

SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRETARIAT DU COMITE DES MINISTRES

COMMITTEE
OF MINISTERS
COMITÉ
DES MINISTRES



Contact: Clare Ovey
Tel: 03 88 41 36 45

Date: 04/09/2015

DH-DD(2015)893

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1236 meeting (22-24 September 2015) (DH)

Item reference: Update to the action plan (01/09/2015)

Communication from Czech Republic concerning the case of D.H. and Others against Czech Republic (Application No. 57325/00).

* * * * *

Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

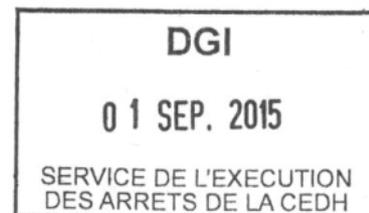
Réunion : 1236 réunion (22-24 septembre 2015) (DH)

Référence du point : Plan d'action mis à jour

Communication de la République tchèque concernant l'affaire D.H. et autres contre République tchèque (Requête n° 57325/00) (**anglais uniquement**)

DH-DD(2015)893 : distributed at the request of Czech Republic / République tchèque.

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers. / Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.



IMPLEMENTATION OF THE APPROVED AMENDMENT TO THE EDUCATION ACT

Table of contents

Table of contents

PLANNED AND IMPLEMENTED MEASURES FOLLOWING UP ON THE AMENDMENT TO THE EDUCATION ACT FOR THE EXECUTION OF THE JUDGMENT OF THE EUROPEAN COURT OF HUMAN RIGHTS IN THE CASE OF <i>D. H. AND OTHERS V. THE CZECH REPUBLIC</i>	3
1. Amendment to the Education Act.....	3
2. Measures following up on the amendment to the Education Act.....	4
2.1 Decree on the education of children, pupils and students with special educational needs	4
2.2 Workshops and methodological guidance for heads of school counselling facilities and their establishers.....	6
2.3 Further training of counselling and teaching staff	6
2.4 Control mechanisms in the field of diagnostics and counselling facilities	7
2.5 Change of record-keeping and statistics	8
2.6 Introduction of new diagnostic and intervention instruments.....	8
2.7 Introduction of quality standards of counselling services.....	9
2.8 Methodological recommendation pertaining to the establishment of the position of a teacher's assistant	9
2.9 Information workshops about Article 16 of the Education Act and the implementing Decree .	10

PLANNED AND IMPLEMENTED MEASURES FOLLOWING UP ON THE AMENDMENT TO THE EDUCATION ACT 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*

The present report is submitted on the basis of Point 4 of the Decision of the Committee of Ministers of the Council of Europe as of 12 March 2015, and it introduces the most important steps that the Government have implemented since January 2015 and intends to take in the upcoming months in order to ensure successful introduction of changes enshrined in the amendment to the Education Act (Act No. 82/2015) into practice.

In recent years, the Czech Republic has been systematically striving to reduce inequalities in education. It focuses in particular on adequate and efficient offsetting of all forms of disadvantages pupils may have, with emphasis on customisation of provided support and on general strengthening of inclusive elements of the education system. Even though measures supporting the education of Roma pupils have some specific features, they are part and parcel of this approach that is gradually being pursued at all levels of the education policy: it is enshrined in crucial strategic Government documents and thanks to the recently approved amendment to the Education Act it is also reflected in key legislation. Current Government initiatives are therefore being gradually shifted from establishing general systemic prerequisites for inclusive education to correct implementation thereof in education practice.

1. Amendment to the Education Act

The Ministry of Education, Youth and Sports (MEYS) prepared an extensive amendment to the Education Act, the purpose of which is a comprehensive change in the education of pupils with special educational needs as well as strengthening of inclusive environment at primary schools. In March 2015 the amendment was approved by both chambers of the Parliament of the Czech Republic and in April it was signed by the President of the Czech Republic. The amendment was promulgated in the Collection of Laws under No. 82/2015. Most key changes shall be **effective as of 1 September 2016**.

The amendment to the Education Act **strengthens elements of inclusive education in the education system in particular by:**

- Declaring equal access to education for all pupils;
- Abandoning the categorisation of pupils (pupils with a social disadvantage, pupils with a health disadvantage and pupils with a health disability);
- Introducing the notion of auxiliary measures necessary to guarantee the maximum achievable full-fledged education in the mainstream for all pupils. Auxiliary measures will be selected so as to reflect the pupil's health, cultural background and/or other living conditions;
- Introducing a new definition of the notion of a "pupil with special educational needs" who is seen as a pupil who needs auxiliary measures in order to fulfil his/her educational

possibilities and pursue his/her right to education on an equal basis with others.

Classification of auxiliary measures will thus be at the forefront and classification of special educational needs will be subsequently derived from it;

- Introducing the possibility of education in preparatory classes for all pupils (education in preparatory classes is currently available only for socially disadvantaged children). 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 auxiliary measures;
- Introducing a review body, which makes it possible to have the conclusions and recommendations laid down by a counselling facility reviewed in case a beneficiary of a counselling service is dissatisfied. Hence, the outputs delivered by school counselling facilities, namely reports and recommendations, may be subject to review at the request of the pupil or his/her statutory representative and other entities, where appropriate;
- Introducing the rule that a counselling facility's recommendation that describes the pupil's specific educational difficulties and proposes specific auxiliary measures and adjustments in his/her education will be delivered not only to the pupil or his/her statutory representative but also to the school that the pupil attends. This will help to make sure that the school adopts and implements the proposed measures and adjustments.

2. Measures following up on the amendment to the Education Act

In relation to the approved amendment to the Education Act the MEYS systematically and intensively introduces inclusive education and establishes equal access to education for all pupils in the Czech Republic. The aim of the process is to set up positive preconditions for the education of all pupils so that education can take place primarily in the mainstream with the help of adequate auxiliary measures necessary to ensure educational needs of each pupil. This step should also bring significant support for the education of Roma pupils and their inclusion in the majority population.

The following sections introduce the most important implemented and planned measures that follow up on the approved amendment to the Education Act. All measures stated below are funded either from the state budget or from EU Structural Funds.

2.1 Decree on the education of children, pupils and students with special educational needs

In connection with the approved amendment to the Education Act the MEYS is elaborating an implementing legal regulation pertaining to Article 16 of the Education Act, which shall specify (among other things):

- A list and purpose of all auxiliary measures, defined in five levels;
- The procedure and time limits for awarding auxiliary measures;

- Rules of cooperation among competent entities;
- Elaboration of a teaching support plan;
- Elaboration of a form pertaining to recommendations for schools;
- Elements of individual education plans;
- The job description of a teacher’s assistant;
- Powers of the review body.

Starting in April 2015, small expert working groups took place at the MEYS about individual topics of the Decree, and the text of the Decree was drafted. Subsequently, the prepared draft Decree was sent for comments to members of a large working group.

The large working group includes experts from the following entities:

- Association of Primary School Headmasters;
- Association of the Staff of Pedagogical and Psychological Counselling Facilities;
- Association of Remedial Teaching Centres;
- Association of Remedial Teachers;
- Representatives of a project entitled “Systemic Support for Inclusive Education”;
- Government Committee for Citizens with a Health Disability;
- Representatives of the National Council of Persons with a Health Disability;
- Social Inclusion Agency;
- Czech Professional Society for Inclusive Education (COSIV);
- Teaching staff from the field;
- Counselling staff from the field;
- Representatives of Regional Authorities;
- Czech School Inspectorate (CSI);
- National Institute for Education (NIE);
- Czech-Moravian Trade Union of Teaching Staff;
- Representatives of individual Departments of the MEYS.

Timeframe of work on the Decree:

Discussion on the draft in the working group	27 August 2015
Meeting of the Board of senior officials of the MEYS	August 2015
Interdepartmental consultation procedure	September 2015
Settlement of comments	September 2015
Submission to working committees of the Government Legislative Council	October 2015
Discussion on the draft in working committees of the Government Legislative Council	October 2015
Approval of the Decree by the MEYS	December 2015
Entry of the Decree into force and effect	1 September 2016

2.2 Workshops and methodological guidance for heads of school counselling facilities and their establishers

As part of implementing Article 16 of the Education Act, the National Institute for Education, which is an institution directly managed by the MEYS, organises regular meetings with directors of school counselling facilities, which have in particular the following content:

- Methodological guidance of directors and senior staff of school counselling facilities in the form of workshops about planned changes; and
- Provision of information about the upcoming changes in counselling services and in the catalogue of auxiliary measures; training about Article 16 of the Education Act; information about reporting and the Decree; suggestions on the review body.

Directors of pedagogical and psychological counselling facilities and heads of remedial teaching centres provide source materials for the upcoming changes.

Besides, meetings take place between the NIE and the establishers of school counselling facilities, taking the form of workshops held in collaboration with the MEYS, the purpose of which is to provide information about legislative steps.

Planned measure	Implementation date
Workshops with directors of regional pedagogical and psychological counselling facilities	On an ongoing basis
Workshops with heads of remedial teaching centres	On an ongoing basis
Workshops with establishers of school counselling facilities	On an ongoing basis

2.3 Further training of counselling and teaching staff

Further training of counselling staff

In relation to the amendment to Article 16 of the Education Act, the MEYS implements further training of counselling staff, which should serve as preparation for the new concept of determination of support for pupils. At present, trainers are being trained for individual regions who shall subsequently guarantee the training of individual counselling staff in their respective regions.

Further training of counselling staff shall be provided for by the NIE.

Planned measure	Implementation date
Training for school counselling facilities and schools related to auxiliary measures that follow from Article 16 of the Education Act for the work with children with special	The NIE started to prepare training about auxiliary measures in school counselling facilities in March 2015

educational needs; preparation for the new concept of determination of support for pupils	
Commencement of training	May 2015 – meeting of trainers; topics: assessment of pupils, auxiliary measures
Training of trainers of school counselling facilities	Two trainings in June 2015; subsequently in August and September 2015
Training of senior staff of school counselling facilities	October 2015
Training of directors of school counselling facilities	April and May 2015; subsequently September and December 2015
Training of staff of school counselling facilities – workshops	January to June 2016
<p>Further training of teaching staff</p> <p>In relation to the amendment of Article 16 of the Education Act, the MEYS also implements further training of teaching staff, which should serve as preparation for the new concept of determination of support for pupils. At present, trainers are being trained for individual regions who shall subsequently guarantee the training of individual teaching staff in their respective regions.</p> <p>Further training of teaching staff shall be provided for by the National Institute for Further Education, which is an entity directly managed by the MEYS.</p>	
Planned measure	Implementation date
Commencement of training	May 2015 – meeting of trainers; topics: assessment of pupils, auxiliary measures
Training of trainers	Two trainings in June 2015; subsequently in August and September 2015
Training of headmasters	January to June 2016
Training of teaching staff	January to June 2016

2.4 Control mechanisms in the field of diagnostics and counselling facilities

The amendment to the Education Act introduces a new review body in the field of diagnostics. The outputs delivered by school counselling facilities, i.e. reports and recommendations, shall be subject to review. A pupil or his/her statutory representative will be able to request a legal entity established and authorised by the MEYS to review a report or a recommendation issued by a school counselling facility within the time limit of 30 days from the day of its receipt. A review of a recommendation may also be requested by a school, school facility or public authority that has imposed a duty on a pupil or his/her statutory representative to make use of professional counselling assistance in a school counselling facility, likewise within the time limit of 30 days from the day of the receipt of the recommendation. Besides, the CSI may also

request a review.

At present, the NIE is devising options concerning how the review body is to be staffed, which shall be submitted to the MEYS. Currently there are three options (the staff will be employees of the NIE and they will take full care of the organisation and review of examination outputs; the organisation and reviews will be taken care of by the staff of the NIE in cooperation with regional inspectors; the organisation and reviews will be taken care of by staff of counselling facilities who will have a part-time job in the NIE). A proposal for the funding of the three options is also being designed. Besides, qualifications requirements for the staff who will do the reviews have been defined (seven years of practice in the system; 300 hours of completed training programmes for teaching staff and potentially further specialised trainings depending on the required job profile; conceptualisation and communication skills; knowledge about the situation in the region; ability to communicate about the system of pedagogical and psychological counselling facilities and remedial teaching centres).

The proposals are currently being discussed with experts from the field and with the MEYS.

Planned measure	Implementation date
Commencement of work of the review entity	September 2016

2.5 Change of record-keeping and statistics

In connection with the approved amendment to Article 16 of the Education Act and the implementing Decree whose elaboration is under way (see above measure 2.1) it is also necessary to amend Decree No. 364/2005, which makes provision with respect to record-keeping of schools and school facilities and the school register and submission of data from the records of schools and school facilities and the school register.

The Decree shall newly govern auxiliary measures recorded in school registers and a provision shall be added regarding the submission of data from school registers to the MEYS, among other things for the purposes of funding.

Planned measure	Implementation date
Amendment to Decree No. 364/2005	December 2015

2.6 Introduction of new diagnostic and intervention instruments

In relation to the interconnection between psychological and remedial teaching diagnostics on one hand and the establishment of special educational needs and specific auxiliary measures on the other hand, training is offered in the form of workshops about the existing diagnostic methods that are suitable for this purpose. In addition, new methods are being developed in

those areas where methods are either obsolete or lacking.	
Planned measure	Implementation date
Training about the existing methods	Since January 2015
Development of new methods	2015/2016

2.7 Introduction of quality standards of counselling services

At present, quality standards (namely staffing, procedural, diagnostic standards) are being elaborated, which shall be verified and implemented both at regional and national level. The individual quality standards for school counselling facilities will become the starting point for the unification of provided counselling services. The system of accountability for the fulfilment of unified requirements for the quality of services and their methodological guidance will be amended. The introduction of the above standards into practice will be accompanied by organised methodological support related to the verification of implemented processes.

Planned measure	Implementation date
Elaboration of standards – namely staffing, procedural and diagnostic standards	2015
Elaboration of intervention standards	2016
Implementation of standards and verification thereof	2016

2.8 Methodological recommendation pertaining to the establishment of the position of a teacher's assistant

In collaboration with the NIE the MEYS has elaborated a methodological recommendation pertaining to the establishment of the position of a teacher's assistant. Pursuant to the amended Article 16 of the Education Act, the use of a teacher's assistant is one of the auxiliary measures. The methodological recommendation has been designated for the staff of school counselling facilities and for school headmasters and possibly also for school teachers, teacher's assistants as well as staff of regional authorities.

The methodological recommendation provides an overview of suitable procedures in establishing the position of a teacher's assistant, laying down procedures related to the assessment of the need for a teacher's assistant in a given class, group or department, procedures to be undertaken by a school headmaster in relation to the application for funding, the conclusion of contracts and determination of job description, and last but not least

the involvement of the teacher's assistant in the day-to-day school routine. The document also contains a recommendation on the cooperation between the teacher's assistant and the teacher(s) as well as methodological guidance and support for the teacher's assistant.

Planned measure	Implementation date
Elaboration of the Methodological recommendation and its submission for approval to the Board of senior officials of the MEYS	April 2015
Publication of the Methodological recommendation	May 2015

2.9 Information workshops about Article 16 of the Education Act and the implementing Decree

The MEYS is going to hold information workshops in all regions of the Czech Republic with the aim of explaining more in depth the measures stemming from Article 16 of the Education Act and the implementing Decree that follows from it to representatives of regions, schools, school counselling facilities and other institutions.

At the same time, in April 2015 the NIE commenced training of representatives of school counselling facilities.

Planned measure	Implementation date
Workshops in 14 regions	From October to November 2015

