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Meeting: 1280 meeting (7-9 March 2017) (DH)

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

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Réunion : 1280 réunion (7-9 mars 2017) (DH)

Référence du point : Plan d'action

Communication de la République tchèque concernant l'affaire D.H. et autres contre 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”

10 FEBRUARY 2017

DGI
15 FEB 2017

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

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 an 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 4 February 2016.

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>

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

The most important changes relevant for the execution of the judgment:

- 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.

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.

Implementation date: 1 September 2014

4) Act No. 82/2015 – amendment to the Education Act

The amendment was approved by Parliament in March 2015. Most key changes will come into effect as of 1 September 2016.

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

- a) Abandonning 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 create a communication triangle between the school counselling facility, the school and the parents as a basis for implementing support measures in practice.

Implementation date: 1 September 2016

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 guarantees 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.

Implementation date: 1 September 2016

7) Information and training workshops

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.

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.

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.

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.

The MEYS prepared a so-called *Information Package of Brief Methodological and Interpretative Texts*, 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 were 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>.

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.

In addition to the above mentioned, other programmes focused on the issues of joint education and counselling support were prepared and implemented:

- a) Adjustments of the school educational plan (SEP) after changes brought to the FEP BE;

b) Seminars *Joint Education and Operational Programme Science, Research, Education* – information workshops;

c) Compliance of SEP with FEP BE and procedures for updating – joint education.

A total of 187 seminars (all 3 programmes) with 5 211 participants were implemented for the target group.

Within the activities of the MEYS and NIE trade unions also the following activities were implemented:

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.

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.

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>).

Implementation date: 2015–2016

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

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 joint education.

In 2016, a total of CZK 266.55 million (nearly EUR 10 million) were provided for the development programmes for teachers' assistants.

	<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>
PLANNED MEASURES	<p>1) Funding of joint education</p> <p>In 2017 the system of financing will be the same as in 2016 since the system of support measures will be still at a transitional period.</p> <p>It is nonetheless expected that the amendment to the Education Act, which is currently discussed in the Chamber of Deputies of the Parliament, will be approved. The amendment concerns Section 161 of the Education Act and is intended to enable the MEYS to adjust allocation of the funds assigned from the State budget for the activities of schools and school facilities established by regions, municipalities, associations of municipalities for individual regional authorities with regard to the actual number of pupils with special educational needs and standardised financial demands of support measures provided to these pupils. This will allow more objective allocation of State budget funds to individual regions and enable regional authorities to fund mandatory support measures granted by them to pupils within their territorial jurisdiction.</p> <p>In addition to the modified normative allocation of the State budget funds for individual regions, it is assumed that in 2017 a development programme, which would enable the MEYS to take into account the actual start of new support measures during the calendar year, will be announced in order to avoid a situation when the regions will "run out" of the funds to cover support measures.</p> <p>In 2016, Decree No. 492/2005 on Regional Normative Allocation, was amended so that in 2017 it would enable the regional authorities to determine also regional normative allocation for support measures, in addition to disability allowances (as it is now and will be also in 2017). The amount of these normative allocations will be uniform throughout the country in the amount determined by Decree No. 27/2016 (unlike other regional normative allocations the amount of which lies within the powers of regional authorities).</p> <p>In order to support the implementation of joint education financially already in 2017, the Ministry of Finance, after negotiations with the MEYS, increased the State budget section of the MEYS for 2017 for joint education by about CZK 750 million (almost EUR 28 million) in comparison to the year 2016. The increased financial resources will be used for schools and school facilities and also for the CSI to ensure inspection activities in the field of school counselling facilities.</p> <p>In 2018, the funding of joint education will be incorporated into the new financing system which should come in force as of 1 January 2018.</p> <p>The MEYS has also prepared a new investment programme for purchasing new assistive devices and aids for joint education in the aggregate amount of CZK 275</p>

	<p>million (more than EUR 10 million). School counselling facilities are meant to be the recipients of this investment programme.</p> <p>Implementation date: 2017–2018</p> <p>2) The amendment to the Education Act – the reform of regional funding</p> <p>In June 2016, the Government approved the changes in the funding of regional education. Thus, from 2019, schools will not be financed only with regard to the number of pupils, but funding will depend on the number of teaching hours required by a particular educational programme. The amendment of the relevant legislation is currently discussed in the Chamber of Deputies; the first reading took place in July 2016.</p> <p>The existing system of normative funding “per pupil” can be characterised by a number of problems and deficiencies that result in unequal position of comparable beneficiaries in schools in the Czech Republic.</p> <p>The newly proposed solution is based on the principle of compensation of a certain proportion of national and regional normative allocations ensuring the transfer of State budget funds from the MEYS budget to the budgets of regions and, subsequently, to the budgets of schools and school facilities, with a system of normative allocation set centrally by the MEYS.</p> <p>In the newly proposed funding system, a reserve will be enshrined in the legislation, which will be allocated to regional authorities by the MEYS beyond normative allocations of the State budget, on the basis of pre-defined and objective parameters (normatively defined amount of funding, the proportion of pupils with special educational needs in the region, data of schools and school facilities on the expected organisation of education in the new school year, the population density in the region, etc.). Regional authorities will use the allocated reserve primarily to address financial impacts of newly awarded support measures in accordance with Section 16 of the Education Act during the particular calendar year, and also to cover objective specifics of individual schools and school facilities, especially concerning the staffing with regard to specific conditions of their operation.</p> <p>To finance the increased support for the education of pupils with special educational needs, the act will regulate additional allocations to the domain-related normative allocations (current legislation regulates only additional payments to regional normative allocations). Additional allocations to the domain-related normative allocations will be determined by the MEYS and will be based on the normative financial costs of support measures under the implementing decree to Section 16 of the Education Act.</p> <p>Implementation date: 2019</p> <p>3) Training workshops</p> <p>In 2017, further training workshops are planned.</p> <p>Implementation date: 2017</p>
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B. INCREASING THE EFFICIENCY OF SCHOOL COUNSELLING FACILITIES AND SCHOOL COUNSELLING DEPARTMENTS

ADOPTED MEASURES

1) Introduction of new standardised diagnostic instruments into practice

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.

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.

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.

Thus, in 2016, counselling centres can choose from a variety of up-to-date tests measuring intelligence.

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. *Intellectual disability* 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 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.

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.

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.

Further, with the involvement of remedial teachers, educational programmes about adaptive skills and educational programmes about diagnostics have been accredited.

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.

Implementation date: 2012–2016

2) Training of counselling experts in the use of diagnostic instruments

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.

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.

Between 2013 and 2015 a total of 484 experts were trained in a comprehensive course including a workshop about the Woodcock-Johnson test.

Besides, 313 experts were trained about the MaTeRS test and 387 experts about the IDS test.

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.

Implementation date: 2013–2015

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.

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.

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.

In 2015 many workshops and seminars were held in 2015 in the area of **methodological guidance of counselling experts**.

Implementation date: 2014–2015

4) Survey of activities of school counselling facilities and school counselling sections

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).

Implementation date: March 2014, January and November 2015, December 2016

5) Methodological recommendation for the establishment of the position of a teacher's assistant

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.

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.

Implementation date: 2015

6) Development of new standardised diagnostic instruments and introducing them into practice

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.

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.

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.

Within the project *“The Support of Quality Counselling Services in Schools and School Counselling Facilities Aimed at Promoting Inclusion”* 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.

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.

Implementation date: 2016

7) Training of counselling staff in the use of diagnostic and intervention instruments and in drawing conclusions from examinations

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 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 skillis	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:

- 9 methodological guidance workshops for directors of school counselling facilities, focusing on legislative changes, reports from examinations, recommendations about education and staffing of facilities;
- Several meetings between MEYS representatives (including the minister) with counselling centres representatives;
- 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;
- 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 Promoting Inclusion: Quality-Inclusion-Counselling-Development” (KIPR)**, which

	<p>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 were 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>
PLANNED MEASURES	<p>1) Training of counselling staff</p> <p>In 2017, the activities regarding the training of counselling staff (especially courses on the use of diagnostic methods and on special pedagogic intervention for clients with</p>

	<p>MMD) will continue.</p> <p>The counselling staff will continue to be offered courses on all topics, which were organized in previous years, i.e. the courses on diagnostic methods (e.g. IDS, MaTeRS, Son-R), case-study seminars related to core courses (Son-R, MaTeRS). Regarding the seminars on MMD, the course for special teachers will be repeated due to the already sufficient number of repetitions of the course for psychologists. Those will continue to receive a separate methodological support at their workplaces.</p> <p>Further, the OP RDE SQCS API Project will provide extensive education in accordance with its aims (dynamic diagnostics, procedures of the work with socially disadvantaged pupils and their support, etc.).</p> <p>Implementation date: 2017–2019</p> <p>2) Diagnostic tools</p> <p>The MEYS plans a repetition of the development programme to supplement the counselling facilities with diagnostic tools.</p> <p>The NIE, on behalf of the MEYS, also enters into negotiations with the publishers of diagnostic methods who are preparing additional methods for counselling facilities, with the intention to participate in the standardisation of methods developed so that they would be properly prepared with regard to the cultural environment and living conditions of pupils.</p> <p>During 2017, the implementation of the standardisation of the new scale for assessing adaptive skills is envisaged after which the method will be ready for publication. In addition, all the activities scheduled in the OP RDE SQCS API project (see above) will take place.</p> <p>Implementation date: 2017–2019</p>
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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</p>
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representative).

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.

The NIE will retain the role of conceptual management and development of the field 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.

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.

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.

Implementation date: 1 September 2016

2) Extension of the CSI inspection powers in relation to counselling facilities

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.

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.

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

	<p>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 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>
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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,</p>
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enforceability of the fulfilment of parental duties and improvement of financial support of schools.

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.

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).

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 newly established, in a similar manner as the catchment areas of primary schools.

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.

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.

Implementation date: 1 September 2017

3) Ensuring sufficient capacities of nursery schools

In order to ensure sufficient capacities of pre-school education, in 2014, the MEYS set up a *Fund* 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.

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).

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

	<p>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 education of gifted children.</p> <p>Implementation date: 1 September 2016</p>
PLANNED MEASURES	<p>Educational seminars</p> <p>In connection with the amendment to the Education Act and the Decree on Pre-school Education, the seminars will be held in all NIFE regional offices, starting from January 2017. A total of 14 seminars with an average attendance of 80 headmasters and heads of schools is planned.</p> <p>Implementation date: 2017</p>

E. POSITION OF THE FEP BE MMD

ADOPTED MEASURES	<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.</p>
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The abolished Annex to the FEB BE MMD was used in drafting of the unifying curriculum (Chapter 5 of the FEP BE).

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.

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.

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

	<p>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.</p> <p>The consultation centres exist in all the regions of the Czech Republic and they conduct activities in three basic forms:</p> <ol style="list-style-type: none"> 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); 3. Individual tutoring support for teachers (nursery, primary and secondary schools). <p>Implementation date: 1 September 2016</p>
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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>
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2) Surveys to establish the number of Roma pupils educated pursuant to the FEP BE MMD

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 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

	<p>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.</p> <p>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 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
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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.

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)**.

The numbers of Roma pupils by educational programmes at primary schools in the 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.

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.

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.

	<p>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%.</p> <p>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%.</p> <p>The Stanford Binet test (more often in revision no. IV), which is with respect to the age 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>
PLANNED MEASURES	<p>1) Survey to establish the number of Roma pupils with diagnosed MMD, ways of their education and use of support measures</p> <p>The survey will continue to be implemented once a year, in parallel with the collection of data from the records established by schools at the beginning of the school year. In the beginning of 2017, a decision will be made whether the collection of these data will be conducted in collaboration with the CSI or whether directly the MEYS or NIE will be entitled to data collection.</p> <p>Date of the next survey: November 2017</p> <p>2) Survey in school counselling facilities</p> <p>The survey will cover the school year 2016/2017. New questions will again be added in relation to the introduction of legislative changes, which will specify the issue even further.</p> <p>Date of the next survey: December 2017</p>

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 Non-governmental 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</p>
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	<p>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 the Forum of Non-governmental 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>
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3) Expert Team for Joint Education

The MEYS considers it extremely important to have constant feedback from all stakeholders.

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.

The Expert Team met five times in 2016.

Implementation date: 2016

4) Cooperation between non-governmental organisations and the MEYS

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.

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.

At the meeting, the specific objectives and implementation of the *Strategy for Roma Integration* were mentioned, and the Roma representation in legislative, executive and advisory positions within the public administration, the upcoming changes in pre-school education or scholarship programmes for Roma students were discussed.

The meeting was attended by the representatives of the non-governmental organisations Slovo 21, ROMEA, IQ Roma Servis, Jekhetane and OSF Praha.

Implementation date: 2016

5) Cooperation with the public defender of rights

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.

The MEYS also cooperates with the public defender of rights, both on the conceptual

	<p>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>
PLANNED MEASURES	<p>The MEYS will continue to hold meetings with the Expert Team for Joint Education. Close cooperation will also continue with non-governmental organisations and the public defender of rights.</p> <p>For example, in 2017, an expert platform for joint education will be established, whose members will be representatives of non-governmental organisations, MEYS, public administration and self-governing authorities. The platform should assess the implementation of the <i>Action Plan for the Inclusive Education 2016–2018</i> and prepare the <i>Action Plan for Inclusive Education for the period 2018–2020</i>. The objective is, among others, comprehensive approach to the support of endangered pupils and consensus building on the quality of education in terms of inclusive approach.</p> <p>Implementation date: 2017</p>

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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 Center

SEP = School Educational Plan

OP RDE = Operational Programme Research, Development, Education