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Meeting: 1310th meeting (March 2018) (DH)

Item reference: Action plan (15/02/2018)

Communication from the Czech Republic concerning the case of D.H. AND OTHERS v. the Czech Republic (Application No. 57325/00)

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Réunion : 1310^e réunion (mars 2018) (DH)

Référence du point : Plan d'action

Communication de la République tchèque concernant l'affaire D.H. ET AUTRES c. République tchèque (Requête n° 57325/00) (**anglais uniquement**)

**REVISED ACTION PLAN FOR THE EXECUTION
OF THE JUDGMENT OF THE EUROPEAN COURT OF HUMAN RIGHTS
IN THE CASE OF *D.H. AND OTHERS V. THE CZECH REPUBLIC***

“EQUAL OPPORTUNITIES”

15 FEBRUARY 2018

The submitted Revised Action Plan for the Execution of the Judgment in the case of *D. H. and Others v. the Czech Republic* contains an overview of measures that have been implemented to date as well as a short overview of measures that will be implemented. The Revised Action Plan therefore supplements information, which was submitted to the Council of Ministers of the Council of Europe on 10 February 2017.

I. CASE DESCRIPTION

In its judgment of 13 November 2007 the Court found a violation of the applicants' right not to be discriminated against, safeguarded by Article 14 of the Convention, in connection with their right to education guaranteed by Article 2 of Protocol No. 1 to the Convention.

The Grand Chamber concluded that the impugned situation amounted to indirect discrimination because a neutrally conceived measure (the possibility to place a child in a special school for children with mild mental disability) had a disproportionate effect on Roma pupils, and it was not possible to explain this effect by the compulsory use of the testing of the children by experts or by the parents' consent with the placement (i.e. it could not be objectively justified).

According to the Grand Chamber, the procedure of placement to special schools did not include sufficient safeguards that would have ensured respect for Roma children's right to education on an equal footing with children belonging to the majority population.

II. INDIVIDUAL MEASURES

The just satisfaction awarded by the Court was paid to individual applicants in accordance with the judgment.

As for other individual measures, the Government is of the opinion that no particular steps are required given that the applicants are all older than fifteen and therefore are no longer in the compulsory schooling system. Nevertheless, it is worth mentioning that beyond their obligations stemming from the judgment of the Court, during spring 2008, the MEYS informed the applicants by individual letters of the existing offer of complementary education near to their living place.

III. GENERAL MEASURES

A. LEGISLATIVE SUPPORT FOR THE EDUCATION OF ROMA PUPILS	
ADOPTED MEASURES	<p>1) Decree No. 147/2011 – amendment to the Decree on the Education of Children, Pupils and Students with Special Educational Needs and Exceptionally Gifted Children, Pupils and Students</p> <p>The most important changes relevant for the execution of the judgment:</p> <ul style="list-style-type: none">a) A rule is set that pupils with a health or social disadvantage may be educated at schools or in classes designated for pupils with a health disability only in exceptional cases and only for the necessary period of time to offset their disadvantage; at the same time, their number must not exceed 25% of the overall number of pupils in a given class or group;b) Support and compensatory measures are defined;c) A target group of pupils with special educational needs is defined and a definition of the terms “with a health disadvantage”, “with a social disadvantage” and “with a health disability” is given;d) The elements of informed consent to the placement of a pupil into a school or class for pupils with a health disability are laid down;e) The conditions for a pupil’s diagnostic stay that precedes the pupil’s placement into a school and a class designated for pupils with a health disability are specified and made more stringent. <p>Implementation date: 1 September 2011</p> <p>2) Decree No. 116/2011 – amendment to the Decree on the Provision of Counselling Services at Schools and in School Counselling Facilities</p> <p>The most important changes relevant for the execution of the judgment:</p> <ul style="list-style-type: none">a) A rule is set that the validity of a recommendation given to a pupil to be placed into a school or educational programme for pupils with a health disability will be for a maximum period of one year;b) A duty is set for school counselling facilities to notify a pupil or his/her statutory representative about the need for new diagnostics before the validity of the pupil’s recommendation expires. <p>Implementation date: 1 September 2011</p>

	<p>3) Decree No. 103/2014 – amendment to the Decree on the Education of Children, Pupils and Students with Special Educational Needs and Exceptionally Gifted Children, Pupils and Students and to the Decree on the Provision of Counselling Services at Schools and in School Counselling Facilities</p> <p>The most important changes relevant for the execution of the judgment:</p> <ul style="list-style-type: none">a) A pupil with a social disadvantage must not be educated in a class or group for pupils with a health disability anymore;b) A pupil with a health disadvantage must not be placed into a class or group for pupils with a mild mental disability anymore;c) Beyond the existing prerequisites for the placement of a pupil with a health disadvantage into a class or group for pupils with a health disability (exceptional character of the placement; placement only for the necessary period of time; a maximum placement period of 5 months; placement solely in the pupil’s interests; placement for the sake of offsetting a disadvantage; placement upon a recommendation by a school counselling facility) an additional guarantee has been introduced, namely the need to submit a medical doctor’s confirmation proving the existence of a specific health disadvantage;d) A pupil without a health disability must not be educated pursuant to an educational programme for pupils with a health disability anymore, not even if the pupil is placed into a class designated for pupils with a health disability;e) School counselling facilities will regularly evaluate whether the placement of a pupil into an educational programme modified for pupils with a health disability, the mode of his/her education and the provided support measures reflect his/her special educational needs. In the case of a pupil placed into a FEP BE MMD, evaluation will be done within a year following placement at the latest; further evaluation will be done at the end of the third, fifth and last grade of compulsory school attendance;f) A diagnostic stay must not take place at schools and in classes established for pupils with a mild mental disability anymore. <p>Compliance with this new legal regulation is inspected by the CSI, which periodically once a year carries out a survey at schools with the aim of identifying the presence of pupils in inadequate programmes or classes. The first survey took place in autumn 2014.</p> <p>Implementation date: 1 September 2014</p> <p>4) Act No. 82/2015 – amendment to the Education Act</p> <p>The amendment was approved by Parliament in March 2015. Most key changes will come into effect as of 1 September 2016.</p> <p>The amendment to the Education Act strengthens elements of inclusive education</p>
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	<p>in the education system in particular by:</p> <ul style="list-style-type: none">a) Abandoning the categorisation of pupils (pupils with a social disadvantage, pupils with a health disadvantage and pupils with a health disability);b) Introducing a new definition of the notion of “pupil with special educational needs” who is seen as a pupil in need of support measures in order for him/her to fulfil his/her educational possibilities and pursue his/her right to education on an equal basis with others. The determination of a pupil’s educational needs and the provision of support measures that will help a pupil in pursuing his/her education will thus be at the forefront;c) Laying down the rule that pupils with special educational needs should be primarily educated by means of integration into the mainstream education;d) Introducing the concept of support measures necessary to guarantee the maximum achievable full-fledged education in the mainstream for all pupils. Support measures are classified into five levels depending on their organisational and financial demands. If need be, support measures of various levels may be combined so as to fulfil the requirement of high-quality education. Pupils with special educational needs will have a right to have support measures provided by their school free of charge;e) Setting down the rule that support measures will be selected so as to reflect a pupil’s health, cultural background and/or other living conditions;f) Introducing the possibility of education in preparatory classes for all pupils (until last year, education in preparatory classes had been available only for socially disadvantaged children). One of the envisaged effects of this measure is also to eliminate the risk of segregating Roma pupils in pre-school education;g) Introducing the possibility for clients of counselling services, schools and public authorities (especially the child protection authority) to request a review of a recommendation for a pupil’s education, which has been issued by a counselling facility. Above that, pupils and their parents will also have a possibility to request a review of the examination report;h) Introducing the rule that a counselling facility’s recommendation proposes specific support measures and adjustments in a pupil’s education. The recommendation will be delivered not only to the pupil or his/her statutory representative but also to the school that the pupil attends. In the counselling facility the parent will get acquainted with the content of the recommendation for the pupil’s education together with the examination report and will grant his/her consent to pass the recommendation on to the school. The consent to passing the recommendation on to the school is necessary because the recommendation contains sensitive data about the pupil. This course of action creates a communication triangle between the school counselling facility, the school and the parents as a basis for implementing support measures in practice. <p>Implementation date: 1 September 2016</p>
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5) Decree on Education of Pupils with Special Educational Needs No. 27/2016

To implement the above-described amendment to the Education Act, the MEYS issued Decree No. 27/2016 in January 2016, which came into effect on 1 September 2016.

The Decree replaced existing Decree No. 73/2005 on Education of Children, Pupils and Students with Special Educational Needs and Exceptionally Gifted Children, Pupils and Students and it will in part constitute *lex specialis* to the revised legislation contained in Decree No. 72/2005 on the Provision of Counselling Services at Schools and in School Counselling Facilities.

The Decree includes an overview of support measures classified into five levels depending on their organisational, educational and financial demands together with their detailed description. *An Overview of Support Measures* in Annex No. 1 describes the possibilities of support measures secured in terms of personnel, a list of special textbooks, aids and assistive devices provided to pupils with special educational needs. The first level of support measures is always proposed and provided by schools. The second to fifth level is proposed by the respective school counselling facility. The first to fifth level of support defines support measures in ascending order, i.e. the possibilities of support are gradually broadened in relation to the expected need for assistance. Lower levels of support are always applied first. Support measures of different levels may be combined. Support measures are tied to standardised financial demands. Thus, the legislation guaranties the school the funds for support measures.

The Decree also describes the way the school should proceed in cases in which the pupil's legal guardian does not cooperate with the school counselling facility or school even though the provision of support measures is necessary to meet the pupil's educational needs.

Implementation date: 1 September 2016

6) Amendment of other decrees

On **1 September 2016** the following minor "technical" amendments to decrees came into force, which reflect both the change in terminology, which the amendment to the Education Act brought and particularly the change in the education of pupils with special educational needs:

- Decree No. 72/2005 on the Provision of Counselling Services at Schools and in School Counselling Facilities;
- Decree No. 48/2005 on Primary Education and Certain Elements of Compulsory Education;
- Decree No. 14/2005 on Pre-school Education;
- Decree No. 74/2005 on Leisure Education;
- Decree no. 364/2005 on Documentation of Schools and School Facilities.

	<p>Implementation date: 1 September 2016</p> <p>7) Information and training workshops</p> <p>From November 2015 onwards, the MEYS held tens of large information and training seminars aimed at ensuring practical implementation of the amendment to the Education Act.</p> <p>The first were information seminars for regional school founders and Regional Authorities at which the most important planned changes were presented, i.e. the amendment to the Education Act, the draft decree implementing the amendment to the Education Act, support measures and changes in the FEP BE.</p> <p>Furthermore, in the period since November 2015, the preparation of NIFE trainers, who participate in the training of teaching staff at schools, has been in progress. Four seminars took place. The cycles of preparation of trainers continued also in 2016.</p> <p>At the same time, the Minister of Education organized regional meetings with school, Regional And municipal representatives where she presented the amendment to the Education Act and, in particular, the changes that aim at joint education. The meetings commenced in October 2015 and until mid-2016, two meetings with the participation of the Minister were held in each region.</p> <p>The MEYS prepared a so-called <i>Information Package of Brief Methodological and Interpretative Texts</i>, which relate to the areas of joint education and changes in the organisation of education for pupils with special educational needs from 1 September 2016. This information package was aimed to ensure sufficient awareness of all involved actors, so as to ensure a smooth and continuous introduction of amendments that guarantee pedagogical, organisational and financial support to pupils with special educational needs both in mainstream and special schools or classes especially established for pupils with special educational needs. The information package was created and will be regularly updated in cooperation with professional associations and also with the Platform for Public Education of the Association of Regions, Union of Municipalities and Local Government. The complete text is available for download on the MEYS website http://www.msmt.cz/o-webu-msmt/spolecne-vzdelavani.</p> <p>From April to June 2016, the MEYS in cooperation with the NIFE and the NIE carried out in all the regional cities of the Czech Republic the information seminars focused on joint education and Operational Programme Research, Development and Education. There were 28 such seminars in which nearly three thousand headmasters of nursery schools and primary schools and school counselling staff facilities were trained. The contents of seminars focused on information about legislative changes, changes in the counselling activities of schools and school counselling facilities, information on support measures, inclusion of pupils and communication between the pupils' legal guardians, school counselling facility and school. The seminar also included information on the use of financial resources and the possibilities for the further education of teachers.</p> <p>In addition to the above mentioned, other programmes focused on the issues of joint education and counselling support were prepared and implemented:</p>
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	<ul style="list-style-type: none">a) Adjustments of the school educational plan (SEP) after changes brought to the FEP BE;b) Seminars <i>Joint Education and Operational Programme Science, Research, Education</i> – information workshops;c) Compliance of SEP with FEP BE and procedures for updating – joint education. <p>A total of 187 seminars (all 3 programmes) with 5 211 participants were implemented for the target group.</p> <p>Within the activities of the MEYS and NIE trade unions also the following activities were implemented:</p> <ul style="list-style-type: none">a) Seminars for headmasters and workers of school counselling facilities;b) Seminars for representatives of Regional Authorities taking legislative changes into account;c) Seminars for headmasters and teaching staff of schools;d) Seminars for school counsellors. <p>Trainers of teaching staff in the regions were trained in cooperation with the NIE and the NIFE. The training was ensured by the Department of Czech Education and Research Agency (CERA) operating within the MEYS. Furthermore, the seminars for the teaching staff of schools established pursuant to Section 16 § 9 of the Education Act have been in process in cooperation with the MEYS (CERA Department) and the NIE. A public discussion about the changes in the education system has also been in process.</p> <p>On the MEYS website (http://www.msmt.cz/vzdelavani/spolecne-vzdelavani-1), a comprehensive summary of the changes related to the promotion of joint education and recommended steps has been published. The information is divided by individual types of schools, counselling centres, groups of students or teaching staff. Information for parents, examples of good practices and methodological and interpretative documents are also included. The answers to frequently asked questions and a form for inquiries are also available (http://www.msmt.cz/vzdelavani/14-faq-a-formular-pro-dotazy).</p> <p>Implementation date: 2015–2016</p> <p>8) Ensuring adequate human and financial resources for all actors involved in the reform of primary education, brought about by the amendment to the Education Act, and related additional measures</p> <p>Since 1 September 2016 support measures granted pursuant to Section 16 of the Education Act have been funded from a reserve that is mandatorily generated by Regional Authorities. For this purpose, Regional Authorities had the possibility to increase the reserve they generate by 0.6% compared to 2015. In order to fulfil this objective, at the beginning of January 2016 the amount of approximately CZK 528 million (more than EUR 19.5 million) was allocated to regions for the sake of funding</p>
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	<p>joint education.</p> <p>In 2016, a total of CZK 266.55 million (nearly EUR 10 million) were provided for the development programmes for teachers’ assistants.</p> <p>Further funds for the purposes of joint education have been released by the MEYS through a Development Programme for Teachers’ Assistants for Pupils with a Health Disability for Private and Church Schools (CZK 150 million, i.e. more than EUR 5.5 million), a Development Programme for Teachers’ Assistants for Children and Pupils with a Social Disadvantage (CZK 119 million, i.e. EUR 4.4 million) and a Development Programme for Supporting an Increase in the Capacity of School Counselling Facilities in 2016 (CZK 80 million, i.e. nearly EUR 3 million).</p> <p>Implementation date: 2016</p>
<p>MEASURES ADOPTED IN 2017</p>	<p>1) Amendments to Decree No. 27/2016 Coll.</p> <p>Two amendments to Decree No. 27/2016 Coll. were adopted in the course of 2017, the objective of which has been to eliminate deficiencies that had been ascertained during the first year of application of support measures in practice. Whereas the amendment of August 2017 aimed primarily at removing excessive administrative burden in the field of joint education, the amendment of December 2017 specified rules for the use of support measures on the basis of knowledge about how the system works in practice. Thanks to the amendments conditions were set for using State budget funds in accordance with the original purpose of the system of support measures and pupils’ opportunities were equalized whilst the funds are allocated in an economical and targeted manner. The adopted legislation did not change the fundamental principles, objectives and parameters of safeguarding special educational needs of pupils. It contains solely minor changes that lead to a more efficient use of State budget funds in implementing selected support measures whilst maintaining the quality of education.</p> <p>2) Projects ensuring the support of joint education</p> <p>The MEYS implements three individual systemic projects (abbreviated “ISPs”) to promote joint education.</p> <p><i>2.1 Support of Quality Counselling Services in Schools and School Counselling Facilities Aimed at Promoting Inclusion (“KIPR”, i.e. Quality – Inclusion – Counselling – Development)</i></p> <p>This project has particularly the following objectives:</p> <ul style="list-style-type: none"> - Enhancing the quality, interconnection, comparability and efficiency of counselling services, and support measures in the whole network of providers; - Enhancing the quality of counselling and intervention care; - Strengthening cooperation between schools and school counselling facilities in the interest of ensuring high quality of education and services for pupils; - Supporting the quality of education and counselling services for pupils at risk of an unequal approach and/or at risk stemming from their living conditions; - Extension of working methods and ways of working with pupils from a

	<p>different cultural environment and application of new dynamic approaches.</p> <p>The project, which is pursued by the NIE and has a budget of approximately CZK 150 million (more than EUR 5.8 million), is implemented between May 2016 and April 2019.</p> <p><i>2.2 ISP Joint Education and Step by Step Support of Schools (“APIV A”)</i></p> <p>The aim of this project is to support the introduction and pursuit of joint education and to ensure efficient implementation of the respective tasks of the Action Plan on Inclusive Education at systemic level in the field of ongoing monitoring of the impact of amendments to the FEP BE on the school educational programmes and on school education after the inclusion of pupils with support measures as well as in the field of strengthening professional teaching competencies necessary to implement joint education in all areas of their teaching activity.</p> <p>The implementation of the project focuses on the following key activities:</p> <ul style="list-style-type: none">- Monitoring, planning and evaluation of joint education;- Preparation of further training programmes of teaching staff that support the introduction and pursuit of joint education in schools;- Instruction of Czech as a second language for foreign pupils;- Creation of a reference framework for the Czech sign language;- Evaluation and cooperation. <p>The project, which is pursued by the NIE and has a budget of approximately CZK 157 million (more than EUR 6.1 million), is implemented in the period from May 2017.</p> <p><i>2.3 ISP Support of Joint Education in Teaching Practice (“APIV B”)</i></p> <p>The aim of the project is primarily to train the management of schools and to deepen and enhance professional competencies of other teaching staff not only in the field of joint education but also in individual subjects and fields of study, didactics, general teaching issues, diagnostics and other fields. The project will open up a comprehensive offer of education to schools together with counselling and consultation services, mentoring and coaching as well as exchange of experience through internships.</p> <p>The project, which is pursued by the NIE and has a budget of approximately CZK 184 million (approximately EUR 7.2 million), is implemented in the period from April 2017.</p> <p>3) Funding of joint education</p> <p>The system of joint education funding is an inseparable part of the whole system of regional funding of education. It is based on the legislation governing joint education with a defined two-year transitional period (until 2018). During this time the former system (in the form of additional contributions or increased State contributions per pupil) and the new system (in the form of funding of support measures) shall coexist next to one another.</p> <p>Joint education in the 2016/2017 school year was pursued partly like in the previous years, i.e.:</p>
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	<ul style="list-style-type: none">- In the form of additional contributions for a health disability (by additional contributions on top of the basic State contributions per pupil or by a percentage increase in the basic State contributions per pupil for the education of pupils without a disability) whose determination is fully in the powers of Regional Authorities;- In the form of extra funding of school needs that is above the State contributions per pupil from a reserve mandatorily generated by Regional Authorities, especially for teachers' assistants in schools, which is also in the powers of Regional Authorities; and- In the form of development programmes announced by the MEYS (there are 3 basic development programmes: teachers' assistants for pupils with a social disadvantage; teachers' assistants for pupils with a health disability in private and church schools; and a development programme for the procurement of assistive devices). <p>Joint education has been newly funded from 1 September 2016 also in the form of gradually granted support measures subject to entitlement pursuant to Section 16 of the Education Act and Decree No. 27/2016 Coll. In this new system, schools and school facilities received a unified amount of the standardised cost of the provided support measure that is guaranteed by the Decree. Regional Authorities safeguard the funding for schools and school facilities established by a region, a municipality, an association of municipalities and private schools from funds provided by the MEYS. Schools and school facilities established by the MEYS and church schools are funded directly by the MEYS. Furthermore, a new investment subsidy programme has been elaborated, which will provide for the funding of support measures of an investment nature for which the above Decree stipulates a standardised amount. Schools and school facilities file applications for funds for support measures of an investment nature directly with the MEYS.</p> <p>More than CZK 58.7 million in total were spent on support measures in 2016 (approximately EUR 2.3 million).</p> <p>As of 31 October 2017, schools and school facilities of all education authorities provided support measures in the aggregate amount of more than CZK 2.3 billion (approximately EUR 89.5 million).</p> <p>4) Reform of the regional funding system</p> <p>A reform of the regional funding system was adopted by an amendment to the Education Act (No. 101/2017 Coll.), which will guarantee funding of education for nurseries, primary and secondary schools, conservatories and after-school care centres through the MEYS in an extent defined by the maximum amount stipulated by the State. The amendment will come into effect on 1 September 2018. Schools and school facilities established by a region, a municipality or an association of municipalities will be funded pursuant to this Act from 1 January 2019.</p> <p>The system of funding based on the number of pupils will be replaced by a new system that will guarantee the funding of the actual extent of education. A Government Regulation will stipulate the maximum number of teaching lessons funded from the State budget per classroom in each field of education depending on the number of pupils in the classroom.</p>
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	<p>The main purpose of the changes brought by the reform of the regional education funding system is the following:</p> <ul style="list-style-type: none"> - To eliminate the unequal position of individual comparable recipients of funds from the State budget (regions as well as individual regional and municipal schools); - To increase the efficiency of State funds so as to correspond with the reality of provided education as well as the wage level in individual schools; - To increase the transparency of the provision of funding for schools, both for headmasters and for teachers; - To ensure predictability for school headmasters (it will be clear what amounts will be allocated to schools and school facilities when stipulated conditions are met); - To provide a greater opportunity for targeted pursuit of priority interests of the State in the field of education; - To strengthen motivation (the new system will provide greater motivation to enhance the quality of secondary education and to cooperate especially in the field of primary education). <p>5) Continuation of training workshops</p> <p>The NIFE implemented 534 training programmes in the 2016/2017 school year with 10,000 graduates as part of continuous further training of teaching staff with a focus on joint education. Some training programmes were commissioned for the whole pedagogical corps of a given school.</p> <p>The highest number of training programmes with the topic of joint education, namely 248, took place for the target group of primary school teachers. A total of 147 programmes were designated for the management of schools and school facilities whereas 131 programmes were for nursery teachers.</p>
<p>PLANNED MEASURES</p>	<p>Training of teaching staff</p> <p>Innovated training programmes that reflect the latest legislative changes will be accredited in the 2017/2018 school year. The offer of training programmes will be complemented with training programmes with a more targeted focus on the provision of support measures to pupils with special educational needs, specifically pupils with a visual or hearing impairment, mental disability, autism spectrum disorder, specific learning disabilities, behavioural disorders, impaired communication skills and also to talented pupils.</p> <p>The offer of training programmes will be innovated and increased in line with the needs brought by the future practice, which may be expected to pose increased demands on teaching staff with regard to systematic work with the atmosphere in the classroom and in the school related to the increasing heterogeneity of pupils in the classroom and diversity of their educational needs. We may expect to see an increased need for peer-supervision and supervision of teaching staff for the sake of their support as well as a need to develop communication competencies of teaching staff towards parents and legal representatives, education authorities and</p>

	<p>representatives of local government and other public and State authorities.</p> <p>Implementation date: 2018</p>
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B. INCREASING THE EFFICIENCY OF SCHOOL COUNSELLING FACILITIES AND SCHOOL COUNSELLING DEPARTMENTS	
ADOPTED MEASURES	<p>1) Introduction of new standardised diagnostic instruments into practice</p> <p>In December 2012 an expert group was established on diagnostic instruments in the education system, which came up with a study that provided a systematic description of instruments available in the field of MMD. The MEYS subsequently launched a development programme in the amount of EUR 80,000 for supporting the introduction of new or less available diagnostic instruments including training necessary for their use in practice.</p> <p>In 2013 the Czech adaptation of the IDS test was published and put into practice, containing 21 subtests. The IDS (Intelligence and Development Scales) diagnostic instrument, which is greatly influenced by the Binet-Simon test, has been designed to diagnose intelligence of children and their general developmental level. Its subtests focus on establishing cognitive prerequisites, motor skills, social and emotional competencies, mathematical and language skills and performance motivation. The IDS tries to capture the interaction of these individual areas and thus establish a comprehensive profile of a child. It aims at identifying the strengths and weaknesses of the analysed child and also determines the basis from which further intervention and therapeutic methods are derived.</p> <p>Standardisation of the CFT 20-R test was also completed in 2013. The CFT 20-R is a method aimed at measuring fluid intelligence, which is presumed to be innate to a certain extent. The stimuli are based on a similar principle as Raven’s matrices. Among other things, this test has been thoroughly standardised for a population of socio-culturally disadvantaged children (both locally and on an international scale to an extent unmatched by numerous other tests) and its results will be interpreted accordingly. As part of the standardisation 1,682 children were tested, of whom 276 Roma and a total of 579 socially disadvantaged children. In 2014 the data underwent a more thorough analysis and a detailed test manual was prepared for publication. The test is now (February 2016) available to counselling centres.</p> <p>Thus, in 2016, counselling centres can choose from a variety of up-to-date tests measuring intelligence.</p> <p>Furthermore, in the course of 2015 the preparation of a test of adaptive skills started. Adaptive skills are defined as the aggregate of conceptual, social and practical skills that all people learn in order to function in their daily lives. The purpose of the test is to verify a diagnosis of intellectual disability or related developmental disability. <i>Intellectual disability</i> is a disability characterized by significant limitations in both intellectual functioning and in adaptive behaviour. Therefore, intelligence tests cannot be the sole basis for determining special education needs. A diagnosis of</p>

	<p>intellectual disability must always be based on deficits in intellectual functioning and deficits or impairments in adaptive functioning. At the same time, ascertained limitations must have occurred during the developmental period, i.e. problems with intellectual or adaptive functioning must have been evident during childhood or adolescence.</p> <p>This approach fits also better the needs of children with low socio-economic status or from minorities. Inclusion of adaptive behaviour as a necessary criterion for the diagnosis of mental retardation makes diagnostic procedures more sensitive to racial and ethnic differences in children.</p> <p>In 2015 the concept of adaptive skills was analysed and an expert group dedicated to the method and processing of outputs from its meetings was established and started working. At present, comments can be submitted on a database for piloting the method. Furthermore, a meeting of Roma studies experts, experts from NGOs and academics took place pertaining to the suitability of items of the method and its administration.</p> <p>Further, with the involvement of remedial teachers, educational programmes about adaptive skills and educational programmes about diagnostics have been accredited.</p> <p>Besides, efforts to intensify the utilisation and application of dynamic diagnostics in practice continue. An expert meeting on this issue will take place and dynamic approaches in the education system should be broadened also as part of NIE projects, which are currently under preparation.</p> <p>Implementation date: 2012–2016</p> <p>2) Training of counselling experts in the use of diagnostic instruments</p> <p>As part of the above development programme a total of 149 experts were trained in the Woodcock-Johnson (WJ-IE) test administration between 2013 and 2014. In the previous period, 335 experts were trained, i.e. 484 psychologists in total.</p> <p>Training of counselling experts continued in 2015 as well. A total of 108 counselling experts took part in 5 courses dedicated to the MaTeRS test and 73 counselling experts with a psychology background participated in a training dedicated to the IDS test. Besides, two workshops on the Woodcock-Johnson test took place, in which 53 counselling experts with a psychology background took part, and also two workshops on the SON-R test, in which 34 counselling experts with a psychology background participated.</p> <p>Between 2013 and 2015 a total of 484 experts were trained in a comprehensive course including a workshop about the Woodcock-Johnson test.</p> <p>Besides, 313 experts were trained about the MaTeRS test and 387 experts about the IDS test.</p> <p>Thanks to support provided by the MEYS in 2015 the needs of counselling facilities were met very evenly in the territory of the whole Czech Republic and as a result each centre now has relevant tests at its disposal as well as staff trained in administration of these tests.</p> <p>Implementation date: 2013–2015</p>
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3) Methodological guidance of counselling staff

Methodological guidance takes the form of continuous training programmes, meetings of directors of all pedagogical and psychological counselling facilities and remedial teaching centres (organised by the NIE in cooperation with the MEYS), methodological groups (i.e. expert groups dedicated to a specific topic) which discuss the issues of applying new working methods in counselling facilities and prepare methodologies.

Methodological documents have been prepared about standard activities of counselling staff. Besides, basic starting points for work and a standard of counselling services have been defined within the RAMPS project (a European project aimed at school counselling services that was implemented between 2012 and 2014). Furthermore, the NIE appointed working groups that were dedicated to a professional standard, a testing standard and possible organisational changes in the education of pupils with MMD.

In 2014 the NIE in collaboration with an expert group for MMD diagnostics came up with a standard (methodology) for diagnosing cognitive skills of pupils with special educational needs who come from a socially different background. Work on the methodology started in April 2014 and at the end of the year the methodology underwent thorough external examination with the presence of both Czech and foreign experts. Ideas submitted by NGOs and other experts on diagnosing mental disability, which were presented at roundtables organised by the MEYS, were also made use of. In January 2015 the comments made by experts were incorporated and the standard was ready to be submitted to the MEYS to undergo the approval procedure.

The standard is a methodological document whose content logically incorporates general principles of cognitive skills diagnostics, individual aspects of diagnosing mental disability as well as a description of specific features of the method in disadvantaged pupils. The document focuses on key principles that ensure a proper diagnostic method and that should prevent incorrect diagnostic conclusions.

Among other things, the document describes current diagnostic criteria of mental disability, procedures governing rough assessment of social disadvantage, prerequisites of culturally appropriate diagnostics and modalities of using interventions and dynamic diagnostics. Besides, it also specifies certain approaches to modifying a diagnostic conclusion depending on specific living conditions of the pupil, for which sufficiently specific guidelines are not provided even by test manuals. The standard emphasizes the use of a broad range of information about a pupil. It also highlights the need for interventions (i.e. specific support for the pupil), the need for monitoring response to the intervention and the need for dynamic diagnostics in ambiguous cases and in cases of pupils with a major social disadvantage. A diagnosis should be made only when there is a sufficient certainty that a correct diagnostic conclusion has been arrived at.

The NIE will provide the necessary methodological support when the standard is introduced into practice. At the same time, the standard will be used for reviews, which the amendment to the Education Act will allow (see measure C).

In 2015, a Methodological guidance about diagnosing cognitive skills of children, pupils and students in school counselling facilities was issued.

	<p>The aim of the issued methodology for diagnosing MMD is to specify and unify the procedure of diagnosing cognitive skills. The methodology is a summary of relevant technical information about the diagnostics of cognitive skills, bringing specific recommendations vital for improving the diagnostics of children with MMD and for the selection of adequate support measures in education. The methodology is designated especially for psychologists and remedial teachers who work in school counselling facilities or at schools.</p> <p>In the course of autumn 2015 the NIE held two workshops for senior counselling experts regarding its application, in which 44 experts from school counselling facilities took part (both psychologists and remedial teachers). Besides, counselling experts were acquainted with the issue of testing in a multicultural society and information from the methodology at a conference that was held in October 2015 in which approximately 100 staff of school counselling facilities participated. The methodology is on the NIE website (www.nuv.cz/t/diagnostika/studie) so that it is available for all counselling experts.</p> <p>In 2015 many workshops and seminars were held in 2015 in the area of methodological guidance of counselling experts.</p> <p>Implementation date: 2014–2015</p> <p>4) Survey of activities of school counselling facilities and school counselling sections</p> <p>Each year (for the first time in March 2014) a survey is carried out in school counselling facilities with the aim to obtain detailed data on the process of issuing a recommendation for the placement of pupils into pertinent educational programmes on the basis of diagnostics. This survey is done by the CSI in collaboration with the NIE (for the results see below, measure F).</p> <p>Implementation date: March 2014, January and November 2015, December 2016</p> <p>5) Methodological recommendation for the establishment of the position of a teacher's assistant</p> <p>The MEYS in cooperation with the NIE prepared a methodological recommendation for the establishment of the position of a teacher's assistant whose use is one of the support measures pursuant to the amended Section 16 of the Education Act. The methodological recommendation is designated for the staff of school counselling facilities and for school headmasters and possibly also for school teachers, teacher's assistants and staff of Regional Authorities.</p> <p>The methodological recommendation provides an overview of suitable procedures for establishing the position of a teacher's assistant, starting with procedures of how to assess the need for him/her in a given class, discussing also how the school headmaster should proceed in requesting funds, concluding contracts and determining the job description, up to the involvement of the teacher's assistant in the running of the school. It also contains a recommendation for the cooperation between the teacher's assistant and teacher(s) and for methodological guidance and support by the teacher's assistant. The methodology was issued at the beginning of 2015. In the first half of 2016 it will be amended against the backdrop of the prepared legislative changes.</p>
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	<p>Implementation date: 2015</p> <p>6) Development of new standardised diagnostic instruments and introducing them into practice</p> <p>The work on the development of the test of adaptive skills has continued. After the first item pool was created, a pilot and standardisation of the scale was envisaged. Part of the standardisation process included a representative group of children with low socio-economic status or children belonging to minorities.</p> <p>Besides, efforts continue to introduce dynamic approaches in the diagnostic practice of school counselling facilities, in particular by training staff in this field. Dynamic assessment is an interactive approach to psychological or psychoeducational assessment that embeds intervention within the assessment procedure. Most typically, there is a pre-test, then an intervention and then a post-test. This allows the assessor to determine the response of the pupil to the intervention. There are a number of different dynamic assessment procedures that have a wide variety of content domains. Dynamic assessment is recommended to be used for children with a low socio-economic status or culturally different background or children having language difficulties.</p> <p>Within the NIE project of the development of diagnostic methods, an extensive qualitative study of the items of the test adaptive skills was completed. It included written inquiries, interviews and follow-up discussions with parents and teachers of healthy pupils, pupils with disabilities and Roma pupils or Roma pupils with identified disability. Based on the suggestions from these discussions, the whole battery of questions was adjusted in order to be as objective as possible for all the target groups of the test. Subsequently, a quantitative pilot project was prepared and initiated using a method after which the volume of questions will be narrowed and thus the standardisation may be implemented. Further steps to ensure cultural appropriateness of the test will be conducted using statistical methods and will be ensured in connection with the acquisition of data from the quantitative pilot project within the standardisation of the method.</p> <p>Within the project <i>“The Support of Quality Counselling Services in Schools and School Counselling Facilities Aimed at Promoting Inclusion”</i> of the Operational Programme Research, Development, Education (OP RDE SQCS API), an extensive course on dynamic diagnostics (a total of 72 hours) was prepared, which is freely available for the staff of schools and school counselling facilities and whose first run commenced in December 2016.</p> <p>In 2016, as in previous years, a development programme of the MEYS aimed at supplementing counselling facilities with necessary up-dated and quality diagnostic tools, which enable providing high-quality intervention services, was implemented. In 2016, almost CZK 2 million (about EUR 75 thousand) was allocated for pedagogical-psychological counselling centres and special education centres.</p> <p>Implementation date: 2016</p> <p>7) Training of counselling staff in the use of diagnostic and intervention instruments and in drawing conclusions from examinations</p> <p>In 2016, training continued in courses focused on the methodology in general (courses on the MMD diagnostics for psychologists and special teaching staff), courses focused on basic rules for the use of individual diagnostic methods as well as in courses</p>
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devoted to special applications of methods – specifically the possibilities of examining the adaptive skills by one of the existing methods. In the list below, only selected courses with the greatest relevance for the action plan are mentioned.

Course title	Total number of participants / courses
The Intelligence and Development Scales (IDS)	98/6
Diagnostics of the school readiness rate. Using MaTeRS mapping the test of school readiness (MaTeRS)	83/4
SON-R	33/2
Possibilities of applying the education evaluation profile for the assessment of adaptive skills	35/2
Diagnostics of MMD (for psychologists of school counselling facilities)	116/5
Special educational diagnostics and intervention for clients with MMD (for psychologists of school counselling facilities)	47/2

Implementation date: 2016

8) Methodological guidance of counselling staff

In particular, the following workshops focusing on methodological guidance of counselling staff took place out in 2016:

- a) 9 methodological guidance workshops for directors of school counselling facilities, focusing on legislative changes, reports from examinations, recommendations about education and staffing of facilities;
- b) Several meetings between MEYS representatives (including the minister) with counselling centres representatives;
- c) 3 workshops with authorities establishing school counselling facilities, focusing on counselling services in regions (drafting reports from examinations, recommendations about education, staffing of facilities, related legislative steps) in cooperation with the MEYS;
- d) More than 30 workshops on legislative changes led by the teams of lectures prepared by the NIFE, in cooperation with the NIE.

Further methodological support has been provided within the project **“Support of Quality Counselling Services in Schools and School Counselling Facilities Aimed at**

	<p>Promoting Inclusion: Quality-Inclusion-Counselling-Development” (KIPR), which started in May 2016.</p> <p>Main goals of the project are:</p> <ul style="list-style-type: none"> – Improving the quality, interconnection, comparability and efficiency of counselling services and support measures in the conditions of pro-inclusive education; – Raising the level of counselling and intervention care provided by school counselling facilities in cooperation with schools and other stakeholders in the education system and beyond it, especially in relation to pupils at risk of discrimination and unequal access to education; – Implementing documents that introduce common rules and unify the practice of school counselling centres in all aspects (staffing, work procedures, assessment); – Describing best practices of intervention methods and aligning counselling services to European standards (EuroPsy); – Assessing the extent to which the existing network of counselling services corresponds to the defined rules; – Drawing up recommendations for the authorities and administrators of school counselling facilities resulting from the findings of the project; – Creating a tool that school counselling facilities could use to assess quality parameters. <p>An extensive regional methodical network of approximately 90 workers of school counselling facilities was created within the project, through which information that help to introduce legislative changes is transmitted to counselling facilities. The project aims to establish and verify uniform rules for the provision of school counselling services, support the introduction of support measures in the education of pupils with special educational needs, support programmes of further education for teaching staff and methodical guidance of school counselling facilities at the regional level.</p> <p>Integral part of the project is to support 70 selected schools, which will, in cooperation with the Agency for Social Inclusion, receive support in the education of pupils in segregated schools and pupils living in different living conditions.</p> <p>Further, the selected analysis was carried out within the project, educational programmes focused, among others, on dynamic diagnostics were prepared and certain elements of uniform rules for the provision of school counselling services were implemented.</p> <p>Implementation date: 2016–2019</p>
<p>MEASURES ADOPTED IN 2017</p>	<p>1) Training of counselling staff</p> <p>Training of counselling staff continued in 2017 with courses with a focus on general methodology (MMD diagnostics courses for psychologists and remedial teachers),</p>

courses with a focus on basic rules for the use of individual diagnostic methods and courses dedicated to special applications of methods, namely the possibilities of assessing adaptive skills.

A selection of courses that are most relevant for the execution of the judgment in the case of *D. H. and Others* is listed below:

Course title	Total number of participants/iterations
The Intelligence and Development Scales (IDS)	59/3
Diagnostics of the school readiness rate Use of the MaTeRS test mapping school readiness (MaTeRS)	67/3
Course acquainting participants with the use of SON-R 2,5 – 7	35/2
Special pedagogical diagnostics and interventions for clients with MMD (for remedial teachers working in school counselling facilities and school counselling departments)	77/4
Dynamic diagnostics of the cognitive skills examination in children	23/1
Work with WISC III training	22/1
Application of the WISC-III test to education	39/2

Furthermore, a four-day training course entitled “Training about the dynamic examination of cognitive skills in children” took place in 2017 with a foreign lecturer prof. David Tzuriel. The training programme was designated for psychologists and remedial teachers from school counselling facilities. A total of 24 counselling experts were trained by prof. Tzuriel about the use of dynamic approach to diagnostics and the use of tests based on these principles. The training programme was conducted in English and was interpreted into Czech. The possibility to participate in this course is fairly unique because similar courses do not take place in the Czech Republic often; the course was a great benefit for the counselling sphere.

2) Methodological network of the staff of school counselling facilities

A wide regional methodological network was established as part of the ISP project “*Support of Quality Counselling Services in Schools and School Counselling Facilities Aimed at Promoting Inclusion (KIPR)*” (see above) and was launched in May 2016. At present the network has 99 methodology experts in school counselling facilities (PPCs, SPCs). Through this network information is provided to the counselling sphere in order to help the introduction of legislative changes.

The objective of the project is to:

- Introduce and verify individual rules for the provision of school counselling services;
- Support the introduction of support measures in the education of pupils with special educational needs;
- Support further training programmes of teaching staff; and
- Provide methodological guidance of school counselling facilities at regional level.

An inseparable part of the project pursued in collaboration with the Social Inclusion Agency is the support of selected schools where there is a high number of pupils with special educational needs in combination with the factors of social exclusion and poverty. The schools were selected primarily in cooperation with the directors of school counselling facilities. At present, 68 schools are involved in the project and other are being prepared. There is also a methodological network in these involved schools in which 70 methodology experts are employed.

The project is implemented by the NIE.

3) Diagnostic instruments

Test of adaptive skills

In the course of 2017, work started on an extensive quantitative pilot of the parents' form of the instrument for assessing adaptive behaviour in children following a thorough modification of the instrument on the basis of results of a qualitative pilot. Data collection took place from April to November 2017 and a sample of nearly 800 respondents from among parents of children aged 5 to 15 was put together. Subsequently, the first analyses were commenced with a focus on how the items work, how difficult they are, how they correlate with the gross scores as well as other factors.

The extent of social disadvantage was also examined; in the following period it will be analysed with regard to how the individual items on the scale work.

The second form of the adaptability instrument, i.e. the teachers' version, went through a qualitative pilot study in 2017 and in line with the comments that arose from this study it was modified for the second pilot study, this time quantitative, which will take place in the following period.

Assessment of social disadvantage

Since staff of school counselling facilities had demanded more thorough training on the concept of social disadvantage (with the umbrella notions of a different living and cultural environment), a detailed research of existing foreign methods for the assessment of social disadvantage was commissioned. The output of the research will be available in 2018 and will be used together with other professional literature when specific diagnostic methods are developed for Czech conditions.

Diagnostics of mild mental disability

A project dedicated to MMD diagnostics was pursued in 2017 in collaboration with the CSI. The CSI carried out the first inspections at schools that were related specifically to the provision of support measures. In two regions it inspected schools

	that provide support to pupils from a different cultural and living environment and in one case it inspected a school established pursuant to Section 16 § 9 of the Education Act.
PLANNED MEASURES	<p>Training of counselling staff</p> <p>The portfolio of courses for 2018 contains methodological courses and courses focused on the basic rules of administration of the individual diagnostic methods. Special pedagogical diagnostics for the “3P intervention” (support/strengthening/accompaniment) and the use of applied behavioural analysis in remedial teaching practice is planned as a new course. Besides, the phonological skills test set is planned to be conducted again.</p> <p>Furthermore, a quantitative pilot study of the parents’ form of the instrument for the adaptability, planning and commencement of standardisation of this form for the Czech population will be finalised. A quantitative pilot study will be carried out for the teachers’ form of the instrument and an analysis dedicated to how the items of this form work will be launched.</p> <p>Implementation date: 2018</p>

C. SUPERVISORY MECHANISMS IN THE AREA OF DIAGNOSTICS AND COUNSELLING FACILITIES	
ADOPTED MEASURES	<p>1) Establishment of a review body in the field of diagnostics</p> <p>There was no review centre in the Czech Republic. In case of disagreement with the procedure or outcomes of an examination carried out by a school counselling facility, each pupil (or his/her statutory representative) had an opportunity to approach a different facility where the pupil will be re-examined.</p> <p>The amendment to the Education Act stipulates that the NIE, a legal entity established and entrusted by the MEYS, shall serve as a review body. The outputs of activities of school counselling facilities, namely reports and recommendations, will be subject to review from now on. A review may be requested either by the pupil, his/her statutory representative, school, public authority body and the CSI. If need be, the review procedure may include a new examination of the pupil’s educational needs, which may be done only with the consent of the pupil (or his/her statutory representative).</p> <p>The amendment to the Education Act will also provide other mechanisms for dealing with a recommendation made by a school counselling facility: it will make it possible to select an alternative support measure than the one proposed in the recommendation if it is not contrary to the pupil’s interest. Potential disputes about the fulfilment of a recommendation will be settled through negotiation. Subsequently, the statutory representative will have an opportunity to resort to the Regional Authority.</p> <p>The NIE will retain the role of conceptual management and development of the field</p>

	<p>of counselling. The CSI will have the principal task of reviewing whether recommendations made by a counselling facility have been fulfilled in accordance with the Education Act.</p> <p>As of 1 September 2016, in accordance with that amendment to the Education Act, the NIE started to perform the tasks of the review body in the field of diagnostics: the establishment of a review department, its staffing and the planned budget were approved by the MEYS in June 2016.</p> <p>A pupil or his/her statutory representative (or the CSI or the child protection authority) now has the possibility to approach the NIE with a request to review a report and a recommendation regarding the education of the pupil with special educational needs. A new inspection element has hereby been introduced in the system of school counselling services, complementing the right of the service recipient to voice reservations about the conclusions of an examination, which contributes to enhancing the quality of counselling services.</p> <p>Implementation date: 1 September 2016</p> <p>2) Extension of the CSI inspection powers in relation to counselling facilities</p> <p>In April 2016, Parliament approved the amendment to the Education Act (No. 178/2016) which with effect from 1 September 2016, among others, extends the CSI powers and inspection activities in relation to counselling facilities. The CSI, in cooperation with the specialised departments of the NIE, will identify and assess the conditions and the course of the provision of school counselling services. So far the CSI has only carried out the inspection. Newly the CSI will be entitled to assess the quality of the activities of counselling centres.</p> <p>Given that the assessment of the conditions and the course of providing counselling services is a very specific area, the CSI staff has been increased by 14 inspection workers with the expertise related to activities of school counselling facilities (one inspection worker for each region of the Czech Republic). These workers will also act across regions in order to cover differences in numbers of school counselling facilities in regions.</p> <p>The new inspection workers will assess in particular the conditions and the course of providing counselling services. They will also assess personnel, material, spatial and economic conditions and identify and assess the quality of services including communication, cooperation, and active approach in dealing with clients, for example as regards appropriate forms of support. If the inspection worker finds deficiencies that can directly affect the education of a particular pupil (for example if there are doubts about the correctness of the issued recommendation), the CSI will alert the review body (NIE), which will review the issued recommendation (Section 16b of the Education Act).</p> <p>In connection with the changes in the education of pupils with special educational needs as of 1 September 2016, the need for thorough communication between school counselling facilities and schools has increased. The new inspection workers will thus carry out inspection not only in counselling facilities but also in schools which are supposed to implement the support of the respective school counselling facility. The inspection activities will cover, for example, obtaining and analysing information</p>
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	<p>on the effectiveness of counselling support or verifying whether the special educational needs of disadvantaged pupils are really met. At the same time, higher involvement of legal representatives of pupils concerned and the related increase in complaints concerning the application of support measures is to be expected. Therefore, addressing these complaints will also form an important part of activities of the new inspection workers.</p> <p>Implementation date: 1 September 2016</p>
<p>MEASURES ADOPTED IN 2017</p>	<p>1) Review body</p> <p>As has already been mentioned, the possibility to request a review of a report and a recommendation for the education of a pupil with special educational needs is a new inspection element the purpose of which is to complement the recipient's right to make objections about the conclusions of an examination and thus contribute to enhancing the quality of school counselling services.</p> <p>Review examinations were launched on 1 September 2016; reviews were requested by schools and legal representatives. The most common reasons why parents and legal representatives filed a request for the review of a report or a recommendation made by a school counselling facility included the demand that the pupil should be educated pursuant to an individual educational plan, that the pupil's education should be supported by a teacher's assistant and that the pupil should be transferred from a school established pursuant to Section 16 § 9 of the Education Act to a mainstream primary school. In one case a review discovered a suspected violation of legislation governing the provision of primary school education; subsequently the NIE filed a motion with the CSI to carry out an inspection in the respective school.</p> <p>2) Extension of inspection competencies of the CSI with respect to counselling facilities</p> <p>In the 2016/2017 school year the CSI in collaboration with external counselling experts formulated a modification of criteria for evaluating the conditions, progress and outcomes of education based on the quality school model, which reflects the specific features of school counselling facilities. At the same time, it determined areas for the monitoring and evaluation of the provision of counselling services and created inspection forms where findings are recorded for subsequent evaluation. The concept of inspections in school counselling facilities reflecting the newly obtained competencies including specifically elaborated evaluation criteria was piloted during the 2016/2017 school year in collaboration with the NIE in school counselling facilities and the respective documents were subsequently amended in light of the findings and experience from the pilot phase.</p> <p>At the same time, inspection staff were trained about how to evaluate the progress in the provision of counselling care as well as how to evaluate the fulfilment of recommendations made by school counselling facilities directly in schools.</p> <p>Activities were under way during the first term of the 2017/2018 school year to duly train new school inspectors for inspections focusing on the progress in the provision of counselling services, which will start live in the second term of the 2017/2018 school year.</p>

D. PRE-SCHOOL EDUCATION AND PREPARATORY CLASSES	
ADOPTED MEASURES	<p>1) Opening of preparatory classes at primary schools for all pupils</p> <p>Education in preparatory classes is currently available only for socially disadvantaged children. The amendment to the Education Act, which is being passed, will make it possible for all pupils to be educated in preparatory classes. One of the envisaged effects of this measure is to eliminate the risk of segregating Roma pupils in pre-school education. Preparatory classes will continue to be included in the regime of support measures.</p> <p>Implementation date: 1 September 2015</p> <p>Newly, as of 1 September 2017, the preparatory classes will be available only for children whose school attendance has been postponed (Amendment No. 178/2016 to the Education Act).</p> <p>2) Introduction of mandatory attendance of the last grade of pre-school education in nursery schools</p> <p>In 2015 the MEYS prepared another amendment to the Education Act that will lead towards the introduction of mandatory attendance of the last grade of nursery school for all pupils. At the same time, the rule that the last year of nursery school is free of charge will remain valid. The aim is to ensure that all children successfully commence basic education.</p> <p>Related to this intention are other measures, which pertain to increasing the overall capacity of pre-school education, monitoring and intervention aimed at children who do not attend a nursery school, improvement of cooperation with parents, enforceability of the fulfilment of parental duties and improvement of financial support of schools.</p> <p>In April 2016, Parliament approved the amendment to the Education Act (No. 178/2016), which from the school year 2017/2018 introduces the free mandatory attendance of the last grade of pre-school education before starting the compulsory school attendance.</p> <p>The mandatory attendance of the last grade of pre-school education will cover all children that will reach the age of five prior to the beginning of the particular school year with the only exception of children with severe mental handicap. The child can fulfil mandatory attendance of the last grade of pre-school education in a nursery school listed in the register of schools and school facilities providing education under the framework educational programme for pre-school education, as well as by other means (for example through individual education with parents, education in preparatory classes in primary schools or in classes of the preparatory stage of special elementary schools, or education at a foreign school in the Czech Republic).</p> <p>In nursery schools established by a public founder, the mandatory last year is provided free of charge. At the same time the catchment areas of nursery schools are</p>

	<p>newly established, in a similar manner as the catchment areas of primary schools.</p> <p>In the event that a parent does not register the child for compulsory pre-school education or neglects the care of compulsory pre-school education of the child, it will be considered as an offence under Section 182a of the Education Act liable to a fine of up to CZK 5,000. In more serious cases, the office for social and legal protection of children should deal with the matter.</p> <p>The implementing regulation on pre-school education, which was approved in August 2016 under No. 280/2016 and will come into effect as of 1 September 2017, establishes the extent of compulsory pre-school education to 4 hours a day.</p> <p>Implementation date: 1 September 2017</p> <p>3) Ensuring sufficient capacities of nursery schools</p> <p>In order to ensure sufficient capacities of pre-school education, in 2014, the MEYS set up a <i>Fund</i> to Develop the Capacities of Nursery and Primary Schools to subsidize municipalities establishing nursery and primary schools. The aim is to achieve as of 1 September 2020 a state when the capacity of pre-school education will allow enrolling children from the age of 2 years.</p> <p>Since 2014 a total of 54 projects was implemented or has been under implementation in the total amount of the provided grant exceeding CZK 395 million, i.e. more than EUR 14.5 million. (in 2014, approximately EUR 1.3 million was granted, in 2015, 5.8 EUR million and, in 2016, EUR 7.6 million).</p> <p>Furthermore, two calls were announced from the Integrated Regional Operational Programme, the specific objective “Improving the Quality and Availability of Infrastructure for Education and Lifelong Learning”. In the call “Infrastructure for Pre-school Education” the support will be provided to projects aimed at ensuring sufficient capacity of quality and affordable childcare facilities for children under three years of age (children’s groups and nursery schools) in territories that lacks these capacities. The grant can be requested by entities involved in the implementation of activities in the field of pre-school education and childcare. The total allocation for this call is more than CZK 1.1 billion, i.e. almost EUR 42.5 million. Through the call “Infrastructure for Pre-school Education for Socially Excluded Localities”, the support will be given to the projects following the above defined objective which will be implemented in territories with a socially excluded locality that lacks capacities of quality and affordable childcare facilities for children up to the age of three. The total allocation for this call is more than CZK 1.7 billion, i.e. almost EUR 63.5 million.</p> <p>Implementation date: 2015–2020</p> <p>4) Framework Educational Programme for Pre-school Education (FEP PE)</p> <p>With effect from 1 September 2016 the MEYS made several modifications to the FEP PE. The amendments concerned mainly the change in terminology brought about by the new wording of Section 16 of the Education Act and modifications made to the chapter governing the education of children with special educational needs and</p>
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	<p>education of gifted children.</p> <p>Implementation date: 1 September 2016</p>
<p>MEASURES ADOPTED IN 2017</p>	<p>Training workshops</p> <p>In collaboration with the MEYS, the NIFE implemented training workshops in 2017 in connection with the amendment to the Education Act and the Decree on Pre-school Education. The workshops took place in all regions of the Czech Republic and were designated for headmasters and executives of nursery schools. Their objective has been to explain the current changes of pre-school education that were made by the above legislative amendments.</p>

<p>E. POSITION OF THE FEP BE MMD</p>	
<p>ADOPTED MEASURES</p>	<p>1) Abolishment of the FEP BE MMD</p> <p>By the order of the Minister of Education dated 22 February 2016 and effective as of 1 September 2016 a new FEP BE was issued.</p> <p>In July 2015 the MEYS, having made a choice between two solutions prepared by the NIE, decided that Annex No. 2 that governs the education of pupils with MMD be abolished (i.e. the FEP BE MMD).</p> <p>At the same time, amendment to a part of Chapter 8 of the FEP BE that governs the education of pupils with special educational needs has been prepared and aligned with the legislation that has newly come into force. Other parts of the FEP BE have also been amended so as to take into account the specific features of all pupils including those who have been educated pursuant to the FEP BE MMD to date. The abolished Annex to the FEB BE MMD was used in drafting of the unifying curriculum (Chapter 5 of the FEP BE).</p> <p>The existing outputs of the individual areas of education, which are contained in Chapter 5, have been supplemented with a minimum recommended level of adjustments of expected outputs as part of support measures of the third and higher level of support (pupils with MMD). Chapter 6 of the FEP BE (Cross-cutting Topics) has been supplemented with a text directed at implementing the cross-cutting topics in case of pupils with MMD.</p> <p>Based on the unifying curriculum, the unification of conditions of education for all primary school pupils will be supported. Individualised education of pupils with special educational needs, who use support measures, including a possibility of adjustment of the content of education from the third level of support onwards as part of individual educational plans, will also be supported.</p>

2) Framework educational programme

First stage of primary school (grades 1 to 5):

As of 1 September 2016, the education of pupils with MMD takes place pursuant to the modified FEP BE using individual educational plan.

Second stage of primary school (grade 6 to 9):

The pupils educated pursuant to the FEP BE MMD will complete the second stage of their education pursuant to this educational programme. If the legal representative of the child does not agree, an individual educational plan will be set for the child, which will be based on the modified FEP BE valid from 1 September 2016. A request and a written informed consent of the legal representative and a recommendation of a school counselling facility are needed to use the individual educational plan.

3) Methodological support for schools

Once the FEP BE was completed, a *Guide to the Modified FEP BE* with the methodological comments on both the modified FEP BE and creation of school educational programmes was published at the methodological portal <http://rvp.cz/> as a methodological support for schools. The guide also includes methodological materials for the education of pupils with MMD in general as well as for particular educational fields. The section for the education of pupils with specific learning and behaviour disorders and for the education of pupils with hearing impairment was also completed.

The NIE consultation centre conducted by telephone and in writing consultations on the modification and creation of school educational programmes in pre-school, primary and secondary education.

Information seminars regarding the adjustments of the FEP BE for schools:

The NIE and NIFE prepared a thematic draft of education of teaching staff at schools to promote joint education. The NIE staff also trained selected consultants from each region in the area of the adjustments made to the FEP BE (spring 2016) and they acted as lecturers at the NIFE regional seminars *Joint education and the OP RDE*; the seminars were designed for counselling staff, CSI workers and headmasters. Within its consulting centres and educational programmes, the NIFE also ensures seminars and consultations on FEP BE.

The consultation centres exist in all the regions of the Czech Republic and they conduct activities in three basic forms:

1. Consultations on the implementation and modification of school educational programmes for pre-school education and primary education (nursery schools, primary schools and lower grades of secondary schools), personal visits of consultants in schools or joint meetings of teachers with consultants at NIFE regional branches;
2. Supervisory support to teaching staff (nursery, primary and secondary schools);

	<p>3. Individual tutoring support for teachers (nursery, primary and secondary schools).</p> <p>Implementation date: 1 September 2016</p>
MEASURES ADOPTED IN 2017	<p>1) Workshops on the FEP in the context of joint education</p> <p>In collaboration with the NIFE, the NIE prepared and took part in workshops for teaching staff as well as staff of school counselling facilities, which were dedicated to the content of the framework educational programmes and modifications of the school educational programmes in the context of joint education.</p> <p>2) Modification of the Framework Educational Programme for Basic Education</p> <p>The FEP BE was modified in 2017, namely as regards the notion of education and system of care about pupils to whom support measures have been granted. The modification also laid down expected outputs of the minimum recommended level.</p>

F. MONITORING, RECORD-KEEPING AND STATISTICS IN THE AREA OF ROMA PUPIL EDUCATION	
ADOPTED MEASURES	<p>1) Amendments to Decree No. 364/2005</p> <p>An amendment to Decree No. 364/2005 on the Documentation of Schools and School Facilities, which introduced the duty for schools to keep records about the number of children educated in FEP BE MMD including information whether these pupils are integrated in groups or individually, and to transmit both pieces of information to the MEYS, have been adopted. The Decree was published in the Collection of Laws under No. 131/2013.</p> <p>Decree No. 364/2005 was further amended in June 2016 by Decree No. 202/2016. This amendment defined monitoring of the support measures granted in accordance with Section 16 of the Education Act. The registers were issued for collecting data on support measures and inclusive education and methodologies for the hand-over of new data and statistical reports in accordance with amended Decree No. 364/2005 were prepared. At all types of schools and school facilities, in which the provision of support measures is expected, recording and monitoring of the number of pupils to whom the support measures are provided and also monitoring of individual support measures granted with the established code of normative financial demands were ensured.</p> <p>Implementation date: 1 July 2013 and 1 September 2016</p> <p>2) Surveys to establish the number of Roma pupils educated pursuant to the FEP BE MMD</p> <p>Since in 2013 the CSI carries an annual survey that follows up on the Consolidated Action Plan for the execution of the judgment and that aims at monitoring long-term</p>

trends in the education of pupils pursuant to the FEP BE MMD, with a special focus on Roma pupils. In 2013 the surveyed sample included schools that educated five or more pupils with diagnosed MMD.

For the sake of this survey the CSI uses the definition of “Roma” used in the Analysis of Socially Excluded Roma Neighbourhoods and of the Absorption Capacity of Entities Operating in This Field, which is one of the outputs of a project of the same name from 2006 implemented by the Ministry of Labour and Social Affairs and Government Council for Roma Minority Affairs. A Roma is an individual who considers himself/herself to be a Roma without necessarily acknowledging this under all circumstances (e.g. during a census) and/or is considered to be a Roma by a significant part of his/her neighbourhood on the basis of actual or supposed indicators (anthropological, cultural or social).

The number of Roma pupils according to the above definition is determined in individual schools by school headmasters in collaboration with teachers who teach in individual classes, are responsible for education pursuant to the Education Act and are partners for the Czech School Inspectorate in providing cooperation during inspections. With regard to the content of the definition it is absolutely vital to know as much background information about individual pupils as possible and it is only the school that has this information.

The validity of provided data is verified by the CSI. If the CSI suspects a discrepancy in the number of reported Roma pupils, it may carry out a subsequent inspection and also file a motion with the MEYS to inspect how public funds are handled by the school in question.

In the 2014/2015 school year an electronic survey was carried out at primary schools attended by at least one pupil with diagnosed MMD. A total of 1,351 schools were addressed, of which 1,349 responded. Out of this sample, 444 schools were benchmarked, i.e. those that had been surveyed in the 2013/2014 school year. In the 2015/2016 school year an electronic survey was carried out for the first time at all primary schools entered in the schools’ register. Thus, a total of 4,098 schools were involved in the survey.

Survey in the school year 2016/2017

The amendment to the Education Act effective as of 1 September 2016 allowed the MEYS to demand from legal persons carrying out activities of schools and school facilities additional data, beyond their records, which are necessary for the determination of qualified estimates of education and educational system indicators. The qualified estimates of the number of Roma pupils may also be considered such data. The MEYS included the requirements for such data to the school year 2016/2017 data collection (data still have the form of qualified estimates prepared by the headmasters of schools and, therefore, they are neither statistics, nor part of statistical reporting). The aim of the change of the collector of data was mainly to ensure better temporal interconnection and mutual comparability of these information resources in the future, as well as possibility of continuous verification of these data vis-à-vis the parallel data collection of statistical reporting.

The methodology for the identification of the Roma pupil, formerly used by the CSI, remained unchanged (see above), as well as the definition of the Roma (see above). The surveys will continue to be implemented once a year, in parallel with the

	<p>collection of data from the records established by schools at the beginning of the school year. Thus, the primary schools forward the qualified estimate of their Roma pupils, divided by educational programmes of primary education, i.e. the Framework Educational Programme for Primary Education without modification for pupils with MMD (FEP BE*),¹ the FEP BE MMD and the Framework Educational Programme for Special Primary Schools (FEP SPS). As a consequence of the abolition of the FEP BE MMD, the survey also newly includes the numbers of pupils educated pursuant to the FEP BE with reduced demands on educational outcomes due to MMD (FEP BE UV).</p> <p><i>Main findings in the school year 2016/17</i></p> <p>The 2016/2017 survey took place, similarly as the 2015/16 survey, at all primary schools entered in the register of schools and school facilities. Altogether, a total of 4,141 primary schools were involved in the survey.</p> <p>The results of the qualified estimates of the numbers of Roma pupils in the school year 2016/17 brought, in particular, the following findings:</p> <ul style="list-style-type: none">• 85.4% of Roma pupils are educated pursuant to the FEP BE* (84.9% in the previous year);• 12.8% of Roma pupils are educated pursuant to the FEP BE MMD and FEP BE UV (i.e. the programmes for pupils with MMD), of which 7.8% according to the FEP BE MMD and 5.0% according to the FEP BE UV (13.3% in the previous year);• 1.8% of Roma pupils are educated pursuant to the FEP SPS (1.8 % in the previous year);• Roma pupils make up 30.9% of all pupils educated in the programmes for pupils with MMD. However, compared to the previous year their number decreased by 4.9% (221), which is in percentage a larger decline than a decrease in the total number of Roma pupils in primary schools, where the decrease is only 1% (see the last bullet point);• The abolition of the FEP BE MMD allowed to some extent to distinguish a view of pupils with MMD at the 1st and 2nd stage of primary schools. The first stage is characterised by FEP BE UV, the second mainly by FEP MMD. The proportion of Roma pupils educated pursuant to the FEP BE UV is 26.2 % of all pupils educated pursuant to the FEP BE UV, the respective share for FEP BE MMD is 34.9%. This difference may indicate a more significant positive change in the approach to the diagnostics of Roma children as they are less frequently diagnosed with MMD while failing at the initial phase of primary education.²• When compared to the school year 2015/2016, the overall number of Roma pupils in primary schools decreased by 1.0% (333). <p><i>The numbers of Roma pupils by educational programmes at primary schools in the</i></p>
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¹ FEP BE* no longer includes the numbers of Roma pupils educated pursuant to the FEP BE MMD and FEP BE UV, which are monitored separately.

² This difference, however, may partly be caused by a certain imprecision in the differentiation of these two programmes on the part of schools at this fresh period of the new approach to education (modified FEP BE, abolished FEP BE MMD) initiated as of 1 September 2016.

school year 2016/17

Educational programme	Number of Roma pupils	Share (%)
FEP BE*	28,929	85.4
FEP BE MMD	2,635	7.8
FEP BE UV	1,683	5.0
FEP BE SPS	611	1.8
Total	33,858	100

Schools and pupils in respective educational programmes in the school year 2016/2017 and 2015/2016

Number of pupils in educational programmes	2016/17		2015/16	
	Number	Share (%)	Number	Share (%)
Number of primary school	4,141	—	4,098	—
Total number of primary school pupils	906,188	—	878,649	—
– of which estimate of Roma pupils	33,858	3.7	34,191	3.9
Primary school pupils educated pursuant to the FEP BE* (FEP BE MMD and FEP UV not included)	885,671	—	857,369	—
– of which estimate of Roma pupils	28,929	3.3	29,024	3.4
Primary school pupils educated in the programmes for pupils with MMD (FEP BE MMD and FEP UV)	13,983	—	14,810	—
– of which estimate of Roma pupils	4,318	30.9	4,539	30.6
Primary school pupils educated pursuant to the FEP BE MMD	7,555	—	×	×
– of which estimate of Roma pupils	2,635	34.9	×	×
Primary school pupils educated pursuant to the FEP UV	6,428	—	×	×
– of which estimate of Roma pupils	1,683	26.2	×	×
Primary school pupils educated pursuant to the FEP SPS	6,534	—	6,470	—
– of which estimate of Roma pupils	611	9.4	628	9.7

A major weakness in the evaluation of results of the survey is the fact that qualified estimates of the number of Roma pupils is based on the classification of the pupil as belonging to the Roma population on the basis of the evaluation of a third party. Therefore, the evaluation of results is significantly limited by a degree of individual subjectivity or personal attitude of the respective headmasters and teachers towards the survey. These facts can largely affect the relevance of the collected data and distort the year-on-year trend assessment.

3) Surveys in school counselling facilities

Starting from 2014, the MEYS in cooperation with the CSI carry out regular annual surveys in school counselling facilities. The aim of the surveys is to establish the level

of implementation of systemic measures in the field of diagnostics and to examine the practice of issuing recommendations for the placement of pupils into respective educational programmes by school counselling facilities so as to be able to subsequently compare the data with the actual situation at schools.

So far the survey has been carried out in March 2014, January 2015, November 2015 and December 2016.

Main conclusions of the last survey:

A positive shift consisting in gradual replacement of older methods with less appropriate norms by more recent tests was ascertained.

In the school year 2015/2016, a total of 40 PPCs, 107 SPCs and 5 merged entities of PPCs and SPCs took part in the survey. 11 surveyed institutions did not have in this school year any client with MMD.

The survey focused on determination of three instruments (tests) that school counselling facilities preferably use for detecting cognitive skills of clients and establishing the MMD diagnosis.

WISC III appears regularly among the three most commonly used methods. Although a lot of facilities do not mention it as the method of the first choice any longer, 95.2% of school counselling facilities state this tool as one of three most frequently used tests for the diagnostics of cognitive functions. The test can be used for counselling work with the majority population. In this area, the Wechsler tests rank among the most widely used and accepted method. However, the test is not suitable without further modifications for the diagnostics of pupils from a socially and culturally different environment and other living conditions because it is bound to traditional cognitive concepts of school education. A procedure in interpreting the WISC III test is described in detail in the accompanying courses on the MMD methodology and in the methodology itself. However, the problem starts to be the age of the test standards and construction of certain items and, therefore, it should be used as a supplementary test in the future. It is assumed that after some time, counselling staff will gain clinical experience with the newer methods and they will refrain from using the WISC III test even more.

The second largest share of facilities state the **SON-R** method (the test used for the diagnostics of pre-school children, clients with communication disorders and clients of foreign language environment) among three most frequently used tools. In the school year 2015/2016, it was used by 43.4% facilities, in the school year 2014/2015 it was 45.8% of facilities.

Over 40% of facilities rank the **Woodcock Johnson IE** method among the three main tools. In the school year 2015/2016, the tool was used by a total of 40.7% of facilities, in the school year 2014/2015 it was 41.7%.

As far as the newly introduced tools are concerned, an increase in their use was recorded, especially as regards the **IDS test**. A total of 35.9% of facilities state the IDS test as one of the three most commonly used methods. In the last survey, it was 23.6%; i.e. a growth of 12.3% was ascertained. Since 2013/2014, a share of facilities that use the IDS test as one of the three main tools has increased by a total of 27.8%.

The **Stanford Binet test** (more often in revision no. IV), which is with respect to the age

	<p>and origin of standards more suitable as a supplementary test, is used by 28.3% of facilities. In comparison with the previous year, the use of the Stanford-Binet test recorded a drop by 4.3%. Compared to the 2013/2014 school year, the overall decline amounts to 19.2%.</p>
<p>MEASURES ADOPTED IN 2017</p>	<p>1) Survey to establish the number of Roma pupils with diagnosed MMD and ways of their education with the use of support measures</p> <p>The MEYS establishes data about the number of Roma pupils using the same methodology that the CSI had used in previous years, based on the Analysis of Socially Excluded Roma Neighbourhoods and of the Absorption Capacity of Entities Operating in This Field that was elaborated by the Ministry of Labour and Social Affairs and by the Government Council for Roma Minority Affairs in 2006. When school headmasters provide their qualified estimates about the number of Roma children, pupils and students, they should draw on the above mentioned generally applied definition. With regard to the content of the definition and the nature of this survey it is absolutely vital to know as much contextual information as possible about individual pupils. It is the school that has this information at its disposal.</p> <p><i>Information value of data</i></p> <p>The relevance of results of surveyed qualified estimates of Roma pupils is based on a fundamental presumption that school headmasters in their capacity as persons fully responsible for education at schools and for related activities pursuant to the Education Act submit truthful and correct data to the MEYS based on a professional assessment of the situation after a consultation with form teachers, other teachers or the educational advisor. However, experience from carrying out these surveys shows on initial data that the determination of attributed Roma origin by third parties (the headmasters) is limited by the degree of their individual subjectivity or their personal attitude to the implemented survey. These facts may naturally significantly influence the relevance of statements about trends. Therefore, the results of these surveys should not be mixed up with statistics.</p> <p>The MEYS carried out a data collection between 25 September and 15 November 2017. Data were collected about the division of pupils into individual educational programmes of basic education, i.e. the Framework Educational Programme for Basic Education (“FEP BE”), the Framework Educational Programme for Basic Education – Annex governing the education of pupils with a mild mental disability (“FEP BE MMD”) and the Framework Educational Programme for Special Primary Schools (“FEP SPS”).</p> <p>In relation to the abolition of the FEP BE MMD as of 1 September 2016, a part of the survey was also to ascertain the placement of pupils into the Framework Educational Programme with reduced demands on educational outcomes due to mental disability (“FEP BE UV”).</p> <p>The survey is done in electronic form through the School Statistics Information System. Even though qualified estimates are not part of statistical recordkeeping, this survey is done at the same time as the data collection from records about the number of pupils who have commenced study in the current school year. The fundamental objective of this concurrence is to ensure a better interconnection as regards the timing and mutual comparability of both sources of information as well as to allow for an ongoing general check of these data with the collection of statistical data taking place in parallel.</p>

The benefits of this harmonization and interlinkage between the survey and logical checks typical for any standard data collection were confirmed already in 2017 when the 2016 estimates could be adjusted for data newly identified as dubious. A follow-up inspection of submitted estimates therefore took place in November 2017 and after the credibility of data was evaluated, further communication took place with those primary schools whose qualified estimates were starkly in contrast with numbers submitted in the previous year or with current information from statistical records. Special emphasis was put on inspecting those schools that had reported a very high share of Roma pupils in one monitored period and not in the other one. Those schools were asked to thoroughly check their estimates and rectify them if need be. Thanks to that the estimates made by schools last year could be revised, which made the information value of this survey as a whole as well as its y-o-y comparisons more accurate (the revised data are listed in the tables below in column 2016R). Factors such as school mergers, migration, alleged confusion of the total number of Roma pupils for the total number of pupils of the given schools and, last but not least, obvious unwillingness of certain school headmasters to take part in this survey were identified as the most frequent causes of these deviations.

Main findings:

The results of qualified estimates of the number of Roma pupils in the 2017/2018 school year brought in particular the following findings:

- 85.4% of Roma pupils in primary schools are educated pursuant to the FEP BE (in 2016 it was 85.0%);
- 12.7% of Roma pupils in primary schools are educated pursuant to the FEP BE MMD and the FEP UV (hereinafter referred to as “programmes for pupils with MMD”; in 2016 it was 13.1%);
- Out of Roma pupils educated in programmes for pupils with MMD:
 - 5.6% are educated pursuant to the FEP BE MMD (in 2016 it was 8.0%);
 - 7.1% are educated pursuant to the FEP UV (in 2016 it was 5.1%).
- Roma pupils account for 29.5% of all pupils educated pursuant to programmes for pupils with MMD (in 2016 it was 30.9%). The share of Roma pupils educated pursuant to the FEP UV stands at 24.7% of all pupils educated pursuant to the FEP UV (in 2016 it was 26.2%); the share is 39.0% for the FEP BE MMD (in 2016 it was 34.8%). **This difference, which was noted already in 2016, may be a rather significant indicator of a positive change in the attitude to the diagnostics of Roma children who get diagnosed with MMD less frequently in the initial phase of primary education when they experience failure.**
- In comparison with the 2016/17 school year, nearly 2.8% (913) more Roma pupils were estimated to be in primary schools, which more or less corresponds to the general increase in the overall number of pupils in primary schools as a result of the strong population years.
- Roma pupils account for 3.6% of pupils in primary schools; however, there are significant differences among individual regions. The highest share of Roma pupils is in the Ústí nad Labem Region (11.4% of primary school pupils in the region) whereas the capital city of Prague has the lowest share (1.0%).
- Out of the overall number of 33,704 Roma primary school pupils, more than

one quarter is in the Ústí nad Labem Region (8,657) and nearly one fifth in the Moravian Silesian Region (6,226).

Number of Roma pupils according to educational programmes in primary schools (situation as of 30/9 of the given year):

Educational programme	Number of Roma pupils			Share (%)	
	2016	2016R	2017	2016	2016R
FEP BE	28,929	27,866	28,786	85.4	85.0
FEP BE MMD	2,635	2,631	1,898	7.8	8.0
FEP BE UV	1,683	1,683	2,392	5.0	5.1
FEP BE SPS	611	611	628	1.8	1.9
Total	33,858	32,791	33,704	100	100

Source: MEYS database

2016R – last year's revised numbers

Schools and pupils in educational programmes (situation as of 30/9 of the given year)

Number of pupils in educational programmes	2016		2016R		2017	
	Number	Share	Number	Share	Number	Share
Number of primary schools	4,141	—	4,141	—	4,152	—
Total number of primary school pupils	906,188	—	906,188	—	926,108	—
- of whom an estimated number of Roma pupils	33,858	3.7	32,791	3.6	33,704	3.6
Number of schools that have 5% or more Roma pupils	791	19.1	783	18.9	818	19.7
Primary school pupils educated pursuant to the FEP BE (without the FEP BE MMD and the FEP UV)	885,671	—	885,671	—	904,896	—
- of whom an estimated number of Roma pupils	28,929	3.3	27,866	3.1	28,786	3.2
Number of schools that have 5% or more Roma pupils educated pursuant to the FEP BE (without the FEP BE MMD and the FEP UV)	620	14.9	612	14.8	633	15.2
Primary school pupils educated pursuant to programmes for	13,983	—	13,983	—	14,557	—

pupils with MMD (the FEP BE and the FEP UV)						
- of whom an estimated number of Roma pupils	4,318	30.9	4,314	30.9	4,290	29.5
Number of schools that have 5% or more Roma pupils educated pursuant to programmes for pupils with MMD (the FEP BE and the FEP UV)	402	9.7	401	9.7	469	11.3
Primary school pupils educated pursuant to the FEP BE MMD	7,555	—	7,555	—	4,871	—
- of whom an estimated number of Roma pupils	2,635	34.9	2,631	34.8	1,898	39.0
Number of schools that have 5% or more Roma pupils educated pursuant to the FEP BE MMD	312	7.5	311	7.5	263	6.3
Primary school pupils educated pursuant to the FEP UV	6,428	—	6,428	—	9,686	—
- of whom an estimated number of Roma pupils	1,683	26.2	1,683	26.2	2,392	24.7
Number of schools that have 5% or more Roma pupils educated pursuant to the FEP UV	278	6.7	278	6.7	385	9.3

Source: MEYS database

Conclusions:

Similarly to the last year, this year the survey results also show certain improvements of the overall situation of Roma pupils in the Czech education system: the share of Roma pupils educated pursuant to the FEP BE increased from 85.0% to 85.4% in comparison with the previous year. Roma pupils account for 29.5% of all pupils educated pursuant to programmes for pupils with MMD, which is by 1.4 percentage points less than in the previous year. This is an effect of the lower share of Roma pupils educated pursuant to the FEP BE UV (24.7%), which already for the second year in a row indicates a possible positive change in the approach to the diagnostics of Roma children who are less frequently diagnosed with MMD in the initial phase of primary education when they experience failure. However, due to the processing method the y-o-y changes are not significant enough to allow for unequivocal

	<p>conclusions to be drawn from them.</p> <p>Secondly, a total of 4,270 Roma pupils commenced primary school education in the 2017/2018 school year, which accounts for 12.6 % of the total number of Roma pupils. In total, 112,499 pupils commenced primary school education in the 2017/2018 school year and Roma pupils thus accounted for 3.7% of all pupils of the first grade of primary school. First grade pupils include a total of 869 pupils with diagnosed MMD who are educated pursuant to the FEP BE UV (a total of 14,557 pupils with diagnosed MMD are educated in all nine grades of primary school as has been mentioned above, which is 1,617 pupils on average per grade of primary school, yet there are only 869 of these pupils in the current school year). There are 151 Roma pupils out of the overall number of 869 first grade pupils with diagnosed MMD. Therefore, a total of 3.5% of Roma pupils who commenced primary school education are educated pursuant to the FEP BE UV (the ratio for all nine grades of primary school stands at 12.7% as has been stated above) and Roma pupils amount to 17.3% of the overall number of pupils who are educated pursuant to the FEP BE UV in the first grade (the ratio for all nine grades of primary school stands at 29.4% as has been noted above). Last but not least, 902 Roma pupils who were educated pursuant to the FEP BE MMD completed basic education in the 2016/2017 school year. This means that six times more Roma pupils diagnosed with MMD left primary schools compared to the number of pupils who commenced studies there.</p> <p>Besides, the abolition of the FEP BE MMD has made it possible to differentiate the perspective on pupils of the first and second stage of primary school who are educated as pupils with diagnosed MMD. The FEP BE UV is typical in particular for the first stage of primary school whereas the FEP BE MMD is typical for the second stage.</p> <p>As for the education of pupils at the second stage of primary school, current estimates fulfil last year's estimate that a majority of these pupils who were educated pursuant to FEP BE MMD before 1 September 2016 would complete their primary school education in this programme. Changing the educational programme is very difficult in practice in this advanced phase due to different required outputs and a different number of lessons in the individual educational areas. Nevertheless, continuation of education pursuant to the FEP BE MMD was subject to informed consent of the pupil's legal representative. If the legal representative did not agree with the continuation of education pursuant to the FEP BE MMD, an individual educational plan based on the modified FEP BE valid from 1 September 2016 could be drawn up for this pupil on the basis of a recommendation made by the school counselling facility.</p> <p>We may assume that a more significant move towards a smaller share of Roma pupils educated pursuant to the MMD programmes will become apparent when the FEP BE educational programme with the MMD annex pursuant to which pupils with MMD are educated at the second stage of primary school will have finished. The above situation will continue until the 2019/2020 school year when pupils who were in the sixth grade in the 2016/2017 school year will have completed basic education. At present it may be said that the number of Roma pupils educated pursuant to the FEP BE MMD at the second stage of primary school will be decreasing each year.</p> <p>The main difference between the FEP BE MMD and the FEP BE UV is that at present, after the reform, there is one single FEP BE with a common framework curriculum</p>
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	<p>defined for all pupils, i.e. there is a comparable number of lessons in the given fields of education and their composition. Based on the possibilities and prerequisites of specific pupils with MMD, potential changes of the educational content (upon a recommendation made by a school counselling facility) will be made as part of support measures in their individual educational plan. This means that modifications of the content of education are based on the joint educational programme and that the individual parts of the educational content are strengthened in the best interests of the pupil so that his/her education aims at achieving his/her personal maximum.</p> <p>In order to evaluate the overall development, it is therefore essential to continue monitoring the development of the share of Roma pupils educated in particular pursuant to the FEP BE UV, which may best reflect the improving pedagogical and psychological diagnostics, effects stemming from the introduction of the compulsory last grade of pre-school education as well as other factors decisive for qualitative shifts in this field.</p> <p>In the course of the two-year transitional period until September 2018, support measures will be granted to all pupils with MMD in accordance with Decree No. 27/2016 Coll.</p> <p>In general, it may be said that as a result of changes related to joint education, pupils with a mild mental disability are gradually more frequently placed in mainstream schools where these pupils are integrated with the use of support measures or classes are established in mainstream schools pursuant to Section 16 § 9 for pupils with various kinds of disadvantage including pupils with MMD. The Education Act strives to fulfil the interests of pupils and their right to education. That is why the decision regarding placement is always made in cooperation with the family, the school and the school counselling facility. The objective is to propose placement in mainstream education with the use of support measures always when it is in line with the pupil's interest.</p> <p>2) Surveys in school counselling facilities</p> <p>Each year surveys are carried out by inspection electronic surveying (INEZ) in school counselling facilities, the objective of which is to ascertain the procedure when recommendations are issued for the placement in the respective educational programmes. The surveys are carried out by the CSI in cooperation with the NIE.</p> <p>The 2017 survey was postponed to January 2018. The results will be known in the second half of February 2018.</p>
<p>PLANNED MEASURES</p>	<p>1) Survey aimed at ascertaining the number of Roma pupils with diagnosed MMD and ways of their education and use of support measures</p> <p>The survey will continue to be implemented once a year, always in the same period in which schools submit data as part of data collection from records about the number of pupils who have commenced study in the current school year. The MEYS continues to be entrusted with data collection.</p> <p>Date of the next survey: November 2018</p>

	<p>2) Surveys in school counselling facilities</p> <p>The survey will concern the 2018/2019 school year. It will again be complemented with further questions that will make it even more accurate in view of the introduction of legislative changes.</p> <p>Date of the next survey: December 2018</p>
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G. CONSULTATIONS WITH STAKEHOLDERS	
ADOPTED MEASURES	<p>The MEYS considers it to be of utmost importance to have permanent feedback from relevant stakeholders. Therefore, the following meetings or events have been organised:</p> <p>1) Forum of Nongovernmental Organisations</p> <p>The Forum was established in 2012. The Government Representative for Human Rights, representatives from the Office of the Ombudsman, Ministry of Labour and Social Affairs, CSI, Social Inclusion Agency, Government Council for Roma Minority Affairs, professional associations (Association of the Staff of PPC, Association of the Staff of Remedial Teaching Facilities, Association of Primary School Teachers, Association of Remedial Teachers of the Czech Republic, Association of Primary School Headmasters, Czech-Moravian Trade Union of Education Staff) and non-governmental organisations (European Roma Rights Centre, Amnesty International, Czech Society of Inclusive Education, Romodrom, Open Society fond, Word 21, LUMOS, League of Human Rights, Roma Education Fund) got involved in its activities.</p> <p>In 2013 the Forum met three times. The main discussion topics included the envisaged amendment to Section 16 of the Education Act, amendments to Decrees Nos. 72/2005 and 73/2005, amendment to Decree No. 364/2005, state of execution of the Consolidated Action Plan for the execution of the judgment, introduction of new diagnostic instruments and familiarisation with the results of the CSI survey.</p> <p>Implementation date: 2012–2013</p> <p>2) Roundtable on inclusive education</p> <p>In 2014 national roundtables dedicated to debating key topics of education in the Czech Republic were established by the MEYS. The aim of the roundtables is to open discussion about priority topics of the MEYS with the participation of stakeholders from the school environment and professional organisations as well as associations. Permanent roundtable members include representatives of professional organisations, public administration, local administration, the academia, schools and school counselling facilities, experts on the given topics, non-governmental organisations and the ombudsman. A separate roundtable was established for the field of inclusive education, which directly follows up on the activities of</p>

<p>the Forum of Nongovernmental Organisations.</p> <p>The roundtable on inclusive education started its activities by a meeting held in April 2014, which aimed at introducing and debating the proposed amendment to Section 16 of the Education Act, proposed amendments to Decrees Nos. 72/2005 and 73/2005, as well as providing information about the fulfilment of the Consolidated Action Plan on the execution of the judgment.</p> <p>In 2015 the MEYS held three roundtables focusing on the preparation and subsequently settlement of comments to the Action Plan on Inclusive Education for 2016 – 2018. Representatives of NGOs, professional associations, Office of the Government, CSI, NIE, etc. took part in the deliberations.</p> <p>In 2015 the MEYS also held three roundtables where the draft Decree pertaining to the amended Section 16 of the Education Act was presented, together with the objectives of the newly amended FEP BE. Representatives of NGOs, professional associations, Office of the Government, Public Defender of Rights, CSI, NIE, etc. participated in the deliberations. The document was also submitted to external experts for comments.</p> <p>Implementation date: 2014–2015</p> <p>3) Expert Team for Joint Education</p> <p>The MEYS considers it extremely important to have constant feedback from all stakeholders.</p> <p>In 2016, therefore, the MEYS set up the Expert Team for Joint Education. The Expert Team brings together the representatives of associations of schools, NGOs, counselling facilities, universities and other experts. The activities of the Expert Team are focused on both the technical aspects of joint education and legal and economic issues. Its mission is to independently contribute to the general debate, which concerns the joint education, in order to create such an environment that is friendly for pupils as well as for parents and teachers.</p> <p>The Expert Team met five times in 2016.</p> <p>Implementation date: 2016</p> <p>4) Cooperation between non-governmental organisations and the MEYS</p> <p>The MEYS continuously collaborates with non-governmental organisations, which deal with the integration of the Roma minority, and reflects their recommendations in its conceptual and methodological materials.</p> <p>In October 2016, the MEYS held a meeting with the representatives of “the National Working Group” covering 11 Roma non-governmental organisations from all over the Czech Republic working with up to 8,000 Romanies. The aim of the meeting was to establish constructive cooperation between the established Roma non-governmental organisations and the MEYS.</p> <p>At the meeting, the specific objectives and implementation of the <i>Strategy for Roma Integration</i> were mentioned, and the Roma representation in legislative, executive</p>

	<p>and advisory positions within the public administration, the upcoming changes in pre-school education or scholarship programmes for Roma students were discussed.</p> <p>The meeting was attended by the representatives of the non-governmental organisations Slovo 21, ROMEA, IQ Roma Servis, Jekhetane and OSF Praha.</p> <p>Implementation date: 2016</p> <p>5) Cooperation with the public defender of rights</p> <p>In October 2016, a review meeting of the chief school inspector and his deputy with the public defender of rights was held. The subject matter of the meeting was to assess the cooperation between the CSI and the Office of the Public Defender of Rights in the school year 2015/2016, with emphasis on the issues of the enforcement of the right to equal access to education for all pupils. Further, both parties informed each other about currently solved issues falling in the area of common interest and exchanged views and attitudes to specific cases solved by both the institutions. Next meeting, the organisation of which results from the Memorandum of Cooperation concluded between the CSI and the public defender of rights will take place at the beginning of the next school year.</p> <p>The MEYS also cooperates with the public defender of rights, both on the conceptual documents and the methodical materials. In 2016, such cooperation took place for example regarding the methodological material “Information on the Organisation of Registration for Mandatory School Attendance” or concerning the payment for pre-school education for children starting mandatory education before the age of six.</p> <p>Implementation date: 2016</p>
<p>MEASURES ADOPTED IN 2017</p>	<p>1) Expert Team for Joint Education</p> <p>The activity of the expert team continued in 2017 during which it held three meetings. Topics that appeared problematic in implementing joint education were discussed. These were especially changes brought by Decree No. 27/2016 Coll., the issue of teachers’ assistants and various aspects of educating children with a hearing impairment.</p> <p>2) Joint Education Expert Platform</p> <p>The Joint Education Expert Platform was established in 2017. Its members include representatives of NGOs, the MEYS, local government and local administration bodies.</p> <p>The Platform has the objective to monitor the process of implementation of the Action Plan on Inclusive Education for 2016 – 2018 and to propose modifications and recommendations for 2019 – 2020.</p> <p>The first meeting of the Platform took place in October 2017. Its members were acquainted with the objectives of the Platform and evaluation of the first and second phase of the execution of the Action Plan on Inclusive Education for 2016 – 2018. Besides, the CSI Thematic Report on Joint Education 2016/2017 and the Analysis of Joint Education were presented.</p>

	<p>The second meeting in December 2017 discussed individual measures of the Action Plan on Inclusive Education and elaboration of a new Action Plan on Inclusive Education for 2019 – 2020.</p> <p>3) Cooperation with the public defender of rights</p> <p>The MEYS provides information about legislative changes on an ongoing basis and intensively negotiates them with the public defender of rights.</p> <p>The CSI also cooperates with the public defender of rights on the basis of a concluded Memorandum of Cooperation and in many respects also beyond it. Besides cooperation that takes place as part of the execution of the public defender’s right to oversee the activities of public institutions (here the CSI responds to queries made by the public defender regarding the addressed cases and provides statements about the course of action in specific inspection activities, etc.), cooperation also takes the form of joint meetings dedicated to diverse issues, exchange of experience and discussions between CSI experts and representatives of the Office of the public defender of rights. The CSI takes part in workshops and training events dedicated to the issue of equal access to education, which the Office of the public defender of rights organises for various entities or which are tailor-made directly for the CSI.</p> <p>At least once a year a joint meeting takes place between the public defender and the central school inspector as part of which this cooperation is evaluated and specific forms of cooperation for the following year are discussed.</p>
<p>PLANNED MEASURES</p>	<p>The activity of the Expert Team for Joint Education and the Joint Education Expert Platform as well as the cooperation with the public defender of rights will continue also in 2018.</p>

ANNEX – VOCABULARY AND ACRONYMS

FEP BE = Framework Educational Programme for Basic Education

A document issued by the MEYS that stipulates the binding content and objectives of basic education and defines a framework for the preparation of School Educational Programmes.

FEP BE MMD = Framework Educational Programme for Basic Education – an Annex governing the education of pupils with a mild mental disability

A component of FEP BE that governs the adaptation of the educational programme to the needs and educational possibilities of pupils with a mild mental disability and that also adjusts the process of education to the degree of mental and physical development of those pupils.

Ombudsman = Public Defender of Rights

In accordance with Act No. 349/1999, which makes provision with respect to the Public Defender of Rights, the Ombudsman protects people against the conduct of authorities and other institutions if the conduct is against the law, does not correspond to the principles of democratic rule of law and good governance, as well as against their failure to act, thus contributing to the protection of fundamental rights and freedoms.

MEYS = Ministry of Education, Youth and Sports

CSI = Czech School Inspectorate

Office that reports to the MEYS, established upon statute to monitor and evaluate the efficiency of the system of education, inspect the quality of education and compliance with legal regulations at schools and in school facilities.

MMD = Mild Mental Disability

NIE = National Institute for Education

NIFE = National Institute for Further Education

PPC = Pedagogical and Psychological Counselling Facility

SPC = Special Pedagogical Centre

SEP = School Educational Plan

OP RDE = Operational Programme Research, Development, Education