special education and teaching or children and students with disability or the education and teaching of students with learning problems shall not cease to be available);

23. quality assurance: the activity in course of which the public education institution continuously ensures the accession of the professional objectives and the operation or the institution for the satisfaction of the demands of the students, the parents, the teachers and the a maintainer of the institution, and that of the also the labour market;

24. education year: the period in the kindergarten between September 1 and August 31 of the following year;

25. public education activity not related to education and teaching: higher education, research in public education and higher education, education in child care centre, nursery care, family supporting services, job orientation consultation, rehabilitation and habilitation;

26. working order of education: the order or organizing the preparation for learning the subjects defined by the local curriculum of the school, which shall be classified on the basis of the percentage obligatory lessons - in the average of the academic year -compared to the obligatory lessons provided for in Section 52. (3)-(5) of this Act

a) if it is not less than 90% then it is classified full time course,

b) if it is not less than 50% then it is classified evening course,

c) if it is not less than 10% then it is classified correspondence course

If the student does not have to participate in the lessons at all or the number of lessens is less that the number of obligatory lessons of the correspondence course than it is classified by special course.

27. performing national tasks: the public education institution performs national tasks if at least 51% of the attendants of the institution live in seven different counties (or the capital), provided that at least three such public education institutions which performs the above tasks operate in the country (e.g. performs tasks related to national or ethnic minorities, operates as an institution with special religious or ideological commitment);

28. lecturer: teacher who is employed to teach less than 40% of the number of lessons required by employees in civil legal status;

29. meeting of teaching staff: meeting of managers and the employees of the public education institution who are employed in the positions to perform tasks defined in the Deed of Foundation of the institution or in any other employment;

30. professional tasks: teaching activity in relation to which the student is obligated to pay fee or tuition fee with special regard to the following:

a) the academic year in which the student studies and/or the teaching year in which the student is provided with residence hall accommodation or provision in boarding school,

b) the examination of basic education, the secondary school leaving examination , and the vocational examination;

31. costs of professional tasks: proportionate part of the operation costs which may be accounted against the operation costs of the task is question;

32. seat: the place where the office of the representative manager of the public education institution is located;

33. member institution: institution unit which is located outside the seat – in the same or another settlement – or an institution unit performing the same or different activity, if the management and representation activity may not or may only partly be performed due to the distance from the seat and the characteristics of the tasks;

34. faculty: institution unit established for performing the same activity in the kindergarten, school as the primary activity, education and teaching of children or students with disability in kindergarten or students, education of national and ethnic minorities in kindergarten or school, education in bilingual teaching school or adult teaching;

35. academic year: the period in the school between September 1 and August 31 of the following year;



36. teaching day: a day which has been used for keeping lessons or programs defined by paragraph e) of Section 53. (2), provided that the number of lessons is not less than three;

37. lesson: the unit in the frame of which the teaching material is processed. Lessons both include theoretical or practical teaching. Every lesson where practical training is not performed is classified theoretical teaching;

38. non performance of learning requirements: if the student is obligated to repeat a grade because the student was rated by mark 1 (insufficient knowledge) or similar rating, or has been banned from continuing studies in the same grade by effective disciplinary measure, or has been excluded from the school, or has omitted lessons more than acceptable, and the student status has been terminated for this reason, and if the progress of the student could not be rated due to certified and non certified omission of lessons omission of lessons by the end of the academic year, and the teaching staff has not allowed sitting for the examination or has not certified the require practical requirements due to the number of non certified omission of lessons or has been banned from continuing the examination or has not appeared for sitting for the exam without certification and has left the examination without the consent of the examiner;

39. student or child accident: every accident which happed to the child or student during the time or the activity while the child or student has been under the supervision of the education and teaching institution pursuant paragraph 11 of Section 121. (1) of this Act, excluding the accident which happed during the practical training;

40. provisions affecting the student status: the rules of organization and operation, or the rules of house or education and teaching program of the kindergarten, school, residence hall;

41. premises: the place for the location of the organization unit operating outside the seat (member institution, off site class, group, workshop, place of training, office, day care centre, day study centre, kitchen etc.);

42. performing regional tasks: : the public education institution performs regional tasks if at least 51% of the attendants of the institution live in at least two different counties or outside the border of the or the capital.

(2) Primary school education is the primary education in the application of Section 8. (4) of the Act LXV of 1990 on Municipalities.

(3) in the application of the Act on the Protection of Personal Data and on the Act on the Releasing Information for Public Interest the participation in education in kindergarten, school education, contracted student status and the membership in residence hall are deemed as student status .

(4) If the kindergarten education, the day care school education, the accommodation in residence hall is used on the basis of advice of specialists or rehabilitation committee or education consultant then the day care of the child is deemed as employment for rehabilitation purposes with regard to the eligibility for child benefit and maternity benefit.

(5) The supervisor of the public education institution is the maintainer of the institution, the supervision is the direction of the maintainer of the institution, the professional and financial supervision is the professional and financial control, the competence and operation area of the public education institution is the operation (admission) area of the institution.

(6) In the application of this act the institution of the minorities defined in Section 29. (2) of Act LXXVII of 1993 on the Rights of National and Ethnic Minorities is the public education institution. The Deed of Foundation of the public education institution includes – pursuant to Section 37. (5) of this Act – the performance f the tasks related to the national and ethnic minorities, provided that such tasks are actually performed by the public education institution, and in the case of the kindergarten, school and residence hall –in the average of three years - at least 25% of the students has participated in kindergarten education of national and ethnic minority, or school education and teaching of national and ethnic minorities.

(7) Where and eligibility to any kind of benefit is conditioned by any rules of law upon the student status, the training obligation should also be included in the student status during the period of compulsory education of the student.

(8) In the application of this law the education and teaching institution is maintained by a church legal entity – irrespective of who the original owner or maintainer of the education institution of the church legal entity was – on the basis of the provisions of the Act on the settlement of ownership position of previous real estates of churches, if the public education institution operates in a real estate which –on the basis of the provision of the above mentioned Act of Law

a) has been recuperated,

b) has been received in exchange of another real estate,

c) built on a site which has been received in exchange of another real estate,

d) has been purchased in at least 70% proportion of the new construction costs from financial compensation or indemnification by the church legal entity

BH1998. 511. The training of car drivers – performed in the frame of private enterprise - is not included in the primary tasks of public education. The classification of the head of the school, as public servant and the consequences of the non disputed extraordinary resignation [ paragraph 30 of Section 121. (1) of Act LXXIX of 1993, paragraph a) of Section 33 (2) of Act XXXIII of 1992, paragraph a) of Section 37 (3), (5) of Government Decree No. 138/1992. (X. 8.).].

## Miscellaneous provisions

### Section 122.

(1) The remuneration of the obligatory lessons and overtime work and holiday of the teachers employed by of non governmental organizations and non municipal organizations shall be subject to the provisions for public servants. The salary and wage supplement of the teachers may not be less than the lowest amount of remuneration and supplement of public employees performing the same tasks.

(2) The public education institutions sustained by higher education institutions (schools for the mentally disabled and kindergarten for the mentally disabled.) perform the tasks of public education which are outlined in this Act of Law, and also participate in the basic and continuing training tasks of teacher training. The public education institution maintained by governmental higher education institutions, including the school for the mentally disabled and kindergarten and residence hall for the mentally disabled shall be subject to the provisions for the governmental education and teaching institutions – with the exception of registration and maycellation from the registration. The state higher education institution, which maintains public education institution may also conclude public education agreement. The amount used for the performing the tasks of the public education institutions maintained by state higher education institutions – which may not be used for any other purpose – shall be included in the budget of the Ministry for Education under a separate title.

(3) The provisions of this Act in relation to the operation of the public education institutions, the employment of teachers, the rights and obligations and benefits of teachers – including the benefits provided for in Section 19. (2)-(6) – and the provisions for the discounts shall also be applied for the education in children's curative resorts, in the health care and rehabilitation institutions, in the prisons. The education and teaching in such institutions may be performed on the basis of a teaching program which is in conformity with the circumstances and it may contain deviations from the order of the academic year. The employment of managers and teachers in child and youth protection institutions, their rights and obligations, benefits and discounts shall be subject to the provisions for managers and education teacher in residence hall. The period spent in the position of teachers in the above listed institutions shall be calculated as time spent in the position of teachers.

(4) In the process for classification of study books the following aspects have to be taken into consideration,

a) whether the book is suitable for teaching the material in compliance with the requirements of the National Curriculum, whether it ensures the appropriate level processing of the sciences in reliable, factual and science based manner with the teaching methods in compliance with the relevant age group,

b) the language, style and straightforwardness of the book,

c) the technical aspects of the book and its conformity with aesthetic (in terms of typography, graphic editing, colour dynamics), health care (letter size, weight and paint) requirements,

d) whether the book is suitable for application for several academic years,

e) any other conditions and requirements set out in legal rules.

(5) Based on the provisions of the Act on Public Education, any services provided in the frame of kindergarten education or school education and teaching of the child and student, accommodation and education in residence hall, special teaching services or any related fee, reduction or forgiveness of the fee or any aid provided for the payment of any such fee or any aid provided in non financial terms (study book, student workbook, board, travel) shall be deemed personal income tax free services with regard to the calculation of personal income tax irrespective of the maintainer of the public education institution.

(6) Public education institution for the military or police forces may only be established and maintained by the minister responsible for the sector. The minister may authorise an organization or institution of the sector to exercise rights in relation to maintaining the public education institution as provided for in Section 102-104. of this Act – with the exception of the establishment, termination, definition and modification of the field of activity

(7) Unless international conventions otherwise regulate, the schools of the military or police forces may establish and maintain student status with persons without criminal record, Hungarian citizens or holders of effective immigration permit, suitable for military or police services and undertakes to submit to military or police services. In such schools the failure of submission to the rules of organization and operation or the failure to fulfil learning obligation may exclude the possibility to repeat a grade.

(8) If the secondary vocational school, or vocational school of military or police forces prepares the students for performing a job or for obtaining a qualification, the consent of the minister who is responsible for the establishment and operation of such school and for the qualification is required.

(9) The relevant minister – in cooperation with the Minister for Education – with regard to the special characteristics of the operation of the military and police forces – may regulate the provisions for the rights and obligations of students (Section 10-12), rights and obligations of teachers (Section 19), the health requirements, the vocational suitability requirements for the establishment of student status and the order of defining the above conditions, and the delegation of the management and maintaining of the institution.

(10) The calculation of the deadlines provided for in Section 17. (8) of this act shall ignore the duration of the employment abroad.

(11) The relevant national minority government may establish and maintain a minority language teaching school or may establish itinerant teaching services network for the performance of the supplementary teaching of the minorities as defined in Section 86. (5). The language teaching minority schools are registered by the Minister for Education and gives the licence to the maintainer of the institution, which is necessary for starting operation. If a language teacher operates in a school maintained by the municipality or any other organization, than the national minority government agrees on the issues of operation with the maintainer of the institution, or the cooperation with the itinerant teacher. The students shall participate in the supplementary minority teaching as guest student.

(12) The kindergarten, school and residence hall - within the framework defined by the Deed of Foundation – defines the advertisement activity in the rules of the organization and operation with reference to the above provisions: advertisement activity is forbidden in the kindergarten, in the primary school and residence hall of primary school students, with the exception that the advertisement is related to the health care, healthy life, environment protection, social or public activity or cultural activity and the advertisement is targeted to the children or students.

BH2001. 37. If the church agrees in a contract with the teachers of the school which has been taken over that their status – in contrast to the previous situation - is governed by the Labour Code, then the termination of the employment is governed by the Labour Code and not the Act on the Legal Status of Public Employees [Section 89 (1) and (2) of the Labour Code, Section 122 (1) of Act LXXIX of 1993].

#### Effective date

#### Section 123.

- (1) with the exception of paragraphs (2)-(6) of this Section – this Act shall be effective from September 1, 1993.
- (2) the provision for numbering the academic years shall be applied from September 1, 1996..
- (3) the requirements and the training period for teaching shall be introduced as follows:
  - a) the kindergarten shall perform the education in kindergarten on the basis of the Education Program prepared on the basis of the National Basic Program for Kindergarten Education in the newly launched kindergarten groups from September 1 of the third year after issuing the National Basic Program for Kindergarten Education and in the newly launched kindergarten groups and later in the subsequent kindergarten groups;
  - b) the residence halls shall perform the education work in residence halls on the basis of the residence hall teaching program based upon the relevant schools teaching program after September 1, 1998 in all residence hall groups.
  - c) with the exception of the local curriculum, from September 1, 1998 the teaching program based upon the National Curriculum shall be applied in every school; the curriculum shall be introduced in the first and seventh grade of the year and shall be introduced in bottom up system, the teaching schedule provided for in Section 52 (3) and (5)-(6) of this Act shall also be introduced simultaneously with the introduction of the local curriculum;
  - d) primary art schools may prepare and introduce the teaching program and the local curriculum after the September 1 of the subsequent year after the issuance of the primary art education requirements and the curriculum program. After the September 1 of the third year after the issuance the education may be performed on every grade on the basis of the teaching program and local curriculum , which is prepared on the basis of the primary art education requirement and the curriculum program. Until the primary art education requirement and the and the curriculum program is issued the existing education and teaching plans are applied by the primary art schools;
  - e) From September 1, 1996 the education has to be organized
    - in the kindergarten within the frame provided for in Section 24 of this Act,
    - in the residence hall within the frame provided for in Section 53 (7);
  - f) From September 1, 1996 the content of Appendix 1 has to be applied – with the exception of the provisions for the obligatory lessons of library teachers, manager and scaled in teachers – for the division of classes and individual teaching programs;
  - g) In every grade the 185 day teaching year has to be applied from September 1, 1998;
  - h) The provisions of Appendix 1 concerning the obligatory lessons of manager and scaled in teachers shall be applied depending on the decision of the maintainer of the institution from:
    - September 1, 1996, or
    - February 1, 1997, or
    - September 1, 1997.
- (4) the class and group headcount defined in this act shall be applied from September 1, 1996.
- (5) The provisions of this Act concerning the fees and the tuition fees shall be applied from the academic year of 1996/97 with the exception provided for in paragraph a) of Section 124. (11).

(6) The Government shall take measures for putting the provisions on the teacher examination of teachers and the introduction of continuing in services training [Section 17.(5)., Section 19. (5), Section 128. (8)-(9).], and the subsidies for purchasing books of technical knowledge provided for teachers [Section 19. (3).] into effect.

(7) From the effective date of this act until the date when the list of obligatory tools and accessories of the relevant school type is issued, and until the development plan provided for Section 88. (1) of this Act is issued, the municipality

a) may not increase the number of grades of primary schools with eight grade, and secondary grammar school with grade;

b) may not establish secondary grammar school with more than four grades.

(8) No operation licence may be issued for the establishment of bilingual schools, primary art school with specialization in dance art, fine art, applied art, drama and puppet art, and the municipalities may not establish such schools until the date the Minister for Education has issued the guidelines for the bilingual school or the education requirement and the curriculum program for the art sector, and the list of obligatory tools and accessories of primary art schools.

(9) The circumstance whether the book is suitable for utilization in several grades shall be analysed from the date defined in a separate legal rule.

(10) The effect of this Act shall not affect the following

a) the licences for the operation of non municipal education and teaching institution;

b) the effect of the primary school qualification obtained by finishing the eight grade of primary school before the effective date of this Act by school. Students with primary school qualification may continue studies on the ninth grade of school, and may participate in vocational training on the basis of the provision for vocational training;

c) the effect of the qualification obtained in secondary vocational school, vocational school, vocational school and the school leaving examination certificate obtained in secondary grammar school;

d) the effect of secondary school qualification obtained by finishing the fourth grade of the secondary school between 1974 and 1986.

(11) the school leaving examination and school leaving examination certificate obtained before the effective date of this act entitles the holders of participation in higher education as provided for in this act.

(12) on the effective date of this act the following provisions shall be abrogated

a) The provisions of Act I of 1985 on Education and of Act XXIII of 1990 on the amendment of Act I of 1985 on Education (hereafter referred to jointly as: Act on Education) for kindergarten education, primary and secondary school teaching, teaching and education in residence hall, primary art education, and

b) Sections 96-106 of Act XX of 1991 on the field of activity and competence of municipalities and their organizations, the Regional Public Administration Officer and certain central subordinated organizations.

#### Temporary provisions

#### Section 124.

(1) Examination of basic education may be demanded first from the students who started their studies on September 1, 1998 on the first academic year.

(2)

(3) After the effective date of this act the decisions made in the five years prior to the effective date at the request of the parent in the matter of releasing children from the compulsory education because it was not possible to educate them within one year pursuant to Section 30 (6).

(4) In conformity with the introduction of the National Curriculum

a) From September 1, 1996 until August 31, 1998 the education and teaching institutions may freely use the education and teaching plans issued (approved) by the Minister for Education in every grade, and subsequently education and teaching institutions may freely use the education and teaching plans issued (approved) by the Minister for Education in the grades where education and teaching is performed not on the basis of the local curriculum. The only condition is that the number obligatory lessons may not be more than the number defined by the education and teaching plan; and the time frame defined in paragraph c) of Section 52 (7) and (10) for the non obligatory lessons, out of lesson programs, individual programs and division of class, and the time frame defined in Section 7 of Part Three of Appendix 1 shall be defined on the basis of the time schedule applied by the school. If the schedule is based on cyclical period, than the number of lessons for one cycle period has to be applied with the difference that 80% of the time frame of the schedule or one cycle period may be used, and individual program may not be organized in vocational training. Until the introduction of the National Curriculum starts meg the Ministry for Education may approve an education and teaching plan for the education of national and ethnic minorities in kindergarten and school provided that the national and ethnic minority in question does not have a national and ethnic minority education and teaching plan for kindergarten education

and school education and teaching which was issued and approved by Minister for Culture and Public Education before September 1, 1993;

b) the education and teaching plan issued for the vocational schools or vocational school is applied on the ninth and tenth grade until the introduction of the teaching on the basis of the local curriculum is introduced in the bottom up system takes place;

c) with the exception of the parallel teaching [paragraph c) of Section 27 (7) and 29 (8) ], the teaching of the subjects of general knowledge and technical subjects shall be reorganized in the preparation of the teaching program of vocational secondary school and vocational schools so that vocational training should take place only at the higher grades of the school from September of the second year after the issuance of the framework curriculum on the ninth grade, then in the bottom up system.

d)

(5)

(6) The members of the school board should be supplemented with the appropriate number of representatives of the student self government before December 31, 1996. The school board which started its operation before September 1, 1996 may continue its operation in the same composition until August 31, 1999 – unless the operation regulation of the school board otherwise regulates – after supplementing the school board with the appropriate number of representatives of the student self government.

(7) With the exception of the parallel teaching [paragraph c) of Section 27 (7) and 29 (8) ] from September 1, 1998 – the teaching in the vocational training schools shall be separated into a phase of general education and the phase for obtaining vocational qualification. From the above mentioned date the vocational training may be started on the new grade of vocational training after the termination of the compulsory education after the last secondary academic year and after the secondary school leaving examination.

(8) Before the effective date of this act – based on Section 24 of the Act on Education - kindergarten education and school education and teaching for the application of unique solutions and for conducting experiments may only be launched after the obligatory application of the National Curriculum and the National Training List in new kindergarten group or school class. The already initiated kindergarten education and school education and teaching may be finished on the basis of the already issued licence. The maintainer of the institution and the teaching staff requests the opinion of the parents in this respect.

(9) The introduction of the school structure which may be established on the basis of this act shall take place following the decision of the maintainer of the institution. It is not possible to apply for additional budget funds for the modification of the school structure.

(10) As long as the school does not prepare for obtaining a qualification listed in the National Training List, the qualification which enables the holder to fill the same position at a higher standard shall not be deemed as second qualification.

(11) The students who established their student status in the 1996/97 academic year or before

a) shall pay a fee or tuition fee if such obligation had been effective even at the time when they established a student status. This provisions may not be applied if the student repeats the first grade due to the failure to fulfil learning requirements;

b) may continue their studies in full time teaching until the end of the year when they reach 25 years of age.

(12) The non Hungarian citizens who started secondary school studies pursuant to Section (11) and has not paid fees or tuition fee may finished his/her studies with the same conditions as the Hungarian citizens. The students who started their studies before December 31, 2001 may continue to take advantage of the teaching services with the conditions which were effective at the time when the student status was established provided that such provisions were more favourable to the students. Such provisions shall also be applied for kindergarten education and education and teaching in residence hall.

(13) From September 1, 1996

a)-b)

c) the student sport groups may continue their operation as student sport groups of schools;

d) the schools for preparation for work may continue their operation as skills development special schools

(14) The secondary schools which operate with thirteenth grade and they are not entitled any longer to establish and operate a thirteenth grade as a result of the modification of the provisions, may not start a new grade from September 1, 1997 with the conditions that the students may continue their studies with the same conditions if the thirteenth grade is necessary for finishing the schools.

(15) Until December 31, 1996

a) The public administration officer sends the documents to the head of public administration about the public education institutions which have to be registered by the head of public administration;

b) The public administration officer sends all the documents of the foreign education and teaching institutions that have been registered by the public administration officer to the Ministry for Education;

c) The foreign education and teaching institutions which started their operation before September 1, 1993 shall send their Deed of Foundation to the Ministry for Education for acknowledgement and registration;

d) if the maintainer of the public education is a business entity without the status of legal entity, then the public administration officer and/or head of public administration calls upon the maintainer of the institution to modify the Deed of Foundation within six months, if the maintainer of the institution fails to fulfil the notice than the public administration officer and/or head of public administration shall proceed as provided for in Section 80 of this Act;

e) the public administration officer and/or head of public administration shall call upon the maintainer of the non municipal schools to review whether the education and teaching program of the schools maintained by them is performed in compliance with the education and teaching plan or central program issued by the relevant minister; and –if necessary – shall call upon the maintainer of the institution to take the necessary measure. If the maintainer of the institution should fail to take appropriate measures the public administration officer and/or head of public administration shall take the measures provided for in Section 80 of this Act. New grade may be started only on the basis of the education and teaching program or central program issued and approved by the Minister of Education. The studies which have already been initiated may be finished;

f) The maintainer of the education and teaching institution shall review the name of the education and teaching institution, and if the name is not in compliance with the provisions of the act the necessary modifications should be effected in conformity with the rules the record of such modification shall be sent to the organization which is to register the modifications.

(16)

a) From September 1, 1997 the knowledge about starting to work and to live individually may be taught on a new grade only in compliance with the provisions of Section 27. (9) of this act;

b) Before September 1, 1997 the institution with several purpose have to be reviewed, and they have to be reorganized if necessary based on the provisions of this act.

(17) Until December 31, 1997 the public foundations provided for in Section 119 (1) –(2) have to be established before December 31, 1997.

(18) Until the introduction of the new secondary school leaving examination system, in the admission examination process for higher education institution it is not possible to require an entrance examination in the same subject as the joint school leaving examination and university admission examination in the same subject in the year of the examination.

(19) The development plans of the capital and the counties have to be prepared within eight months after the effective date of this act. The provisions for the development plans of this act in Section 88. (5)-(7) shall be applied from the fifteenth day after announcement.

(20) After the issuance of a new list of obligatory tools and accessories , the content of the list of obligatory tools and accessories shall be applied with immediate effect in case of the establishment and starting or operation of a new public education institution, in case of an existing institution the content of the list of obligatory tools has to be applied after five years from the issuance of the list in the basis of a schedule defined by the maintainer of the institution.

(21) The municipality, which is the maintainer of the education and teaching institution, shall pass the following provisions with regard to the education and teaching institutions maintained by the municipality:

a) the municipality shall define the rules on the basis of which the head of the kindergarten, the head master of the school, residence hall decides on the free provisions in addition to the free services provided for in Section 114, the fees and tuition fees on the basis of the result of students and on the basis of the social situation, on the forgiveness or reduction of the tuition fees of non Hungarian citizens. The Municipality may also regulate the content of paragraph 14 of Section 121. (1);

b) The municipality may require additional condition for registration in the list of special consultants, and may also defined the regulations for the registration in the list of special consultants and the working time benefits of the special consultants employed in the education and teaching institutions maintained by the municipality.

(22) The shall sent the documents (Deed of Foundation, licence for starting operation, etc) of the primary schools before January 31, 1999 to the head of public administration.

(23) The content of the first sentence of Section 118. (4) shall not apply for the 2001-2002. budget years.

(24) The provisions for the employment of library teachers (primary school general teachers) shall be binding from September 1, 2003. If the number of employees in management position in the public education institutions is one less than the headcount provided for in Part Three of Appendix 1 of this Act then it is not obligatory to give this mandate before September 1, 2003. If the position of leisure time organizer is not filled in the school or residence hall than it is not obligatory to give this mandate before September 1, 2003. IN the academic year of 2001/2002 and 2002/2003 it is obligatory to ensure 80% of the time frame calculated in the basis of Section 52. (7) in the primary school and on the ninth and tenth grade of the vocational school and it is obligatory to ensure 90% of the time frame on the ninth to thirteenth grade of the secondary school.

(25) The number of obligatory lessons to be spent by obligatory and voluntary lessons and by direct programs with students shall not increase in the academic year of 2001/2002 in the teacher positions where the number of obligatory lessons has increased. The increase of the obligatory lessons shall be fulfilled by the additional tasks

related to the introduction of the local curricula and the establishment of the quality assurance system. From the academic year of 2002/2003 every teacher affected by the increase of the weekly number of lessons shall spend one lesson a week by individual programs, catch up and talent development of students of the first to the fourth grade, one lesson a week by individual programs, catch up and talent development of students of the fifth to the twelfth grade, one lessons a week – with the exception of workshop – by voluntary programs as provided for in paragraphs b)-d) of Section 53 (2).

#### Section 125.

(1) For a period of five years after the effective date of this act, or for a period of five academic years the municipality or the state organization may continue to operate the education and teaching institution with religious or ideological commitment maintained by the municipality or the state before the effective date of this act. The rights related to the maintainer of the institution have to be settled before the final deadline as provided for in this act.

(2) If the education and teaching institution referred to in Section 1 above is taken over by the non governmental and non municipal maintainer, than the municipality, or if the municipality refuses to do so but the education and teaching institution serves public interests, then the Minister for Education is obligated to conclude a public education agreement for a period of twenty years after taking over such institution.

#### Section 126.

The effect of this act

a) does not affect the student status of students which has been established on the basis of the Act on Education, including the participants of supplementary training, they may continue and finish their studies in secondary schools and/or vocational school with the technical conditions that they started. Until the introduction of the new examination system the certificate provided for in Sections 78., 80., 82, 84-86, 134 and 137-139 of the Act, which certifies secondary school education on the basis of the referred provisions and entitles the holders to fill positions. Until the effective date of the new examination regulation the provisions for the primary education examination and the school leaving examination may not be applied;

b) does not affect the mandate of the managers of the public education institution.

#### Section 127.

(1) a) When a teacher is employed or mandated a manager

- the appropriate higher education teacher qualification verified by a certificate shall be accepted, if the methodology of teaching the subject had to be learned in the frame of higher education studies than the employer shall decide on the basis of the document which was issued the higher education institution about the availability of the required conditions or on the basis of the study book;

- the teacher qualification obtained in a higher education institution or the predecessor education institution ( such as kindergarten nurse training institution, primary school general teacher training institution, specialised teacher training institution) shall be accepted as college level school qualification and teacher qualification;

- the pedagogy teacher or college qualification shall be accepted as a certificate to fill teacher position;

- The physical education teacher qualification issued by the Hungarian College for Physical Education before the effective date of the Decree with Legal Force No. 16 of 1975 shall be accepted as university qualification.

b) The qualification obtained in kindergarten nurse training college, the primary school general teacher training and the state secondary music academy shall be accepted as employment condition in management position defined in this Act.

c) The certificate of the qualification obtained as technical trainer, technician teacher or specialist trainer shall be accepted as college qualification in the appropriate subject based on the provisions of the law for the relevant training.

d) The certificate of the qualification for teaching issued by the National Committee for Typing and Shorthand Examiners - as specified by the provisions of this act teacher- as a higher education qualification entitles the holder to fill the position.

e) The certificate for technical trainer obtained in training course program –which is not listed under Section c) - shall be accepted as the relevant secondary level qualification for the purposes of the employment.

(2) In the practical training of secondary vocational school and vocational school – with the exception of the professional training which requires significant theoretical knowledge – the practical training may be held by persons with secondary school education and professional qualification in the relevant field and five years of professional experience, if the tasks maynot be performed by teachers with qualification of higher education.

(3) If there is no domestic higher education in the relevant field the following persons may be employed for a definite period of time

a) with the exception of secondary vocational school and theoretical and professional practical subjects and professional preparatory knowledge defined in Section (4), preparation courses of theoretical and practical

knowledge in the secondary grammar school for helping to find a job, and every school program which are not part of the lessons may be held by specialists with at least five years of experience in the area of teaching with technician qualification, secondary vocational school qualification, higher education qualification obtained out of the school system and with at least five years of professional experience;

b) in primary art education institution, lessons persons with qualification for practical and theoretical training in art education secondary vocational school and with at least five years of professional experience.

(4) If there is no programs in the relevant field in domestic higher education institutions - with the exception of the professional training which requires significant theoretical knowledge – persons with secondary school qualification and master examination may be employed of indefinite period of time.

(5) In the acrobat training persons with school leaving examination and at least five years of professional experience may be employed for indefinite period of time.

(6) The school qualification listed in Sections (1)-(5) entitled the holder to fill teacher position. The classification of teacher shall be performed on the basis of the acknowledged or existing qualification.

(7) Persons with primary school general teacher or teacher qualification and secondary or higher education librarian qualification obtained out of the school system listed in paragraphs b)-e) and j) of Section 17 (1) – which entitles the holder to fill teacher position in school or residence hall may be employed as library teacher in school and residence.

(8) With the exception of teaching on the basis of higher level of requirements persons with teacher qualification after graduating from specialised residence hall may teach on the fifth grade of the school in the relevant subject and fill teacher position.

(9) An agreement for definite period of time may be concluded on the basis of Section (2)-(3) with the person who undertakes to obtain the higher education teacher qualification required in paragraph. (3) for filling the position – which is provided for in Section 17. (1). The employment may last at latest of the period of time required for finishing higher education studies. The contract may be prolonged for a period of maximum two more years if the teacher could not finish studies for reasons beyond the control of the student.

(10) Student of the last year of the higher education qualification may be employed with a contract until the last year of the studies if the student studies subject for obtaining qualification required for the position.

(11) (11) Persons with faith teacher qualification may be employed in residence hall and day care centre and day study centre for primary school students and in residence hall education teacher.

#### Section 128.

(1) if the qualification of the teacher does not comply with the qualification required by the law, then the teacher shall act as follows at the effective date of this Act,

a) if the teacher has less than ten years before reaching the age for the eligibility of pension then the teacher may be employed in the same position not longer than until reaching the age of eligibility to pension

b) If the teacher has more than ten years before reaching the age for the eligibility of pension then the teacher may only be employed in teacher position for more than five years after the effective date of this Act if the teacher has started to a training program which provides higher education qualification as teacher.

(2) Holders of university or college degree of faith teacher may be employed as education teacher in residence hall for a period of five years after the effective date of this act. The employment shall be subject to the provisions of Section 127. (9).

(3) a) Qualified teachers with at least two type “C” state language examinations or any equivalent certificate of language knowledge may be employed for teaching foreign language or the language of nationalities or ethnic minorities or education and teaching of the national or ethnic minorities until September 1, 2002 teacher. New teachers may only be employed with the provisions of Section 127 (9).

b) The school education and teaching of national and ethnic minorities – with the exception of the mother language and literature – holders of higher education qualifications provided for in Section 17. (1), Section 30. (11), paragraph a)-b) of Section 127 (1) or (8) and type “C” higher state language examinations or any equivalent certificate may be employed in teacher position for teaching on the mother language and may be mandated as a manager.

c) The teacher or management position in national and ethnic minority education residence hall requires that the teacher should fill the conditions defined in paragraph b).

d) In the kindergarten education of national and ethnic minorities

- The teacher or management position teacher requires that the persons should fill the conditions of the second sentence of paragraph a) of Section 127 (1) or paragraph b) of the same section, and the persons should have type “C” state language examinations or any equivalent certificate of language knowledge,

- The person may fill the position of teacher if the person fills the conditions of the first sentence of paragraph a) of Section 127 (1) or paragraph a) of Section 128 (1) or those of Section 128 (5), and the person has type “C” state language examinations or any equivalent certificate of language knowledge.



e) The person who complies with the condition stipulated by paragraph c) –e) of Section 127 (1) or (2)-(4) or the person has at least two type “C” state language examinations or any equivalent certificates of language knowledge may fill teaching position in vocational training of national and ethnic minorities.

f) The language examinations or any equivalent certificate regulated by Section a)-e) shall be ignored in the case of the persons employed in teacher position for the calculation of further benefits related to additional qualification.

(4) on the faculty of secondary vocational school for kindergarten nurse faculty

a) The faculty for kindergarten and residence hall supervisor or teaching assistant shall be modified to leisure time organizer from September 1 of the year after the effective date of this act;

b) students may finish studies initiated before the effective date of this act with unmodified conditions, however, at the request of the student he/she shall be allowed to take an examination in therapeutics and basic general education knowledge in the frame of the school leaving and qualification examination, and to obtain the qualification related to the new faculty;

c) with the exception of the teacher complying with the conditions set out in paragraph a) of Section 128. (1) and (8) – the teacher with school leaving and qualification examination may be employed in kindergarten nurse position last in 1997 with the conditions provided for in Section 127 (9);

d) if a holder of school leaving and qualification examination takes a examination between September 1, 1993 and December 31, 1998. in therapeutics and basic general education knowledge and obtains the qualification referred to in Section b), the school shall organized the examination on the basis of the demands and helps the preparation for the examination with consultation if required;

e) the obtained qualification shall not be deemed as first qualification with regard to financing the education,

(5) Notwithstanding the provisions of Section (1) the following persons may be employed in the position of teacher:

a) kindergarten teacher with secondary vocational school qualification as child care nurse,

b) qualification for teaching typing and shorthand writing with qualification for teaching typing and shorthand,

c) persons with school leaving examination and technical trainer or specialist teacher qualification obtained in training course or with teacher qualification may be employed for practical training,

d) persons with kindergarten nurse, primary school general teacher or teacher certificate may be employed in therapeutic teacher position,

e) persons with relevant higher education or higher special teacher or technical trainer qualification may be employed in the position of teacher for technical course

f) persons with higher education qualification and professional qualification may be employed in residence hall,

g) persons with higher education qualification of teacher or qualification and professional qualification in the relevant field may be employed in secondary vocational schools for the teaching or theoretical subjects in the relevant field and the professional preparatory knowledge in the eleventh –twelfth grade, provided that the teacher has obtained at least seven years of professional practice since obtaining the certificate or qualification until September 1, 1996. The practice of teacher of technical and professional skills has to include the period of practical experience obtained at corporate practical training. The calculation of the period of practical experience shall be based on the provisions of Section 18. (5).

(6) If the teacher performing practical training at vocational school does not have secondary school education and on the effective date of this act

a) if the person has less than five years before reaching the age for the eligibility of pension then the teacher may be employed in the same position not longer than until reaching the age of eligibility to pension;

b) if the person has more than five but less than ten years before reaching the age for the eligibility of pension then the person may be employed in the same position not longer than until reaching the age of eligibility to pension if the person has at least ten years of experience as practical trainer at schools or companies. If the person does not have this required period of experience, than the person may be employed after five years from the effective date of this act only after obtaining the secondary school qualification;

c) if the person has more than ten but less than fifteen years before reaching the age for the eligibility of pension than the person may be employed after five years from the effective date of this act only after obtaining the secondary school qualification;

d) person has more than fifteen years before reaching the age for the eligibility of pension than the person may be employed after five years from the effective date of this act only with the conditions provided for in Section 127 (9).

(7) The teacher employed in the basis of this Section shall be classified with regard to the school qualification and the professional qualification outlined in Sections (1)-(2) and (4)-(6).

(8) The public employee teacher without teacher qualification shall be classified on the basis of the qualification. The public employee teacher with teacher qualification shall be classified on the certificate of teacher qualification from the first working day of the year in which the teacher presented the certificate. Besides the qualification the obtained in special university and college continuing education any other qualification required

by the relevant legal rules are also required for filling a job which is equivalent to specialized teacher position. The PhD titled obtained on the basis of a thesis and any other scientific title obtained in the area related to the subject is equivalent to the higher education and teaching examination. The requirements of the administration examination is fulfilled by the holding a teacher examination provided that the person performs management tasks related to public education as public employee.

(9) The participation in obligatory continuing education may not be required of persons who have filled the age of fifty on the effective date of Section 19. (5). The obligation to participate in continuing education shall be as follows before the introduction of the teacher examination.

(10) On the basis of repeated competition procedure of the person has the required period of professional experience

a) Person with qualification in secondary nurse, primary school general teacher or teacher training institution may manage kindergarten of primary school ,

b) Person with qualification in musical secondary school may manage primary art education institution, provided that there has not been any mayidate who has the require experience and higher education qualification.

(11) The student parliament shall be convened first in 1997.

(12) Provisions of Section 127. (1) – unless the international convention regulates otherwise – may be applied with regard to qualifications obtained in Hungarian education and teaching institution. The holders of certificates naturalised on the basis of such provisions may be employed in teacher position from September 2004. – with the exception of Section (13) – if the person has started the higher education studies as teacher.

(13) Notwithstanding the provision of Section (12) the following persons may be employed

a) persons who have less than ten years before reaching the age which entitles for pension on September until September 1, 1999 until reaching the pensions age

b) persons in the position related to the naturalized certificate in teacher position if the holder obtains tat least seven years of professional experience in the same job before September 1, 1999.

#### Section 129.

(1) The municipalities shall ensure the following in the education and teaching institutions maintained by them

a) perform the assessment and data supply obligation on the basis of the requirements of the Minister for Culture and Education before March 1, 1995;

b) perform the reconstruction of the institutions in compliance with the annual budgetary act and in compliance with the construction standards.

(2) Until September 31, 2001 the municipality and the Ministry for Culture and Public Education shall review the public education agreements concluded by the ministry. The review shall not affect children and students, who had been admitted to education and teaching institution before September 1, 1996.

(3) If the church legal entity concluded a public education agreement pursuant to Section 81. (13) of this act between January 1, 1998 and June 3, 1999, than the Minister for Education may approve that the church legal entity should a unilateral statement pursuant to Section 81 (11). This provision shall be applied also in the case then the public education institution agreement has not yet been concluded, but the church legal entity and the municipality has agreed before June 30, 1999 on transferring the right of maintaining the education and teaching institution to the church legal entity.

#### Section 130.

(1) The maintainer of the public education institution may not take the savings on wages generated by the maintainer of the institution on the termination of the public education institution, the restructuring of the maintained public education institution, the modification of the obligation to perform tasks, the increase of the obligatory lessons of teachers, the headcount of kindergarten groups and school classes, the reduction of the obligatory and non obligatory lessons and the out of lesson programs from the system of public education institutions, which is maintained either individually or jointly.

(2)

#### Section 131.

(1)-(2)

(3) The pedagogical, financial, legal and technical conditions of the extension of the compulsory education – as provided for in Section 6 (5) – has to be gradually established by the Government and the municipalities in order to avoid that the modification should cause any problem.

#### Section 132.

(1) Until September 1, 2001 schools should review a framework curriculum and teaching program with regard to Section 48 of this act. The reviewed teaching program shall be introduced in the first, fifth and the ninth grade then in bottom up system - as provided for in Section 124 (4) of this act.

(2) The residences shall review their teaching program until September 1 of the second year after issuing the national program for the education in residence halls.

(3) in the case provided for in Sections (1)-(2) the provisions of Section 44 (1) for requesting the advice of the specialist may not be applied.

(4) The primary school

a) may introduce the local curriculum of the school in September 1, 1999 in the first grade of the school instead of the first, second and seventh grades as provided for in paragraph c) of Section 123. (3) of this act, and then continue the introduction in bottom up system for a period defined in Section (1),

b) in the grades where the local curriculum has not been introduced, the education and teaching work is performed in compliance with paragraph a) of Section 124. (4) of this act,

c) the education and teaching work starting with September 1, 1999 on the eighth grade is continued in compliance with paragraph c) of Section 123. (3) or paragraph b) of Section 132 of this act.

(5) the education and teaching work of the secondary grammar school with six or eight grades, and the multipurpose institution with primary school and secondary school or vocational school tasks may be continued in compliance with paragraph c) of Section 123. (3) or paragraph b) of Section 132 of this act.

(6) The primary school with ten grades has to be subject to reorganization before July 31, 2001 into a school to comply with the provisions of this act. The provisions of the primary school with ten grades have to be applied before this date [paragraph b) of Section 52. (1), paragraph d) of Section 78. (2) and paragraph b) of Section 124. (4)].

(7) The local government shall prepared the action plan of the municipality before July 31, 2000 as stipulated by Section 85. (4), and the municipality shall submit the action plan to the relevant municipality of the capital or the regional municipality before December 31, 2000. The municipality of the capital or the region shall review the development plan until July 31, 2001, and review if necessary – pursuant to Section 88. (1)-(2).

(8) The maintainer of primary art schools shall review the Deed of Foundation and the operation of the school maintained by them until July 31, 2000 pursuant to Section 31 (2) of this act, and if necessary they shall ask the head of public administration to modify the licence which is necessary for starting the operation.

(9) The head of public administration shall evaluate the appeals for remedy in relation to the organization of the independent examination committee and secondary school leaving examination until the deadline provided for in the decree about the establishment of the National Public Education Evaluation and Examination Centre. Section 83. (6)-(8), Section 84. (4), Section 104. (3) of the act shall be applied with the difference that failure to keep the deadline for presenting the application shall result in losing statutory rights, it does not allow for presenting a certification for the delay.

(10) The number of vocational schools and secondary vocational schools shall be reviewed as provided for in the decree for the review of the National Training List.

(11) Until July 31, 2000 the maintainer of the public education institution shall prepare the time schedule for the implementation of the content of the obligatory list of tools and accessories as provided for in Section 124 (20) before August 31, 2003.

(12) The maintainer of the institution shall send the time schedule to the National Public Education Evaluation and Examination Centre within 15 days after the deadline. The National Public Education Evaluation and Examination Centre may check the implementation of the actions listed in the schedule. In the event the maintainer of the institution fails to submit or implement the action plan to the National Public Education Evaluation and Examination Centre then they may initiate the action provided for in Section 93. (4)-(5) of this act. The process of the National Public Education Evaluation and Examination Centre shall be subject to the provisions of Section 107. (9)-(10) of this Act. These provisions should also be applied in the case if the application of the content of the list of tools and accessories is obligatory.

[For Article 15, section 3, for Article 16, section 4, for Article 39, section 3 and for Article 118, section 3]

The number of managers and employees in educational institutions, principles to determine the budget contribution, the obligatory working hours of managers and employed teachers in public educational institutions

#### Part one

### THE NUMBER OF MANAGERS AND EMPLOYEES IN EDUCATIONAL INSTITUTIONS

#### The obligatory number of managers and employees

##### Managers

- |  |   |
|--|---|
| 1. Principal, kindergarten manager in every independent institution  | 1 |
| 2. Deputy-principal, deputy-manager in a kindergarten  |   |
| - In an independent institution  |   |
| If the number of children/students reaches 80  | 1 |
| In a school, if the number of students reaches 400, further  | 1 |
| - For member institutions – excluding residence halls – for the manager  | 1 |
| - For each institutional units – exceeding residence halls – for the manager   | 1 |
| - For each non-independent residence hall, for the manager   | 1 |
| - By each major  |   |
| If in a kindergarten the number of children reaches 50, if in a school the number of student reaches 40, for each manager of a given major | 1 |
| 3. Leading teacher in technical education  |   |
| In technical secondary school, in technical school for each school   | 1 |
| 4. Associate teacher in technical education  |   |
| In technical secondary school, in a technical school over 20 classes for each 20 class   | 1 |
| When teaching different major, for each major if there are at least five classes per major   | 1 |
| 5. Finance manager   |   |
| In an institution with authorized independent financing  | 1 |

##### Educators

##### In a kindergarten

1. The number of educators, teachers for the disabled shall be determined considering
  - Kindergarten groups
  - Number of obligatory work hours
  - Activity accounted for in obligatory work hours
  - Open hours of the kindergarten

During the open hours, in each group a kindergarten teacher shall be present. For each kindergarten teacher one hour of overlap is allowed, in one group a total of two hours of overlap is allowed;

- |   |   |
|---|---|
| 2. Speech corrector   |   |
| In a speech correction kindergarten for each 15 child   | 1 |
| 3. Conductor  |   |
| In a kindergarten of a conductive educational institute for each group and for each shift   | 3 |
| 4. Travelling teacher for the disabled, speech corrector, psychologist, conductor   |   |
| If in a kindergarten a disabled child is educated with the rest of the children in at least five hours per week, for each eight child | 1 |

In a school and residence hall

1. In a school the number of employees working as educators shall be determined considering
  - Size of the class,
  - Time allowed for individual occupation, class division
  - Time allowed to organize the obligatory and optional classroom activities,
  - Time of after school and study room activities
  - The number of obligatory work hours of the educators
  
2. In a residence hall the number of employees working as educators shall be determined considering
  - Number of students per gender and for each building
  - Number of residence hall activities
  - The number of obligatory work hours of the educators
  
3. Librarian (teacher)
  - In an eight year primary school if there are at least eight classes 1
  - In a secondary school, technical school 1
  - In a residence hall, in a basic art institute
    - Up to two hundred students 1
    - Over two hundred students 1
    - In a multi-purpose institute 1
  
4. Conductor
  - In a conductive educational institute for each class and each shift 3
  
5. Speech corrector
  - In a speech correction school for each fifteen student 1
  
6. Travelling teacher for the handicapped, speech corrector, psychologist, conductor
  - If in a school a disabled child is educated with the rest of the students in at least five hours per week, for each eight student 1

Personnel for direct support of educational activities

In a kindergarten

1. Specialist doctor
  - In a kindergarten educating only disabled children, based on the type of disability 0,5
  
2. Child or youth supervisor or assistant for the disabled
  - In a kindergarten group educating a disabled child 1
  
3. Nurse or a substitute caretaker and custodial worker as one
  - For each group except kindergartens of a conductive educational institution 1

In a school and residence hall

1. Child and youth protection officer
  - A psychologist or a certified social worker in a corresponding type of school [as explained in Article 17, Section 1, paragraph b)-e) and j), or Section 1] in a primary school, secondary school, technical school 0,5
  
2. Specialist doctor
  - In a school or residence hall educating disabled students exclusively, based on the type of disability 1
  
3. Child and youth supervisor or assistant in teaching the disabled
  - In schools educating the disabled, for each fifteen student 1
    - Educator in a school educating the deaf, the blind, the medium mentally retarded, the physically disabled unable to move by itself, the autistic and the multi-disabled, for each six student 1
  - In a primary school residence hall functioning as an institute for the mentally ill, for each fifteen student 1
  - In a residence hall of a primary school 1
  
4. After school program coordinator
  - In a school, residence hall if the number of students reaches three hundred 1

- |   |     |
|---|-----|
| 5. Technical manager  |     |
| In a technical school if it has a workshop for occupying students or the workshop is open all day   | 1   |
| 6. Caretaker  |     |
| In a residence hall up to five hundred students   | 1   |
| Over five hundred students  | 2   |
| In a residence hall with disabled occupants exclusively, for each twenty four hour  | 5   |
| 7. In a technical secondary school or technical school which prepares for a professional exam of a music instrument repairer, also in a basic art institution |     |
| Up to four hundred students   | 1   |
| Over four hundred students  | 2   |
| In school of students with reduced vision regardless of the number of students a further  | 0,5 |
| 8. Lifeguard  |     |
| In a school with a swimming pool  | 1   |

Within the network of travelling specialists the employer shall be the institution appointed by the metropolitan or county municipal council. For the capital or the counties the number of employees is determined by dividing the number - according to the registry of rehabilitation and specialist committee - of students and children undertaking education in kindergarten and school next to other children and students by eight -based on the type of disability -, for the travelling physiotherapist the number of the students in question by twelve. With this division - using the principles of rounding - for each group one specialist able to carry out the task shall be proposed. In case of only one group - regardless of the number of members - one such position shall be proposed. The travelling teacher for handicapped children, speech corrector, conductor, physiotherapist, etc. is appointed by the director of a public educational institution -authorized to employ - inquired by the kindergarten or school educating the child or student in question.

For the officer of child and youth protection and for the after-school program coordinator the extra leave hours and other allowances are determined using the regulations in place for governmental employees working as educators.

#### Further employment in educational institutions

1. Employment shall be based on the task for financing advisor, accountant, technical advisor, technician, fire-tender, gardener, receptionist etc.

2. In educational institutions - based on the tasks - over those determined in Part I

- a) further managers may be appointed
- b) the number of employees working as educators may be increased
- c) specialist with a degree (i.e. medical doctor, psychologist, social worker, librarian, library assistant, secretary, after-school program coordinator, presentation technician, computer technician, computer network manager, laboratory technician, office clerk) may be employed.

#### Part Two

#### PRINCIPLES TO DETERMINE THE BUDGET CONTRIBUTION

In the present Act in Article 118, Section 4 over the balanced budget contribution

a) contribution for balanced, restricted use shall be made according to the regulations in Chapter Inner Affairs, title Support and Contribution from Local Municipalities

- organization of continuing education, re-education of governmental employees working as educators in local, municipal public educational institutions,

- organization of special educational services maintained by county (or metropolitan) municipalities

- professional activities of public metropolitan and county foundations, especially educational services and educational material development.

b) For the local, non-municipal public educational institutions the support for the aims explained above in section a) paragraph one should be proposed according to Chapter Inner Affairs under title "Balanced support for non-governmental human services".

c) should be proposed under reserved budget in the budget chapter of the Ministry of Education

- For public educational institutions maintained by governmental higher educational institutions the support of the aims explained above in section a) paragraph one,

- development of public education, activities aiming renewal, development and maintenance of the computer network of public education.

- d)
2. In the present Act in Article 118, Section 4 within the balanced budget contribution
- a) as a differentiating factor the following should be taken into account
- organization of early development and preparation of development (required education)
  - education of students and children in kindergarten and schools with severe social, learning or behavioural dysfunction.
  - kindergarten or primary school where students attend who are unable to attend to kindergarten or schools at their local address,
  - maintenance of sister institutions according to the development plan,
  - organization of education, kindergarten and school services at settlements where the population was below 3500 on January 1 in the previous fiscal year,
  - catering of institution with children and students,
  - organization of after-school programs in primary schools
  - kindergarten and school education of national and ethnic minorities, bi-lingual education of non-minority languages.
- b) The regulations for the fiscal budget determine the pretext, the amount of support and the conditions for those explained above in section a)
- 3.
- 4.

#### Determination of the number of children and students to account for in the normative contribution

1. For the determination of the normative contribution
- a) a child accepted to kindergarten shall be counted as one,
- b) a student in the daytime educational system may be counted as one, if the student has a status. The number of students who have decided themselves to be private students, visiting students or students paying educational fees may not be accounted for,
- c) in basic art institution, students over the age of six and under twenty two may be accounted as follows:
- a student may be accounted as one if the school provides at least in average four sessions per week, even if the student attends to more than four sessions, or attends to more than one major,
  - the number of students shall be divided by two if the school provides them less than average four sessions per week ,
  - of the number of students attending to a preparatory class, no more than 120% of the number of students attending to the first year class of the basic art school may be accounted for. In this calculation the actual number of students attending to the preparatory and the first year class shall be used;
- d) in adult education, according to Article 78, Section 6, a full time student may be counted as one, the number of students attending to night courses shall be divided by two, the number of correspondence students shall be divided by five; students taking other curricula may not be accounted for;
- e) a resident hall occupant may be counted as one student if the occupant is a legal member of the resident hall community; the number of students paying fees for housing in a residence hall shall be divided by two.
- f) a non-Hungarian citizen child or student may only be accounted for if he or she participates in public education with the same conditions as Hungarians
- g) students paying educational fees shall be disregarded
- h) the number of students shall be determined according to parts a)-f) above even if the present Act, Article 81, section 1, paragraph d) obligates paying a fee, or according to Article 116, section 1, paragraph a) the student shall pay a fee for lessons exceeding six hours per week.
2. If the number of students shall be divided, the rules of rounding shall be applied.
3. The educational institution shall prove, that the child or student is accepted and that the required services for the student are provided.

#### Part Three

#### THE OBLIGATORY WORKING HOURS OF MANAGERS AND EMPLOYED TEACHERS

Teaching and manager positions where the legal weekly work hours include the obligatory work hours and the time needed to fulfil the tasks of education, training of students and carry out specific projects, and the obligatory work hours for these positions

Managing position	Number of obligatory work hours per week
-------------------	--

I.  
A) MANAGER POSITIONS

1. In Kindergarten, teaching kindergartens

a) Manager of a kindergarten	
- In a kindergarten, in a teaching kindergarten, with at least 4 groups	6
- In a teaching kindergarten with 1-3 groups	21
- In a kindergarten with 1-3 groups	27
b) Deputy manager of a kindergarten, manager of a member institution, manager of an institutional unit, manager of a major, deputy-manager of a member institution, deputy-manager of an institutional unit	
- In a kindergarten, in a teaching kindergarten, with at least 4 groups	24
- In a teaching kindergarten with 1-3 groups	23
- In a kindergarten with 1-3 groups	30

2. In primary school, teaching schools

a) Principal	
- In a school with at least 17 classes	4
- In a school with 9-16 classes	8
- In a school with 6-8 classes	12
- In a school with 1-5 classes	16
b) Deputy-principal, manager of a member institution, manager of a institutional unit, manager of a major, deputy manager of a member institution, deputy-manager of an institutional unit	The obligatory number of work hours for the principal + 4 hours, but no more than 18 hours

3. In secondary school, technical school and teaching school

a) Principal	
- In a school with at least 12 classes and all technical secondary schools, technical schools that prepares for an art exam	2
- In a school with 9-11 classes	4
- In a school with 5-8 classes	6
- In a school with 4 or less classes	8
b) Deputy-principal, manager of a member institution, manager of a institutional unit, manager of a major, deputy manager of a member institution, deputy-manager of an institutional unit	The obligatory number of work hours for the principal + 2 hours
c) Leader of a technical education	11
d) Associate leader of a technical education	17

4. In basic art schools, teaching schools

a) Principal	
- Over 500 students	2
- With the number of students between 251 and 500	4
- With the number of students between 101 and 250	8
- With the number of students up to 100	14
b) Deputy-principal, manager of a member institution, manager of a institutional unit, deputy manager of a member institution, deputy-manager of an institutional unit	The obligatory number of work hours for the principal + 2 hours



#### 5. In resident hall, teaching resident hall

a) residence hall manager	
- Over 450 students	4
- With the number of students between 251 and 450	6
- With the number of students between 101 and 250	10
- With the number of students up to 100	15
b) Deputy manager	The obligatory number of work hours for the residence hall manager + 4 hours

#### 6. Different regulations for educational institutions providing education only for disabled children, students

##### In kindergarten, teaching kindergarten

a) Kindergarten manager	
- In a kindergarten with 4 or more groups	4
- In a kindergarten with 2-3 groups	16
- In a kindergarten with one group	18
b) Deputy manager of a kindergarten, manager of a member institution, manager of an institutional unit, manager of a major, deputy-manager of a member institution, deputy-manager of an institutional unit	
- In a kindergarten with 3 or more groups	16
- In a kindergarten with 1-2 groups	18

##### In primary school, teaching primary school

a) Principal	
- In a school with at least 21 classes	2
- In a school with 12-20 classes	4
- In a school with 9-11 classes	6
- In a school with 4-8 classes	10
- In a school with 1-3 classes	12
b) Deputy principal of a school, manager of a member institution, manager of an institutional unit, manager of a major, deputy-manager of a member institution, deputy-manager of an institutional unit	The obligatory number of work hours for the principal + 2 hours

##### In residence hall, teaching residence hall

a) Residence hall manager	
- Over 250 students	2
- With the number of students between 144 and 250	4
- With the number of students between 108 and 143	6
- With the number of students between 48 and 107	10
- Up 47 students	12
b) Deputy manager	The obligatory number of work hours for the residence hall manager + 2 hours

In the Andras Peto Institute for the Handicapped

- |   |   |
|---|---|
| a) Manager of a kindergarten, principal of a primary school               | 5 |
| b) Deputy manager of a kindergarten, deputy principal of a primary school | 7 |

7. Institutes of special educational services

- |  |    |
|--|----|
| a) Principal, manager of an institutional unit, manager of a member institution                      | 10 |
| b) Deputy principal, deputy manager of an institutional unit, deputy manager of a member institution | 14 |

8. Public educational institute with shared directors, basic educational centre

- |   |   |
|---|---|
| a) Principal in the kindergarten, school, residence hall operating as an institutional unit, in an institutional unit within special educational services, if the management of the institutional unit is also carried out by the principal, the minimal work hours of a manager in the correct type of an institutional unit regardless of the number of students shall not exceed | 4 |
| b) Manager of an educational unit, manager of a residence hall, deputy As for the type of the manager of an educational unit, deputy manager of a residence hall institution  |   |

B) TEACHING AND CERTIFIED SPECIAL TEACHING POSITIONS

- |   |    |
|---|----|
| - Kindergarten teacher  | 32 |
| - Kindergarten teacher in a teaching kindergarten   | 24 |
| - Kindergarten teacher in a kindergarten with a disabled child  | 19 |
| - Kindergarten teacher in a teaching kindergarten with a disabled child   | 13 |
| - Non-specialist teacher in a primary school  | 22 |
| - Non-specialist teacher in a teaching primary school   | 13 |
| - Specialist teacher in a primary school  | 22 |
| - Specialist teacher in a teaching primary school   | 14 |
| - Non-specialist teacher in a full day class of an elementary school  | 22 |
| - Non-specialist teacher in a full day class of a teaching elementary school  | 14 |
| - Non-specialist teacher in a full day class of an elementary school educating disabled students                                | 19 |
| - Teacher, therapist in an elementary school educating disabled students  | 19 |
| - Teacher, therapist in a teaching elementary school educating disabled students  | 13 |
| - Teacher in a secondary school, technical school   | 22 |
| - Teacher in a basic art school   | 22 |
| - Teacher in a teaching secondary school, technical school, basic art school  | 12 |
| - Teacher, therapist in a secondary school, technical school educating disabled students  | 19 |
| - After school, study room teacher in primary school, secondary school, technical school  | 23 |
| - After school, study room teacher in a teaching primary school, secondary school, technical school                             | 19 |
| - After school, study room teacher, therapist in primary school, secondary school, technical school educating disabled children | 21 |
| - Technical teacher in technical secondary school, technical school, workshop teacher in a school of the disabled               | 25 |
| - Educator in a residence hall  | 30 |
| - Educator in a teaching residence hall   | 26 |
| - Educator in a residence hall of the disabled  | 26 |
| - Psychologist, social worker in an educational institute   | 26 |
| - Psychologist, social worker in a teaching educational institute   | 20 |
| - Conductor, speech corrector in an educational institution   | 19 |
| - Conductor, speech corrector in a teaching educational institution   | 10 |
| - Librarian (teacher) in an educational institution   | 24 |
| - Librarian (teacher) in a teaching educational institution   | 14 |

- Librarian (teacher) in an educational institution for the disabled, teaching educational institution for the disabled 19
- Psychologist, social worker, conductor, speech corrector, teacher, therapist, physiotherapist in special educational services 19

## II.

1. In kindergartens, schools, residence halls, classes, groups where the number of disabled children in the class is over 33% on the first day of the semester, or if the educators work only with disabled children, the required work hours for the employees working as educators should be the same as for those working in the kindergarten, school or residence hall of disabled children.
2. For educators teaching technical classes the same obligatory work hours should be required as for regular teachers if the technical class in part of the curriculum of a theoretical subject.
3. The obligatory working hours for teachers in the kindergarten, school or residence hall maintained by a higher educational institution shall be applied for the senior teacher directing the practical training of teachers (senior kindergarten nurse, senior nurse of senior teacher). In the institutions managed by the maintainer the provisions have to be applied with the consent of the maintainer of the school.
4. If the educator is employed in different positions with different number of obligatory work hours, or has different managing assignments with different number of obligatory work hours, the work contract shall include the proportional number of obligatory work hours for each position/assignment.
5. The obligatory work hours for an educator or manager may be reduced with the authorization of the maintaining entity if the maintaining entity has the financial support including pay for extra hours without extra budget contribution. The duration of the reduction shall not exceed one academic year, but may be extended several times.
6. The educator shall spend the obligatory work hours working directly with children in a kindergarten, including the full activities provided by the kindergarten, in school or in residence halls working directly with students in regular obligatory or optional classes, residence hall activities, after-school sessions. In technical classes the leading and the participating educator teaches the practical and theoretical aspect of the subject, supervises the technical education. Dealing directly with students includes the social programs of the class, personal care [Article 52, Section 7], those academic and social club meetings, academic, professional or cultural competitions within or between schools or those other extra-curriculum activities [Article 53, Section 2, paragraph b)-d)] that are organized as optional after-school activities, furthermore those class or group activities that are part of the educational profile of the school but impossible to carry out within the frame of the traditional class [Article 53, Section 7], also the continuous supervision of the students not participating in a school or residence hall activity – excluding dining, sleeping, or supervision on a non working day – if the number of students per educator is more than fifty but less than one hundred [Article 114, Section 1, paragraph c)].
7. If the director of an educational institute – with the authorization of the maintaining entity – does not increase the time, in a kindergarten five percent of the time of the total kindergarten activity, in a residence hall five percent of the time of all the preparing activities, in a school five percent of the time of the total obligatory class activities – as planned according to the present Act, Article 52, Section 3 – may be used in one academic year for the following activities:
  - a) Within this timeframe
    - one hour per week shall be provided for an educator who is a class-master, departmental head or study group leader to carry out the task of such assignment,
    - if the employment of a librarian in a school is not obligatory, at least five hours per week (one hour per day) of the obligatory working hours of the educator shall be provided to carry out the task of library management.
  - b) With a written assignment, for a given time, the educator may use his or her obligatory working hours to
    - carry out the tasks of supervising or developing the educational program of the educational institute,
    - help the student government, carry out the tasks of a cultural educator,
    - to supervise the children, students as explained in the work contract.
8. The educator spends the time of recess supervising the students or preparing for the next class. During other periods of the working time – as part of the task of the position – the educator carries out the tasks required to educate the children, students. The educator prepares for the classes, sessions, grades the work of the students, documents his or her work. Furthermore – based on the requirements of the employer – the educator carries out those tasks of managing the educational institution where his/her expertise is needed, as participates in the work of the educational board, organization in cultural and sport activities in the school, organizes the supervision of children/students, takes roles in preventing accidents, child and youth protection.
9. Within the obligatory work hours the librarian in the school or residence hall provides open hours for the library. As a job requirement, in the 70 percent of the remaining work hours – with the library closed – the librarian carries out his/her work at the school or residence hall library (care and expansion of the collection,

research), in the remaining 30 percent of the time is provided for preparation outside the workplace, for building library networks, and for other tasks of an educator.

10. Within the obligatory work hours educators in institutions of special education services analyse the children/ students, hold sessions for individuals or groups, advise, give courses for caretakers (these referred below as direct contact). Over the established hours for direct contact – as part of the job description – they make analysis needed for an expert opinion, prepare for the direct contact, match the result of analysis, prepare official documents, provide continuous open hours, carry out tasks outside the office needed to ascertain the development of the child/student, travel to the child/student.

11. For officers of worker's unions (Labour Code 25), also for members and the general secretary of the Committee of Governmental Employees [Labour Code Article 62, Section 2] the allowance of work hour reduction should be made by the proportional reduction of the obligatory work hours.

12. The principal may reduce the obligatory work hour of an educator if the latter is participating in continuous education or prepares for a specialist's exam and the former offers a study contract.

13. The number of obligatory work hours for the manager of the educational institute is based on the number of groups, classes – except if the technical secondary school prepares for art exam, in a basic art schools and in a residence hall it is based on the number of students.

14. The manager of an educational institution or an educational services carries out the tasks of the manager during the time of the total work hours minus the obligatory work hours.

15. The annual obligatory work hours of a manager should be determined using the conditions on the first day of the academic year.

16. When determining the obligatory work hours of a manager, the following shall be taken into account

a) the number of groups in the kindergarten, number of classes in a school, in technical schools the number of classes with theoretical curricula,

b) the number of after-school and study group sessions,

c) in adult education the number of classes in full and evening courses, in technical schools the number of classes with theoretical curricula, half of the classes in correspondence education,

d) in the reduced level physical education or physiotherapy classes each sixteen student, in case of partial numbers one class up to eight persons.

17. If an educator teaches more hours than the obligatory work hours for his/her position, the educator is working extra hours which shall be rewarded with extra pay – according to the appropriate law. To determine the extra pay for extra hours the correct number of obligatory working hours of an employed educator in kindergarten, primary school, secondary school, technical school, residence hall or educational services shall be used even for a manager, even for an educator in teaching kindergarten, school or residence hall, also for an educator whose number of obligatory working hours was reduced based on this appendix, and even for those whose number of obligatory working hours include certain activities.

18. In case a manager carries out the tasks - not required in his/her position - of a managing position with lower number of obligatory working hours or an employed educator carries out the tasks of a manager, and the duration of these is over five working days, the number of obligatory working hours of the educator shall be determined using the number of obligatory working hours of the managing position.

Appendix 2 for Act LXXIX of 1993

(For Article 40)

Personal and special records kept in a public educational institute

Employee data

1. Records kept according to present Act:

a) name, date and place of birth, citizenship

b) permanent and temporary address, phone number

c) data regarding the employment and legal matters of state employment, especially

-proof of education, proof of conditions of employment

-time spent at work, time accounted for as part of the state employment, data regarding position

-honours, awards of the employee

-job description, contract to carry out tasks not required by the position, records of disciplinary procedures, notice for paying damages

-duration of work, time of extra hours, salary, fees and loans – names of beneficiaries

-days off

-disbursements and their pretext

- allowances and their pretext
- loans of the employee and their pretext
- other data with consent of the employee

2. Data explained above in paragraph 1 are handled by the legal employer

3. Data explained above in paragraph 1 may be shared with the maintaining entity, bank, court, police, prosecutor's office, local municipality, government office, those authorized to supervise the employment, national security offices.

#### Data of children, students

1. Records kept according to present Act:

a) name of the child/student, place and date of birth, citizenship, permanent and temporary address, phone number, in case of non-Hungarian citizens the pretext of residence in the Hungarian Republic, title and number of the document allowing residence

b) name, permanent and temporary address, phone number of the parent

c) records concerning development of child in the kindergarten

d) data regarding student status, especially

-records concerning application for the school

-records concerning the student's behaviour, diligence, knowledge, their grades, exam records

-disciplinary records, notice for paying damages,

-records concerning physical, sensory, mental, speech or other disabilities

-records concerning dysfunctions in learning, discipline, anxiety

-records of accidents

-number of student's identification card

-student's identification number

-other data with consent of the student

2. Data may be shared with

-all data may be shared with maintaining entity, court, police, prosecutor's office, local municipality, government office, national security offices

-data regarding disability or dysfunctions may be shared with educational special services and deputy versa

-records concerning kindergarten development, records of maturation to school may be shared with a parent, educational special services, schools

-records concerning behaviour, diligence, knowledge may be shared within the class, with the school board, with a parent, exam committee, organizer of technical education, contractor of a fellowship, with the school if grades were established elsewhere, in case of moving with the new school, professional supervisor

-with the official handler of the student identification card data required to issue such a card

#### Usage of data in statistical analysis

Data explained in this appendix may be used in statistical analysis and may be shared for statistical analysis with the lack of personal identification.

Appendix 3 for Act LXXIX of 1993

[For Article 52, Section 3-7, Article 53, Section 2-4 and 7, Article 65, Section 3, Article 66, Section 5, Article 68, Section 2, Article 123, Section 4]

Limits of class and group size, regulations for organizing classroom and extra classroom activities

I.

Limits of class and group size

	Mean number of students	Maximum number of students
Kindergarten		
	20	25
School		
a) First to fourth year of the school	21	26
b) Fifth to eighth year of the school	23	30
c) Ninth to thirteenth year of the school	28	35
d) Theoretical education in a technical secondary school, technical school in classes with technical curricula	28	35
e) Technical education in technical secondary schools, technical schools	8	12
f) Theoretical and practical education in art schools, art secondary schools	10	15
g) In a basic art school		
In music majors	8	15
In other majors	10	20
Residence hall		
In residence hall activities	25	27
In other times for each gender and in each building	100	120

II.

Organizing classes, groups

1. Kindergarten groups, school classes should be organized in such a way that the number of children/students accepted in those group should not exceed the maximum allowed – except in cases described in paragraph 7-8 below.
2. For ethnic or national minorities kindergarten groups and school classes shall be provided and kept if at least eight parents from the same minority request such
3. A child/student with verbal or slight mental disability, or with partial disability or a child/student with anxiety, learning or disciplinary disability shall count as two when determining the size of the kindergarten group, school class or residence hall group – regardless whether such a child/student is educated alone or among others in a kindergarten group, school class or residence hall class. A Child/student with physical, sensory and medium mental disability, or a child/student with other disability/dysfunction not explained above should count as three. A student participating in catch-up education [Section 27, Section 8] should count as two.
4. It is allowed to organize joint classes in primary schools and in catch-up education [Article 27, Section 8]. Once the semester has started, classes shall not be joined. In a joined class the participating students shall be of no more than three grades

5. Classes may be divided into groups. Groups may be organized from students of different classes. The maximum number of students in a group 50 percent of the size of the class.
6. The obligatory classroom hours of technical education, in technical secondary schools, technical schools may be held for groups of three to six students if the central curriculum of such education obligates that. When publishing such curriculum, authorization from the Secretary of Treasury for a small group education shall be attached. The obligatory classroom hours shall be determined for each group participating in the technical education.
7. The maximum size of a kindergarten group/school class may be exceeded by up to 20 percent if at the start of the academic year in a kindergarten only one group or in a school only one class is launched, or if during the semester a new child/student is transferred.
8. In adult education for evening courses, for correspondence education or for other educational forms the regulations for the maximum size of the class may be disregarded.
9. When organizing a group/class the average group/class size may be disregarded.
10. If the size of the class is less than 50 percent of the maximum allowed, based on the present Act, Article 52, Section 6, the calculated classroom hours shall be divided by two.