

The Amendment of the Minorities Act in 2003

Article 47 (1) The minority self-government – as provided for in the Public Education Act – may participate in the fulfilment of the obligatory self-government tasks related to the kindergarten education, the school education and teaching, the boarding school education and teaching of national and ethnic minorities.

(2) The minority self-government - as provided for in the Public Education Act – may establish and maintain a public education institution, or may take over the maintenance right of the public education institution established by someone else. The transfer of the maintenance right of the institution may not be accompanied by reorganisation. The reorganisation preceding the planned date of the transfer, and the reorganisation within two years after the transfer - in the absence of proof to the contrary – shall be regarded as reorganisation related to the transfer of the maintenance right. In the application of the present provision, reorganisation may be the merging of the institutions, or the division of one institution into several institutions.

(3) The minority self-government may take over the maintenance right of the public education institution from the local government according to those determined in the Public Education Act – unless otherwise provided for by the present Act.

(4) Upon the request of the national minority self-government, the local self-government maintaining the institution is obliged to transfer to the national minority self-government the maintenance right of that school or boarding school carrying out regional or national tasks, which according to its establishment act is carrying out minority tasks, if all pupils participate in minority education. The present provision shall also be applied to the school or boarding school carrying out local tasks, if the school, or boarding school is not able to carry out a national or regional task because of the distribution within the country of those belonging to the minority. The opinion of the school board of the affected school, boarding school, or in the absence of these, that of the parent-teacher association and the student council of the school or the boarding school, shall be annexed to the request.

(5) The transfer – take-over of the public education institution shall be incorporated into an agreement. When the transfer – takeover of the institution is effected, the provisions of the Public Education Act shall be applied, with the difference that if the transfer is not effected according to those determined in paragraph (4), the local self-government shall obtain, for its decision concerning the transfer of the maintenance right, the consent of the kindergarten board, the school board, boarding school board or, in the absence of these, that of the parents association, and the school or boarding school student council.

(6) If the transfer of the educational-teaching institution

a) is effected according those determined in paragraph (4), the Minister of Education,

b) if it is not effected according those determined in paragraph (4), the transferring local government

shall conclude a public education agreement – in accordance with those contained in the Public Education Act - with the minority self-government taking over the institution.

(7) Together with the transfer of the maintenance right, the movable and real property serving the administering of the tasks of the public education institution shall also be transferred into the possession of the minority self-government taking over the institution. The transfer is free of charge. The date of the transfer of the use, in the case of an educational-teaching institution, is the first of July of the year after the announcement of the transfer; in the case of other public educational institutions, it is the first of January of the year after the

announcement of the transfer. The period for which the institution is transferred shall not be shorter than ten years.

(8) If the transfer of the maintenance right is not effected on the basis of paragraph (4), the transfer of the maintenance right to the minority self-government does not affect the obligation of the local government to perform its tasks. During the period of the transfer of the maintenance right, the maintenance and management right of the local self-government is suspended, and the tasks of maintenance management determined in Articles 102-104 and 106 of the Public Education Act are exercised by the minority self-government taking over the institution. During the period of the suspension of the maintenance right, the local self-government may request information from the minority self-government concerning the performing of the tasks of self-government, and may make proposals for the performing of the tasks that it may consider necessary.

(9) If the minority self-government is terminated without another minority self-government being formed, if the transfer of the maintenance right

- a) was effected on the basis of paragraph (4), it is the Ministry of Education,
- b) if it was not effected on the basis of paragraph (4), it is the local self-government transferring the maintenance right

which shall exercise the maintenance right, until the date when the minority self-government is formed.

(10) The minority self-government taking over the public education institution may request, under the same title and conditions as the local self-governments, the contributions and supports determined in the prevailing budget act – on the basis of the public education agreement concluded according to paragraph (6) -, and may further apply for the supplementary support granted for the organisation of minority tasks (hereinafter: minority maintenance supplementary support), and may participate, according to the conditions determined in the calls for applications, in all applications published for local self-governments.

(11) If the transfer takes place on the basis of paragraph (4), supplementary minority support shall be ensured by the central budget. If the transfer does not take place on the basis of paragraph (4), the minority maintenance supplementary support shall be paid to the minority self-government to the debit of the central budget, and the minority self-government shall account vis-à-vis the local self-government transferring the institution with the sum of this, according to those determined by the Public Education Act. The state ensures supplementary support for the operation of the educational-teaching institution, the transfer of which is effected on the basis of paragraph (4), through tenders published to the debit of the amount ensured in the central budget for this purpose, and according to the conditions determined in the tenders. The minority self-government may utilise the budgetary contributions and supports claimed for the performing of its public education tasks, and the minority maintenance supplementary operational support, exclusively for purposes related to the given institution. Budgetary contributions and supports for public education purposes, as well as minority maintenance supplementary support shall be registered separately from other incomes, and the institution shall be obliged to account with these.

(12) Minority maintenance supplementary support as termed in paragraph (10) shall be determined each year on the basis of the data known at the time of the planning of the budget, within the yearly budget act, and taking into account the extent of public education services utilised. When calculating the amount of the minority maintenance supplementary support, the total sum of the given sector's operational costs and the renewal costs of the self-governments shall be reduced by the own incomes of the institution, as well as by the special support given from the budgetary appropriation centralised for public education, to which both the self-government and the minority self-government maintainers and their institutions

may have access through tendering. The share of normative support and the calculated amount of minority maintenance supplementary support shall be determined from the amount thus determined.

(13) If the national minority self-government establishes a new school, the provisions of point a), paragraph (6); paragraph (10); and, related to point a), paragraph (11) of the present Article shall be applied, supposing that the school qualifies as a national institution on the basis of point 27, paragraph (1), Article 121 of the Public Education Act. If the local minority self-governments establishes a new school, the provisions of point b), paragraph (6); paragraph (10); and, related to point b), paragraph (11) of the present Article shall be applied, supposing that there is no school in the given settlement, which would perform the given minority educational tasks.

(14) The amount that the minority self-government institution maintainers may receive, through tendering, for the operation of the public education institution maintained by them, shall be planned within the budget of the Ministry of Education.

(15) The local self-government and the minority self-government may conclude an agreement for the joint maintaining of the public education institution. With regard to the jointly maintained public educational institution, those contained in paragraph (10) shall be applied.

(16) Concerning employment within the public educational institution maintained by the minority self-government, the provisions of Act XXXIII of 1992 on the Legal Status of Civil Servants have to be applied.

Article 47/A If the legal regulation ensures a right of opinion or a right of consent for the minority self-government in the taking of a decision in an affair related to public education, the declaration – unless otherwise provided for by legal regulation – shall be made within thirty days. The deadline shall be prolonged, upon the request of the affected party, once, for further thirty days. This is a final deadline. If the minority self-government does not give its consent, and the conciliation between the parties involved is not successful within another fifteen days, a committee made up of nine members shall be set up. Three-three members are delegated to the committee by the minority self-government, the party whose interest it is for the consent to be given, and the National Minorities Committee as regulated in paragraph (1), Article 98 of the Public Education Act. The National Minorities Committee selects the candidates (hereinafter: candidate members) from among the experts figuring on the National list of experts. The committee determines the rules of its operation by itself, with the condition that it shall take its decisions by a simple majority. The decision substitutes consent. The costs of the operation of the committee are born by the party whose interest it is for the consent to be given. The candidate members, according to the provisions related to the experts figuring on the National list of experts, are due to be remunerated, the amount of which shall be determined by the National Minorities Committee, and which shall be paid by the party whose interest it is for the consent to be given.