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Meeting: 1273 meeting (6-8 December 2016) (DH)

Item reference: Updated action plan (02/09/2016)

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

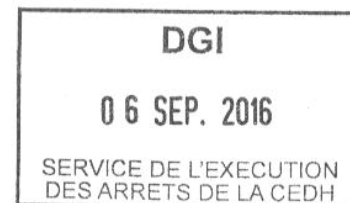
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Réunion : 1273 réunion (6-8 décembre 2016) (DH)

Référence du point : Plan d'action mis à jour

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



**Complementary Report of the Government of the Czech Republic
on the execution of the judgment in *D. H. and others v. the Czech Republic*,
submitted on 6 September 2016**

The present report is intended to respond to the decision taken at the 1259th meeting of the Committee of Ministers on 8 June 2016 with regard to the state of implementation of the *D. H. and others v. the Czech Republic* judgment, in particular to point 5 of the decision in which the Deputies:

“(...) 5. invited the authorities to provide, no later than by 7 September 2016, confirmation of the entry into force of the new reform (...)”.

The report contains concise summary information about changes in the field of legislation, data about information and educational activities as well as information about the financing of measures that follow from the Amendment to the Education Act. Thus, the report follows up on the Revised Action Plan for the Execution of the Judgment as of 5 February 2016.

1. LEGISLATIVE CHANGES AS OF 1 SEPTEMBER 2016

The Government confirm that both the Amendment to the Education Act No. 82/2015 (adopted measure A-4 in the Revised Action Plan) and the Decree on the Education of Pupils with Special Educational Needs (adopted measure A-1 in the Revised Action Plan) came into force and effect as of 1 September 2016.

At the same time, smaller-scale “technical” amendments to Decrees were adopted and came into force and effect as of 1 September 2016, which reflect both the change of terminology brought about by the Amendment to the Education Act and in particular the change in the field of education of pupils with special educational needs:

- Decree No. 72/2005 on the Provision of Counselling Services in Schools and 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; and
- Decree No. 364/2005 on the Documentation of Schools and School Facilities.

As the Revised Action Plan explains in detail, the aforementioned legislative measures introduce in particular changes in the organisation and rules of the education of pupils with special educational needs and sets forth rules for the provision of support measures. Whereas the integration model has been applied in the education of these pupils to date (i.e. there was an effort to adjust the child’s possibilities to the school), the inclusive education model is based on the effort to provide a greater adjustment of the educational environment to the child.

Primarily, the legislative changes bring about an improvement in funding for ensuring the education of pupils with special educational needs and give pupils and their statutory representatives a possibility to choose where their child will be educated. Such requests are always accompanied by an opinion of a school counselling facility, which together with pupils and their statutory represent-

atives considers what is in the pupil's interest and recommends a suitable composition of support measures.

Inclusive education enters the school system gradually. Headmasters and teachers in schools are acquainted in greater detail with the content of individual support measures so that their schools are able to offer educational services in a high-quality and professional manner (see measures A, E and G of the Revised Action Plan).

2. FRAMEWORK EDUCATIONAL PROGRAMME FOR BASIC EDUCATION

Furthermore, the Government confirm that as of 1 March 2016 a new Framework Educational Programme for Basic Education (FEP BE) came into force and effect.

The amended FEP BE unifies the educational offer, thus creating conditions for ensuring equal access to educational contents for all pupils. The Annex governing the education of pupils with a mild mental disability has been removed from the FEP BE and expected learning outputs of pupils that had originally been laid down there have been transformed into expected outputs of individual fields of education in the form of a minimum recommended level for adjusting expected outputs of pupils with a mild mental disability (MMD) as part of support measures starting from the third level of support. In accordance with a recommendation by the school counselling facility, the school will create an individual educational plan containing support for pupils with MMD who have been granted the third level of support on the basis of diagnostics.

All primary schools (with the exception of special schools, which are designated for the education of pupils with a medium to severe mental disability) will from now on draw up their School Educational Programmes on the basis of the unified FEP BE. The unified curriculum promotes both the unification of conditions for education for all primary school pupils and individualised education of pupils that makes use of support measures for pupils with special educational needs, including the possibility of adjusting the educational content and learning outputs starting from the third level of support onwards.

The Government refer to measure E of the Revised Action Plan for further details.

3. REVIEW BODY

The Government also confirm that as of 1 September 2016 the Pedagogical and Psychological Counselling Division of the National Institute for Education (NIE) has started to perform the tasks of a review body in the field of diagnostics in accordance with the above Amendment to the Education Act. The establishment of the review body, its staffing and envisaged budget were approved by the Ministry of Education, Youth and Sports (MEYS) in June 2016.

A pupil or his/her statutory representative (or the Czech School Inspectorate or the child protection authority) now have the possibility to approach the NIE with a request to review a report and a recommendation regarding the education of the above 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.

The Government refer to measure C of the Revised Action Plan for further details.

4. INFORMATION AND EDUCATIONAL ACTIVITIES

In order to ensure efficiency of the reform in practice, the MEYS continuously publishes all documents of legislative as well as non-legislative nature related to the implementation of the Amendment to the Education Act and to the issue of inclusive education on its website. Besides, information and discussion meetings took place with school headmasters from all regions of the Czech Republic with the participation of the Minister of Education, Youth and Sports. The MEYS also responds to frequently asked questions and other queries on its website on an ongoing basis.

In its effort to implement inclusive education as smoothly as possible, the MEYS has come up with an Information Package containing concise methodological and explanatory texts related to the field of inclusive education and changes in the organisation of the education of pupils with special educational needs as of 1 September 2016. The Information Package has been put together with the aim of ensuring sufficient awareness of all stakeholders so that changes are introduced in a problem-free and smooth manner, thus guaranteeing teaching, organisational and financial support for pupils with special educational needs both in the mainstream and in classes independently established for pupils with special educational needs. The Information Package was put together and will be supplemented on an ongoing basis in cooperation with expert associations and with the Inclusive Education Platform of the Association of Regions, the Union of Towns and Municipalities and the Association of Local Authorities. Its full text is available for download at the MEYS website <http://www.msmt.cz/o-webu-msmt/spolecne-vzdelavani>.

Besides, information has been published for kindergartens “Basic Information about Changes in Kindergarten Organisation, Changes Related to the Promotion of Inclusive Education and Recommended Steps” and also for secondary schools “Secondary School or Conservatoire Headmasters and the Education of Pupils with Special Educational Needs: Basic Information about Changes in School Organisation When Pursuing Inclusive Education”.

From April to June this year the MEYS held information workshops in all regional capitals of the Czech Republic in cooperation with the National Institute for Further Education and the NIE, focusing on inclusive education and the Research, Development and Education Operational Programme. A total of 28 workshops were held during which nearly three thousand headmasters of kindergartens and primary schools and staff of school counselling facilities were trained. The content of the workshops focused on information about legislative changes, changes in the counselling work pursued by schools and school counselling facilities, information about support measures, pupil placement and communication between the statutory representatives of pupils, the school counselling facility and the school. The workshops also covered information about the utilisation of financial resources and further education opportunities for teaching staff.

In May 2016 the Masaryk University in cooperation with the MEYS held a conference entitled “Pursuing Inclusive Education” in which approximately 300 participants took part. Its aim was to provide information and have discussions with teachers, teaching staff, educational counsellors, representatives from among school management and the general public about the development of the Czech system of education with a focus on the current vision and future direction of the system of education including the issue of inclusive education. The conference thus enabled a debate with experts from the academia and also from the field.

Last but not least, in 2016 the MEYS established an expert team for inclusive education. The expert team assembles representatives of school associations, non-profit organisations and other stakeholders, pedagogical and psychological counselling facilities, Faculties of Education of various universities as well as experts from the field. The activities of the team are centred especially on technical aspects of inclusive education and also on legal and economic aspects. Its mission is to independently contribute to a broad debate related to inclusive education with the aim of creating

a pupil-, parent- and teacher-friendly environment. The work of the expert team focuses on the assistance provided by the MEYS in particular in promoting inclusive education in the Czech learning environment, optimising inclusive education in response to current problems and coming up with specific proposals for the application of inclusive education in schools in practice as well as proposals for improving communication in the field of inclusive education towards the general public, mainly towards teachers and parents.

5. FUNDING OF INCLUSIVE EDUCATION FROM THE STATE BUDGET

Pupils taking part in inclusive education are supported through auxiliary measures, which have been designed so as to make it possible to respond to the needs of each child individually.

Since 1 September 2016 support measures granted pursuant to Section 16 of the Education Act will be funded from a reserve that is mandatorily generated by Regional Authorities. For this purpose, Regional Authorities have 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 inclusive education.

At present, it is envisaged that an extra approximately CZK 100 million (EUR 3.7 million) will be earmarked for development programmes for teachers' assistants compared to 2015.

Further funds for the purposes of inclusive 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).

Besides, the MEYS has prepared a new investment programme for purchasing new assistive devices and aids for inclusive education in the aggregate amount of CZK 275 million (more than EUR 10 million). School counselling facilities are meant to be the recipients of this investment programme.

6. RESEARCH, DEVELOPMENT AND EDUCATION OPERATIONAL PROGRAMME

Inclusive education is one of the key topics of the Research, Development and Education Operational Programme (RD&E OP), as part of which activities will be covered that will help schools to implement education in accordance with the Amendment to the Education Act.

One of calls that the MEYS has prepared in the RD&E OP is "Support of Schools through Simplified Financial Reporting: Templates for Kindergartens and Primary Schools I".

As part of this call, schools may choose from a total of 36 readymade templates focused on staffing support (school assistants, psychologists, remedial teachers, nannies for kindergartens), further education of teaching staff, personality, social and professional teacher development, facilitation of the transition of children from kindergarten to primary school, cooperation with the parents of children and pupils and last but not least extracurricular developmental activities for primary schools. These activities include e.g. readers clubs, clubs of entertaining logic and board games, tutoring of pupils at risk of school failure and preparation of pupils at risk of school failure for

classes. The templates will significantly facilitate it for schools to write an application for support since schools are not obliged to write projects or draw up the budget.

Up to CZK 4.5 billion (more than EUR 166.5 million) will be allocated to kindergartens and primary schools in the territory of the whole Czech Republic as part of this call. The call was announced in June 2016.

Overview of other calls in the RD&E OP related to inclusive education in the period of 2015–2016:

- A call *“Inclusive Education”*, which aims at promoting equal access to high-quality education, in particular offsetting the educational opportunities of children and pupils from a socio-economically disadvantaged and culturally different background. Activities supported in the call include pre-school education, prevention of school failure and development of teaching staff and other staff working in the education sector. The overall allocation for projects in this call stands at CZK 1.2 billion (nearly EUR 44.5 million).
- A call *“Individual Systemic Projects I”*, which aims in particular at reducing inequalities in education and supporting high-quality instruction, increasing the number of high-quality and inclusion-focused schools as well as promoting inclusive and high-quality education in territories with socially excluded areas. Up to CZK 2 billion (more than EUR 74 million) will be allocated as part of this call.
- A call *“Literacy”*, which strives to create conditions for a higher-quality support for pupils from a socio-economically disadvantaged and culturally different background. The activities focus in particular on promoting innovative methods and approaches to the education of pupils in the target group in the area of literacy, e.g. functional literacy of pupils with special educational needs, mutual learning among schools and teachers (i.e. networking) in the field of reading, mathematical, social and civic competencies, etc. Projects in this call have received an overall allocation of CZK 380 million (more than EUR 14 million).
- A call *“Individual Systemic Projects II”*, which concentrates in particular on reducing inequalities in education, promoting high-quality teaching and teachers as its key prerequisite and also capacity building for an accountable and efficient management of the education system. The call strives to strengthen professional competencies of teaching staff (teachers, special education teachers, educational counsellors, school management and teachers’ assistants) that are necessary for implementing inclusive education. Competencies are to be strengthened in all areas of their teaching activities (in their respective field(s) of study, i.e. subjects they teach, as well as didactic activities, generally pedagogical, diagnostic, social and communication activities). Organisations involved in implementing the Action Plan for Inclusive Education will be networked and an expert platform for inclusive education will be put together. The call will also support an educational, information and communication campaign targeting the expert and general public, which aims to remove stereotypes about the education of children and pupils with special educational needs. Up to CZK 450 million (more than EUR 16.5 million) will be allocated as part of themes A and B of this call, which are focused on promoting inclusive education.
- A call *“Inclusive Education for a Coordinated Approach to Socially Excluded Areas I”* is designated for municipalities involved in the Coordinated Approach to Excluded Areas project and focuses on promoting inclusive education in socially excluded areas. Municipalities will be supported in their role as coordinators addressing the issue of inclusive education. Besides, municipalities will be able to target further activities on directly supporting kindergartens and primary and secondary schools in the introduction and implementation of individual integration. The call highlights the need for awareness-raising activities targeting the public and supports the establishment of

platforms and implementation of workshops for individual stakeholders in education. Up to CZK 250 million (approximately EUR 9.25 million) will be allocated as part of this call.

- In September 2016 a call *“Inclusive Education for a Coordinated Approach to Socially Excluded Areas II”* will be announced, which is designated for non-governmental non-profit organisations, schools and school facilities operating in the territory of municipalities involved in the Coordinated Approach to Socially Excluded Areas project. This call strives to promote inclusive education in socially excluded areas. Up to CZK 450 million (approximately EUR 16.7 million) will be allocated as part of this call.
- A call entitled *“Implementation of Regional Action Planning”* is scheduled to be announced at the beginning of 2017, focusing on the promotion of activities and cooperation envisaged as part of the approved Regional Action Planning. A mandatory activity for each region will include drawing up of its School Inclusion Policy in the field of education and subsequent implementation of activities. Up to CZK 700 million (approximately EUR 26 million) will be allocated as part of this call.

