

**Act LXXIX of 1993 on Public Education**  
(Text integrated with the Act LXVIII of 1999.  
*The modifications in italics* )

**Preamble**

In order to ensure exercise of the right to education based on equality of opportunity, a right laid down in the Constitution of the Republic of Hungary; in order to achieve freedom of conscience, freedom of religion and the nurturing of patriotism in public education; in order to make good the right of national and ethnic minorities to education in their mother tongue; in order to realize freedom of education and freedom of teaching; in order to define the rights and duties of children, students, parents and those of employed in public education; and also in order to direct and operate a public education system that ensures up-to-date knowledge, Parliament enacts the following Act:

**Chapter 1**

GENERAL PROVISIONS

**The Scope of the Act**

**Section 1**

The Act shall cover education at kindergartens, education and teaching at day schools, education and teaching at dormitories, as well as the activities of services and administration related to these, *independently of institutions, organisms executing the activity mentioned above, and of the institution's maintainer.*

**Basic Principles**

**Section 2**

(1) Public education shall include education at kindergartens, education and teaching at day schools, as well as education at dormitories. A school may take part in the performance of the tasks of vocational training if it meets the requirements laid down in the Act on Vocational Training. *Kindergartens, day schools and dormitories may take part in pedagogical teaching and training according to the measures laid down in the present Act.*

(2) Under the provisions of the Act, everyone at an institution of public education is entitled to receive education and teaching.

(3) It is the task of the state to operate the public education system.

(4) *Kindergartens, day schools and dormitories -within the scope of tasks defined in the present Act- is responsible for children's and pupils' physical, intellectual, emotional, moral development, and for the formation and development of children's and pupils' community.*

*For this purpose:*

- a) *the child co-operates with parents in developing the pupil's personality and the putting forth of his skills,*
- b) *the children's community executes its work of education and teaching in co-operation with the parents' community in the course of formation and development of pupils' community,*
- c) *it prepares the pupil to family life and to family planning.*

### Section 3

- (1) In accordance with the provisions of this Act, kindergartens are professionally independent educational institutions; schools authorized to issue certificates of education or vocational training, dormitories, and institutions of primary art education are autonomous educational-teaching institutions of public education.
- (2) *Institutions of public education may be founded and maintained by the state, by local authorities, including, in line with the relating provisions of the Act on National and Ethnic Minorities, minority local authorities, Church or denominational legal entities registered in the Republic of Hungary, business units, foundations, associations with legal entity, founded and holding an office in the territory of the Republic of Hungary and by other legal entities, as well as by natural persons if it acquired the right of carrying on the activity mentioned above, according to the provisions of law.*
- (3) The state shall provide free and compulsory primary education through the institution-operating activities of state bodies and local authorities, and through the state and local authorities carrying out the tasks of these. Under this Act, kindergarten education, secondary-school, vocational training school, and specialized school education and teaching, as well as the specialized services which complement school education and teaching *and provisions of dormitories* shall be free of charge.

### Section 4

- (1) In the course of carrying out their tasks undertaken in an area of education and teaching, the state and the local authorities are obliged to respect the rights of parents and guardians (hereinafter: 'parents') in such a way that children receive teaching and education which is conform to their religious and ideological convictions.
- (2) State and local authority institutions of education and teaching may not be committed to any religion or ideology. The curricula of state and local authority operated schools must ensure an objective and many-sided projection of knowledge, religious and ideological information.
- (3) Schools have to make sure that students master basic moral knowledge. The curricula of state and local government schools must contain the teachings of the moral and cultural-historical content of religions in an objective, unbiased way.
- (4) At the state and local authority institutions of education and teaching, it must be made possible for students at school and for children at kindergarten to receive optional religious instruction organised by the respective Church or denomination as a legal entity. *The Church or denomination shall organise the religious instruction by parents' demand at kindergarten, by parents' and students' demand at school and dormitories. The religious instruction shall be organised separated from occupations at kindergarten considering its schedule and at school it shall be respectful to the compulsory education lessons. It is the task of the Church or denomination to define the content of religious instruction to employ an instructor, to supervise him or her and to carry out the administrative activities emerging in connection with instruction, first of all, the organization of enrollment on religious education, the issue of records and certificates, the supervising of the instruction. Schools, kindergartens and dormitories are obliged to provide the material conditions for religious instruction available at the educational institution. Especially the proper use of premises and also the technical and clerical conditions required for enrollment and operation. While employing the instructor the Church or denomination shall not consider the Section 17. of this Act. Kindergartens, schools and dormitories shall co-operate with the Church or denomination in performing*

*the duties in connection with optional religious instruction organised by the Church or denomination.*

- (5) The state has to create the legal conditions for the establishment of non-state and non-local authority kindergartens, schools and dormitories. However the state and the local authorities are not obliged to set up and operate such institutions.
- (6) *The state shall extend financial support defined in the annual financial Act to non state and non-local authority institutions for performing its duties. The local authority or the state can extend a complementary financial support to non-state and non-local authority institution of education and teaching in proportion to their taking over state or local authority tasks under an agreement in line with the contents of this Act. The institutions cannot benefit from financial contribution for performing educational vocational practical training under the obligation of providing vocational contribution.*
- (7) *In public education, any discrimination on the basis of belonging to a given race, sex, religion, national or ethnic minority group, or on the basis of political or other conviction on the basis of national, ethnic or social origin, financial situation, age, lack or limit of disposing capacity or on the basis of natal or other situation, and the type of institution running the school, is prohibited.*

### **Section 5**

*The language of kindergarten education, education and teaching at school or dormitory shall be Hungarian or the languages of national and ethnic minorities. Children and Students belonging to a national or ethnic minority group can receive kindergarten education, education and teaching at school or dormitory in their mother tongue or in their mother tongue and Hungarian or in Hungarian in line with the dispositions of the Act on the rights of national or ethnic minorities. Teaching may be conducted, partly or entirely, in another language as well.*

### **Section 6**

- (1) *In the Republic of Hungary education is compulsory for every child, in line with the contents of this Act.*
- (2) A child who reaches the level of development required for schooling becomes liable for compulsory education when he or she reaches the age of six years between the beginning of the calendar year and May 31. At the request of the parents, a child may become liable for compulsory education if he or she will reach the age of six before December 31.
- (3) Compulsory education lasts until the end of the school year in which the student reaches the age of 16. In the case of students with physical, mental, sensory, speech or other handicap, compulsory education may be extended as long as the end of the school year in which they become 18 years of age.
- (4) It is the head of the school who makes the decision about
  - a) the beginning of compulsory education on the basis of the kindergarten report or, if the child has neither attended kindergarten, nor received kindergarten education preparing him or her for school, on the basis of the education counsellor's report; in the case of children with with physical, mental, sensory, speech or other handicap, on the basis of the expert report of the specialist' and rehabilitation committee for gauging learning capacity or of the national specialist' and rehabilitation committee,
  - b) the extension of compulsory education, on the basis of the expert report of the teaching staff, the expert report of the specialist' and rehabilitation committee for gauging learning capacity or of the national specialist' and rehabilitation committee,
- (5) *The compulsory education of a child who begins primary school in the school year of 1998/99. or after, will be extended as long as the end of the school year in which he or*

*she reaches the age of 18, or the compulsory education can be extended as long as the end of the school year in which he or she reaches the age of 20.*

- (6) *After reaching the age of 16, the compulsory education will be terminated at the demand of those having obtained the secondary-school maturity examination or vocational training recognized by the state, or having reached the age of maturity by marriage, or take care of a child. The demand shall be presented by the student and the parents, in exception with students of the age of maturity. The head of the school shall take cognizance of the demand in writing.*

### **Section 7**

- (1) At the parents choice, compulsory education can be fulfilled through school attendance or private tuition.
- (2) If the head of the school is of the opinion that it would be disadvantageous for a given student to meet the requirements of compulsory education through private tuition, or the student is not expected to complete his or her studies in this way, the head of the school shall be obliged to inform the notary of the local authority of the area where the student's permanent adress or place of residence is about this. It shall be in the notary's sphere of authority to decide in what way the student is to complete compulsory education.
- (3) Compulsory education can be fulfilled at primary school and, from the fifth form on, at academic secondary-school. From the ninth form on it can also be fulfilled at vocational secondary-school or at vocational training school, unless other provision is made by this Act.

### ***The pedagogical sections, the system of requirements of educational and teaching work and system of state examinations***

### **Section 8**

- (1) *The sections of education and teaching work in educational and teaching institutions are the followings:*
  - a) *the section of kindergarten education,*
  - b) *the section of elementary education and teaching,*
  - c) *the section of secondary education and teaching (hereinafter: the contents of Points b)-c): the section of school education and teaching laying down the foundation of general knowledge),*
  - d) *the section of school education and teaching preparing for acquiring vocational qualification.*
- (2) *The kindergarten education begins at the age of three and lasts until August 31 of the year in which the child reaches the age of seven, unless other provision is made by the law.*
- (3) *The section of elementary education and teaching begins in the first form and lasts until the end of the 8<sup>th</sup> form. The section of elementary education and teaching is divided in two parts: the part beginning in the first form, lasting as long as the end of the 4<sup>th</sup> form, and the part beginning at the 5<sup>th</sup> form lasting as long as the end of the 8<sup>th</sup> form.*
- (4) *The section of secondary education and teaching begins in the 9<sup>th</sup> form and terminates depending on the school's type, at the end of the 10<sup>th</sup>, 12<sup>th</sup> or 13<sup>th</sup> forms.*
- (5) *The section of school education and teaching preparing for acquiring vocational qualification begins after the section of secondary education and teaching and terminates at the year of vocational training defined in the National Register of Trainings.*
- (6) *The guidelines of the section of kindergarten education are laid down in the National Program of Kindergarten Education, in accordance with the principles and rights*

*contained in the Preamble, Para. (1) of Section 4, Paras. (1)-(2) of Section 10 and Section 13 of this Act.*

- (7) The kindergarten education is based on kindergarten educational program created on the basis of the National Program of Kindergarten Education. This program shall be issued by the government. The expert opinion of the National Council for Public Education and the Council for Public Education Policy, furthermore in points concerning the kindergarten education of national, ethnic minorities, the agreement of the National Minority Committee shall be expressed before presenting the National Program of Kindergarten Education to the Government.*
- (8) In the section of school education and teaching laying down the foundation of general knowledge the unity of the contents of school education and teaching, the interchangeability between schools are ensured by the skeleton curricula based on the areas of general knowledge included in the National Basic Curriculum.*
- (9) The National Basic Curriculum defines the compulsory and common aims of education and teaching work in areas of culture the requirements of knowledge, skills and capacity needed for education and teaching work during the section laying down the foundation of general knowledge, in accordance with the principles and rights contained in the Preamble, Paras. (1)-(3) of Section 4, Paras. (1)-(3) of Section 10 and Section 13 of this Act.*

#### **Section 8/A**

- (1) The National Basic Curriculum shall include the particular basic principles of the requirements of Curriculum of
  - a) school education and teaching of national, ethnic minorities,*
  - b) school education and teaching of students with physical, sensory, mental, speech or other handicap.**
- (2) The skeleton curricula shall contain
  - a) the aims and contents of education and teaching, the system of subjects, the defined compulsory and common requirements of education and teaching, the number of classes necessary for acquiring the curriculum defined in the skeleton curricula and for fulfilling the requirements, rules of departing from the skeleton curricula,*
  - b) the disposal interval timed obligatory or freely for acquiring the curriculum conform to schools' local educational and teaching particularities, furthermore the rules of timing these,*
  - c) content requirements of minority education and teaching for schools taking part in school education and teaching of national, ethnic minorities.**
- (3) The skeleton curricula shall define the requirements of subjects of common knowledge in school education and teaching conform to the sections of elementary education from the first to the 8<sup>th</sup> forms and from the 9<sup>th</sup> to the 13<sup>th</sup> forms, depending on the school's type. Several skeleton curricula may be issued in the sections of education and teaching work in different types of schools.*
- (4) Schools can organise their education and teaching work based on different skeleton curricula.*
- (5) The education and teaching work in schools is based on the pedagogical programme. This latter contains the educational programme, the local curriculum, furthermore the vocational programme in schools taking part in vocational training.*
- (6) The National Basic Curriculum shall be issued by the Government. The expert opinion of the National Council for Public Education and the Council for Public Education Policy, furthermore in points concerning the school education and teaching of national, ethnic*

*minorities, the agreement of the National Minority Committee shall be expressed before presenting the National Basic Curriculum to the Government.*

**Section 8/B**

- (1) Kindergartens and schools ensuring kindergarten education and school education and teaching for national, ethnic minorities shall bring the provisions, included in Paras. (2)-(9) of Section 8, and Paras. (1)-(4) of Section 8/A, into operation with the departure of preparing kindergarten education programme and local curricula by taking into consideration the guiding principle of National, ethnic minorities' kindergarten education as well as the guiding principle of National, ethnic minorities' school education and teaching. The guiding principles shall be issued by the Minister of Education with the agreement of the National Committee of Minorities, after consulting the Council for Public Education and the Council for Public Education Policy.*
- (2) Schools with bilingual teaching shall bring the provisions included in Paras. (2)-(9) of Section 8, and Paras. (1)-(4) of Section 8/A, into operation with the departure of preparing local curricula by taking into consideration the guiding principle of bilingual school teaching.*
- (3) Kindergarten and school ensuring kindergarten education and school education and teaching for children and students with handicap shall apply the provisions included in Paras. (2)-(9) of Section 8, and Paras. (1)-(4) of Section 8/A with the departure of preparing kindergarten education programme, and local curricula by taking into consideration the guiding principles of the kindergarten education of children with handicap as well as the guiding principles of the curricula of school education of students with handicap. According to the guiding principles of kindergarten education of children with handicap and the guiding principles of the curricula of school education of students with handicap kindergarten education, school education and teaching of deaf children can be performed in sign language.*
- (4) Dormitories shall prepare their pedagogical programme in accordance with the contents of the National Basic Programme of Education in Dormitory. The National Basic Programme of Education in Dormitory shall contain the tasks of cultural education and education in mother tongue of national, ethnic minorities.*
- (5) In the institutions of primary art education, considering education and teaching work, the contents of Section 8, the contents of Section 8/A in exception with Para (5), and the contents of Para (1)-(4) of Section 8/B cannot be applied. In the institutions of primary art education, the provisions of Para (5) of Section 8/A shall be applied with the departure of the fact that the local curricula shall be based on the curriculum programme and requirement of primary art education programme issued by the Minister of Education for each field of art. The fields of art are the followings: art of music, art of dance, fine arts, applied art, dramatic art, art of puppetry.*
- (6) The guidelines provided in Paras. (1)-(5) and the curriculum programme shall be issued by the Minister of Education, after consulting the Council of Public Education and the Council for Public Education Policy.*
- (7) The skeleton curricula shall be issued by the Minister of Education after consulting the Council of Public Education and the Council for Public Education Policy, furthermore the agreement of the National Minority Committee in points concerning the education of national, ethnic minorities. The requirements of the skeleton curricula, the examination of general knowledge and the secondary-school maturity examination shall be in conformity with each other.*

- (8) *In the section preparing to obtaining the vocational qualification education and teaching work shall be performed based on the vocational programme included in the school's pedagogical programme. The issue of central programme (curriculum) of vocational subjects [hereinafter: central programme (curriculum)] is provided in the Act on vocational trainings of 1993 number LXXVI. In the central programme (curriculum) can be also defined the preparatory vocational knowledge, with the agreement of the Minister of Education.*
- (9) *According to the alternative pedagogical requirements and methods, the educational-teaching schools, the unified schools, the secondary-schools of six and eight forms can depart from the contents of Paras (2)-(3) of Section 8/A, according to the contents of the skeleton curricula. The educational teaching schools of students with mental handicap can depart from the contents of Paras. (2)-(3) of Section 8/A based on the contents of the guiding principles included in Para. (3).*

## **Section 9**

- (1) *The examination of general knowledge and the secondary-school maturity examination are state examinations and shall be held at uniform requirements all over the state (hereinafter: central examination requirements). The central examination requirements of secondary-school maturity examination shall be defined based on the requirements of the regulation of examination. The central examination requirements of the examination of general knowledge and the secondary-school maturity examination can be completed with local requirements by the school based on the local curriculum, according to the contents of the regulation of examination. The establishment and announcement of the central examination requirements and the regulation of evaluation is the task of the State. The examination is organised by the school, unless other provision is made by the regulation of examination of the secondary-school maturity examination. The oral examinations are public. The public can be limited or excluded by the head of the jury of examination, if it is justified by the fact of maintaining the order of examination. The examination is to be performed on the language of teaching, in Hungarian, in the language of national, ethnic minorities, or other foreign language. The examinee can put a view on his or her written examination and can join his or her opinion to the evaluation, according to the contents of the regulation of the examination.*
- (2) *The provisions concerning the organization, the performing of the examination of general knowledge, the secondary-school maturity examination, the requirements in subjects, the evaluation of the examinee, the enrollment and management are defined by the regulation of the examination of general knowledge, and secondary-school maturity examination. The regulation of the secondary-school maturity examination is issued as a provision by the Government. Before presenting the regulation of the secondary-school maturity examination the expert opinion of the Council for Public Education and the Council for Public Education Policy shall be expressed as well as the agreement of the National Minority Committee in points concerning the school education and teaching of national, ethnic minorities.*
- (3) *Student, during his or her legal relationship with the school in which he or she achieved the necessary studies for reporting to examination, can enter for the examination of general knowledge in condition of fulfilling the requirements of the 10<sup>th</sup> form, for the secondary-school maturity examination in condition of fulfilling the requirements of the 12<sup>th</sup> form, or the 13<sup>th</sup> form, according to the contents of this Act, unless other provision is made by the regulation of secondary-school maturity examination.*
- (4) *Student, after the extinguishment of his or her legal relationship with the school, can enter for the examination of general knowledge, or secondary-school maturity*

- examination in any school entitled to issue certificates, or in any public educational institution, included in the regulation of secondary-school maturity examination, holding examination jury, in accordance with the actual, valid examination requirements.*
- (5) At the secondary-school maturity examination the student shall give account of his or her knowledge in compulsory and optional subjects. The compulsory subjects are the followings: Hungarian grammar and literature, history, grammar and literature of the mother tongue for those taking part in education of national, ethnic minorities furthermore, mathematics, unless other provision is made by the law, and foreign language, in exception with those taking part in education of national, ethnic minorities. Each subject of the secondary-school maturity examination is evaluated by requirements of different levels.*
  - (6) In case of unachieved examination, students shall not repeat examination of those subjects he or she had already gave account, if the requirements are unchanged, unless other provision is made by the law.*
  - (7) The certificate issued on the examination of general knowledge attests the evidence of the acquirement of knowledge, skills and ability founding general knowledge. The certificate issued on the examination of general knowledge entitles to enter vocational examination, occupy an employment, pursue an activity, in accordance with the law.*
  - (8) The certificate issued on the secondary-school maturity examination attests secondary education level, and entitles to the admission in higher educational institution, in accordance with the Act on Higher Education, furthermore to joining in vocational training, in accordance with the law, and to occupy an employment, to pursue an activity. In the year of secondary-school maturity examination the higher educational institution cannot impose written entrance examination to the candidate of the subject in which he or she had entered secondary-school maturity examination with higher requirements. The candidate can apply for participating on the entrance examination.*
  - (9) Vocational examinations for acquiring qualifications included in the National Register of Trainings are state examinations. Students can enter for vocational examination after fulfilling the requirements of vocational trainings' final form, in accordance with the contents of Paras. (3)-(4) and (6). Rules concerning vocational trainings provide about the determination and issue of vocational qualification and examination requirements, about the possibility of entering for vocational examination out of the school system after the extinguishment of legal relationship with the school, about the organization of vocational examination, the issue of certificates on vocational qualifications.*
  - (10) The examination jury for general knowledge, secondary-school maturity and vocational examinations shall use the round rubber stamp containing the arms of the Republic of Hungary.*

## **Chapter 2**

### **THE RIGHTS AND DUTIES OF CHILDREN, STUDENTS AND PARENTS**

#### **The rights and duties of children and students**

##### **Section 10**

- (1) Children and students shall have the right to receive education and teaching under safe and healthy conditions at an institution of education and teaching, to have a schedule at kindergarten and school which ensures time for rest, free activity, physical exercise, sports and the provision of meals, in line with their age and development.**



- (2) The individuality and human dignity of children and students must be respected and must be protected from physical and psychological violence. Children and students are not to undergo corporal punishment, cruel, inhuman, or humiliating punishment or treatment.
- (3) Children and students shall have the right
  - a) to receive education and teaching in conformity with their abilities and interests, to pursue further studies, in accordance with their abilities and to receive primary art education in order to discover and develop their artistic talents,
  - b) to receive education and teaching which is in accordance with their national or ethnic identity,
  - c) to obtain information and knowledge in the course of teaching and in the framework of the educational programme of state- and local authority-run schools in an objective and many-sided way,
  - d) to receive kindergarten, school and dormitory provision in non-state and non-local authority educational-teaching institution, and to receive, throughout public education at a state- or local authority-run school, religious instruction,
  - e) *that kindergartens, schools and dormitories respect children's and students' personal right, first of all the right to his or her personality's free development, the right to self-determination, liberty of action, right to family or private life, however exercising this right cannot limit others in enforcing their same rights, furthermore cannot put into danger the health, corporal integrity of him- or herself, of his or her classmates, or of the employees in the education and teaching institution, as well as the creation and preservation of the necessary conditions for enforcing the right to education;*
  - f) *to receive particular provision, particular care, provision with rehabilitative aims, in accordance with his or her state, personal capacity and to be helped by the institution of pedagogical specialized services.*
- (4) At an institution of education and teaching, children and students shall have the right, depending on the family's financial situation, and at parents' request, to enjoy free or subsidized meals, textbooks and other accessories associated with learning, and also to be exempted partly or entirely from paying fees determined in this Act to be charged in connection with children and students, or to obtain a permit to postpone payment or make it in installments.

### **Section 11**

- (1) Special rights of students shall be:
  - a) to receive day care and study-room provision,
  - b) to choose from among optional subjects and classes,
  - c) to have access to the equipment available at school and the school's facilities (library laboratories, computer centre, sports and recreational facilities, etc.),
  - d) to receive regular health checks and health care,
  - e) to have access to the information necessary for pursuing their studies and exercising their rights and to become informed about procedures in connection with the exercise of their rights
  - f) to participate in the work, and to initiate the establishment, of student circles, to become members of school, cultural, artistic, knowledge disseminating, sports and other circles and, in the event of their being no law stipulating otherwise, extramural social organizations,
  - g) *to be free to express opinion with the respect of human dignity about any question, the work of their teachers teaching and educating them, the work of the school and the dormitory, furthermore to become informed about matters related to their own persons and studies and to put forward proposals in this respect, moreover to lodge questions with*

*the heads and the teaching staff of the school and the dormitory, the school board, the board of the dormitory, and to receive an appropriate answer within 30 days of lodging the question or on the 30<sup>th</sup> day following the next meeting of the board in case of receiving answer from the school board, or that of the dormitory.*

- h) to be respected in their religion, ideological or other conviction, in their national or ethnic identity, and to express them, unless exercising this right is contrary to the law, violates the others' right, or restricts the others' right to study;*
- i) to be respected in his or her right to correspondance and to live in dormitory, provided this right does not violate the same right of others and does not restrain the fellow-students' exercise of the right to study,*
- j) to establish legal relationship as guest student, in line with the provisions of the law;*
- k) to choose subjects they are wishing to study and to choose the teacher teaching those subjects, if there is possibility, during their study, in the framework defined in the skeleton curricula, the pedagogical programme and the regulation of the secondary-school maturity examination;*
- l) to commence proceeding, if their rights are violated, furthermore to invoke publicity, in line with the provisions of the law;*
- m) to participate in taking decisions on matters concerning their interests, in managing the educational, teaching institution, in person or by representatives, in line with the provisions of the law;*
- n) to be private student, moreover to demand exoneration from participating in classes;*
- o) to give account to an independent committee of examination at his or her request, in line with the proceedind defined in the law,*
- p) to ask transmission to an other educational-teaching institution of the same or other type,*
- r) to follow on his studies without supplementary examination or repeat the same form, even if there is no school in the district of his or her permanent domicile, in which school education and teaching is ensured until the end of compulsory education,*
- s) to be able to elect and be elected into the students' representative body,*
- t) to ask the representation of his or her interest from the students' self-government and ask the remedy of the injury caused to him or her,*
- u) to receive social grant or support in justified case, at his or her request.*

(2) Students of vocational secondary-schools, vocational training schools and specialized schools shall be entitled to all those rights of interest representation and work-safety within the framework of practical training which are ensured in the Labour Code for employees [Labour Code, Sections 18, 19, 21, Paras. (1)-(2) of Section 22, Para. (1) of Section 24, Section 26 and 27, Points b)-c) of Para. (3) and Para. (2) of Section 102, Para. (2) of Section 128]. Furthermore Paras (1)-(4) of Section 104, Para. (1) of Section 124, Paras (1)-(2) of Section 125 of the Labour Code and the law concerning the labour defense shall be applied for the occupation of students. Students can initiate litigation in the interest of the assertion of claim concerning the practical training, according to the stipulations concerning labour litigation (Labour Code, Sections 199-202). When applying these stipulations, students are to be regarded as employees and the organizers of practical training as employers, while the students' legal relationship must be regarded as that of employees, and the students' union as trade union.

(3) Students undergoing vocational training shall be entitled to fringe benefits and allowances under the legal regulations concerning vocational training. The organizers of practical training shall be obliged to ensure these benefits and allowances.

(4) If a student of a vocational secondary-school, vocational training school or specialized school takes part in practical training under a student's contract, the stipulations of the Act on Vocational Training are to be applied in connection with his or her legal status as a student as

well.

(5) The organizers of practical training shall be obliged to provide students taking part in vocational training with liability insurance.

(6) *Provisions of this Act concerning the rights and duties of parents shall not be applied in the event that the student is in the age of majority or has unlimited capacity of action.*

*Exercising the rights and fulfilling the duties are the legal due or responsibility of students, in exception with the delegation to the school board, of the students' self-government, of the students' representative, in case of student in age of majority, in the event that this Act or the law giving effect to this Act lay down right or duty for parents, parents' association (community) or parents' representative. Parents shall be informed on decisions made by the school or the dormitory, which imply the extinguishment of legal relationship with the school, that of member relationship with the dormitory, or involves the obligation of fulfilling duties and paying fees for students in the age of majority without personal income and living together with parents.*

(7) *Rights and duties provided in this Act shall be applied and fulfilled properly. During the proper fulfillment of rights, high attention shall be paid to the enforcement of children's and students' rights. The exercise of rights shall not be considered as proper in the event that it is aimed at, or leads to the violation of rights, limiting the ability to enforce interests, detaining the express of opinion, limiting the right to gathering information, these guaranteed in this Act, in the Act on Vocational Training and in the law giving effect to these Acts. The improper exercise of rights shall be immediately ceased, and the disadvantageous consequences shall be remedy, in the framework of methods provided in this Act and in the Act on Vocational Training. If the statement of facts cannot be cleared up satisfactorily, the decision shall be made for the child or student in the procedure.*

## **Section 12**

Special duties of students are:

- a) to attend compulsory and optionally chosen classes and vocational training,
- b) to meet educational requirements through regular work and disciplined behaviour, in line with their abilities,
- c) *to keep order in classes and in extra school classes, in classes in dormitories, to comply with regulations on premises and territories belonging to the school and to the dormitory, to keep order in vocational training and to keep school and boarding school regulation;*
- d) to take care of their own and their fellow-students' physical safety and health, *to acquire and to apply knowledge protecting their health and safety, furthermore to report immediately to the teacher supervising them or to other employees in case of noticing state, activity or accident putting themselves, the fellow-students, the employees of the school or the dormitory, or others in danger, moreover, their own injury, if their state makes it possible.*
- e) to preserve and handle in line with the regulations the equipment used in the course of education or left to their care and to take care of the school's facilities and equipment,
- f) to show respect and honour towards *the heads, teachers, employees of the school and the dormitory and towards their fellow-students.*

## **Rights and Duties of Parents**

### **Section 13**

(1) Parents have the right to choose of their own free will an institution of education and teaching. Under the right to choose the institution of education and teaching, all those interested can choose a kindergarten, school or dormitory which is in conformity with their abilities, endowments, interests, religious and ideological conviction, as well as their

- national and ethnic identity.
- (2) Parents shall have the right to choose for their children a non-state or non-local authority kindergarten or school and also to set up or be involved in the setting up, in accordance with the stipulations of this Act, of a non- state or non-local authority kindergarten or school.
  - (3) Parents shall have the right to require that in the school's educational programme information and knowledge be projected in an objective and many-sided way, and also that at a state- or local authority-run school, religious instruction be provided.
  - (4) *Parents rights determined in Paras. (1)-(3) shall not restrict children's right to liberty of thoughts, conscience and religion, the exercise of which can be directed by parents in accordance with the child's maturity. From the year in which the child reaches the age of 14 parents shall exercise their right to choose school with their child, unless he or she is incapable of action.*
  - (5) Parents shall have the right to seek the help of the mayor of the district the child permanently lives in, and to place the child at a school without a supplementary examination or staying in a form for a second year if there is no school in the district to ensure school education and teaching until the end of compulsory education. Parents of children with a physical, mental, sensory, speech or other handicap can seek the mayor's help in the district they live in to create in the district the conditions for these children's kindergarten education or school education and teaching.

## Section 14

(1) Special rights of parents are:

- a) to become acquainted with the educational and teaching programme and the regulations of the educational-teaching institution, and to become informed about the contents of the programme,
- b) to regularly receive detailed and proper information on their children's development, conduct, school result, and also to obtain advice and help in the family education of the children,
- c) to have their written proposals examined by the head of the educational-teaching institution, the teaching staff or *the kindergarten board, the school board, the board of dormitory or the teacher*, and to obtain a proper answer to it within 30 days following the handing in of the proposal or, in the case of *the kindergarten, school or dormitories' board at the latest, at the first meeting after 30 days from giving in the proposal*.
- d) to ask, under the conditions set by the educational-teaching institution, that their children may attend optional classes or to initiate the organization of such classes,
- e) to attend classes with the consent of the head or a member of the teaching staff of the educational-teaching institution,
- f) to take part in the election of the school, kindergarten and dormitories' board as a person electing or elected.
- g) to initiate the setting up of a parents' association and to participate in its activities.
- h) *to participate in taking decisions concerning their interests, in managing the educational-teaching institution in person or by representatives, in line with the provisions of the law.*

(2) Special duties of parents are:

- a) to make sure that their children attend kindergarten school preparing for schooling and that the children meet the requirements for compulsory education or schooling,
- b) to take the necessary measures in order to make good their children's rights,
- c) to do their best to promote their children's development,
- d) to maintain regular contact with their children's teachers and instructors,
- e) to help their children integrate into the community and to adopt the rules and regulations of the school and dormitory and of community life.

## Chapter 3

### EMPLOYEES IN PUBLIC EDUCATION

#### Circle of Employees in Public Education

##### Section 15

- (1) *Educational and teaching work, kindergarten education, school education and teaching, education and teaching in dormitories, direct occupation with children, students with pedagogical aims in the framework of pedagogical specialized service shall be carried out in pedagogical activity, in legal or labour relationship of public employees, in exception with part-time teachers. Persons with the qualifications defined in this Act or by other law (hereinafter: teachers) can be employed in pedagogical activity. Civil rights of legal relationship cannot be established for pursuing pedagogical activity, in exception with part-time teachers. The work of teachers shall be helped by experts and counsellors.*
- (2) The pedagogical specialized services and the pedagogical-professional services shall be provided by persons with tertiary-level qualifications in the given fields, unless other provision is made by the law.
- (3) The educational and teaching work, the pedagogical special services and the pedagogical-professional services shall be assisted by experts with tertiary-level qualifications and other qualifications. *The circle of managers, teachers and of those assisting in educational and teaching work employed in educational-teaching institutions are defined in Appendix I of this Act.*
- (4) In the performance of the tasks of public educational institutions, economic, administrative, technical, auxiliary and other employees shall be involved.
- (5) The character or the nature of the work carried out in an institution of public education shall not be influenced by who the maintainer of the institution is.

#### Conditions of Employment and Rules Performing Work

##### Section 16

- (1) Employees and public employees in institutions of public education (hereafter: "employees") are to be covered by the Act on the Legal Status of Public Employees and the Labour Code, along with the provisions of this Act, depending on the employer
- (2) In public education, conditions of employment shall be that
- employees hold the required degree or qualifications,
  - employees should be capable of effective work and should not have a criminal record.
- (3) In connection with educational work in kindergarten and educational and teaching activities at school and dormitory, teachers and instructors are persons carrying out public tasks from the point of view of the criminal code.
- (4) In institutions of education and teaching and pedagogical specialized services, the full weekly working time of teachers and instructors shall consist of compulsory classes and time necessary for carrying out tasks related to educational and teaching work or to dealing with children and students in line with the teachers' and instructors' special tasks. Teachers and instructors are obliged to use classes for educating and teaching children and students, and for dealing with them directly.
- (5) *In the institutions of education and teaching and in pedagogical specialized services the employment of teachers shall occur in pedagogical sphere of activities or in pedagogical sphere with special examination, in accordance with the conditions defined in Section 17.*

*Part-time teachers shall be also covered by the conditions defined in Paras (1)-(4) of Section 17.*

### **Section 17**

(1) Unless this Act stipulates otherwise, those with the tertiary-level (university or college) degrees defined by this Act can be employed as teachers or instructors. The appropriate tertiary-level qualifications shall be the following:

- a) at kindergarten: the kindergarten teacher qualification,
- b) in the first four forms of primary school education: the primary school teacher, *conductor-teacher, conductor's qualifications (conductor-teacher and conductor's qualifications: hereinafter: 'conductor'), primary or secondary-school teachers qualified in special subjects: arts, foreign language, national, ethnic minorities' language and literature, physical education and sports, if at school the education occurs in raised level, based on the contents of the local curriculum,*
- c) *In the 5<sup>th</sup> and 6<sup>th</sup> forms of school education: the qualification of secondary-school teacher qualified in the required subjects, or the qualification of primary-school teacher appropriate for the group of subjects of the cultural scope;*
- d) with the exception of secondary-school, in the seventh, eighth, ninth and tenth forms of school education: the qualification of secondary-school teacher qualified in the required subject,
- e) *at secondary-school in the forms below the 9<sup>th</sup>, the university-level secondary-school teacher degree in the required subjects, or the qualification of secondary-school teacher in the required subjects, in case of basic skill subjects.*
- f)
- g) *at vocational training school and specialized school: teachers teaching vocational theoretical or vocational preparatory and vocational foundation subjects and subjects on career orientation shall have secondary-school teacher degree appropriate for the specialist subject, or a tertiary-level qualification appropriate for the specialist subject, furthermore, in career orientation and vocational foundation education defined in Point d);*
- h)
- i) *at vocational training school and specialized school, in the case of instructors in charge of practical training, at secondary-school, in the case of teachers in charge of theoretical and practical classes preparing for and helping in taking up an employment, the secondary-school teacher degree, appropriate for the specialist subject or a tertiary-level qualification appropriate for the subject;*
- j) *in day-care centres and learning rooms, in accordance with the type of school, in dormitories, in accordance with the school concerned, the teachers' degrees detailed in Points b)-f), or social-pedagogical, pedagogical psychologist specialized in pedagogy, or boarding-school teacher;*
- k) *at the institutions of primary art education, at artistic vocational schools and at artistic specialized schools: teachers teaching artistic vocational subjects shall have tertiary-level qualification in the given branch of art, at artistic vocational training school university-level teacher degree below the 11<sup>th</sup> form, or university-level qualification appropriate for the artistic scope, if university-level qualification exists appropriate for the specialist subject;*
- l) *for extra-school classes not mentionned in Point j) qualifications appropriate for the requirements of classes detailed in Points b)-j);*

- m) for librarians in school or dormitory, the qualification and degree of primary and secondary-school teachers and librarian entitling to fulfill pedagogical activity in school and dormitory detailed in Points b)-e) and j);
- (2) Those with foreign language and literature teacher's qualification and degree can be employed in all types of school as teacher of foreign language.
- (3) In case that the educational and teaching language in kindergarten, school, dormitory is the language of national, ethnic minorities, or is not Hungarian the institution can employ in pedagogical activity for educational and teaching work on given language, in accordance with the type of the educational and teaching institution, those
- a) with national kindergarten teacher qualification, with national primary-school teacher degree;
- b) with tertiary-level degree and qualification defined in Para. (1) and primary or secondary-school teacher degree and qualification entitling to teach the educational and teaching language of the school or dormitory;
- c) with tertiary-level degree and qualification defined in Points d)-e) of Para. (1), furthermore, who acquired during foundation training or special training the necessary knowledge of the language for teaching the given subject to minorities,
- d) with a diploma, accepted in the Republic of Hungary, appropriate to the teaching language, entitling to fulfil pedagogical activity in accordance with Para. (1).
- (4) Those with educational-psychological or psychological and teacher's qualifications can be employed as school psychologists.
- (5) Those with pedagogical special examination of university or college-level specialized training (hereinafter: pedagogical special examination), besides their tertiary-level qualification and degree stipulated in Paras. (1)-(4) shall be employed in pedagogical activity with special examination.
- (6) Preparing the pedagogical special examination
- a) contributes to renewing, supplying the knowledge and expertise acquired in basic training, to the development of practice, ability for providing tasks in pedagogical activity and that of aptitude in pedagogical career;
- b) can contribute to the activity of manager, special expert, president of examination, supervisor school teacher (kindergarten teacher supervising the practices, primary-school teacher), to the acquirement of the knowledge necessary for providing pedagogical-professional services and pedagogical specialized services, furthermore,
- c) can provide new knowledge which is not directly linked to the knowledge acquired in basic training.
- (7)
- (8) Teachers without at least five years experience in pedagogical activity or without pedagogical special examination can be employed for undetermined time by the employer, only if this latter is convinced of his or her professional aptitude in the framework of one year contract of employment, designation to public employee, commission to part-time teacher.
- (9) Senior teachers or instructors employed for the practical training of students from teacher-training higher education institutions at kindergartens or schools, or for the further education of teachers and instructors (senior kindergarten teachers, primary school teachers), or professional counsellors, can be those persons who hold the necessary tertiary-level qualification for the given educational work and who have at least five years' experience of educational and teaching work.
- (10) At kindergartens or schools which are not run by a higher education institution, the supervisory teacher or instructor (senior kindergarten teacher and primary school teacher) can take part in carrying out the tasks related to the practical kindergarten training or school teaching of students from higher education institutions,



- a) on the basis of an agreement between the higher education institution and the educational-teaching institution,
- b) on the basis of an agreement concluded with the higher education institution,
- c) on the basis of an agreement concluded with the maintainer of the educational-teaching institution.

(11) Taking part in carrying out professional counselling tasks can be done under an agreement with the person giving the commission.

### **Conditions of Mandating as Head of an Educational-teaching Institution**

#### **Section 18**

(1) The conditions for being mandated as head of an educational-teaching institution shall be the following:

- a) *tertiary-level teachers qualification and degree detailed in Paras. (1)-(2) of Section 17, necessary for performing pedagogical activity, furthermore pedagogical special examination, at secondary-school university-level secondary-school teacher degree and pedagogical special examination, unless other provision is made by this Act,*
- b) at least five years' professional experience - with the exception laid down in Para. (6) - in a teaching post appropriate to the qualifications prescribed,
- c) tenured employment as a teacher or instructor at the educational-teaching institution, or tenured employment as a teacher or instructor running concurrently with the mandate as head of the institution.

(2) In case kindergarten education and school education and teaching at the educational-teaching institution is conducted solely in a minority language, or if more than 50 per cent of the students receive education in two languages (in a minority language and Hungarian), *only the person who meets the requirements defined in Para. (3) of Section 17 in addition to the requirements defined in Para (1).* can be appointed as head of the institution. In case of identical conditions, the person belonging to the given national or ethnic minority group is to enjoy preference.

(3) At educational-teaching institutions working solely with children and students with handicaps, only a person *holding a qualification of teacher, conductor-teacher, therapist of children with handicap, which is required for the given handicaps* can be appointed as head of the institution.

(4) A person with a university degree appropriate to the special subject, *with pedagogical special examination or tertiary-level (university or college-level) qualification of head of institution acquired within the framework of the appropriate further education.*

(5) In kindergartens, time spent in the post of kindergarten teacher; at other educational-teaching institutions, time spent in the post of teacher or instructor; and at higher education institutions, time spent in the post of member of the teaching staff may be taken into account as professional experience. A period of suspension of legal status or of employment as a public employee which exceeds 30 days cannot be counted in the time of professional experience, *if the teacher's employment reached less than 25 per cent of compulsory classes defined weekly for the given pedagogical activity.*

(6) When filling the post of head of institution, also to be regarded as professional experience are:

- a)
- b) *the time spent in an activity providing pedagogical special service and pedagogical professional service*
- c) the time spent as vocational instructor or practical training instructor in non-school

practical training,

d) time spent in the field of the arts in the case of an art secondary-school and primary art school if the applicant has at least three years' experience in teaching, *defined in Para. (5)*

(7) In the case of institutions providing more than one type of education and teaching, a person satisfying the necessary conditions for heading the public educational institution that can be established for the carrying out of any of the public educational tasks performed by the institution, can be appointed as head of the institution. If any of the conditions requires a university degree, such a degree is required for the securing of the mandate.

(8) Unless this Act stipulates otherwise, the head of an institution will be chosen through open competition.

## **Rights and Duties of Teachers and Instructors**

### **Section 19**

*(1) In connection with his or her job, a teacher or instructor has the right*

- a) to obtain respect as a member of the community of teachers and instructors, to have his or her personal rights and human dignity respected and to get his or her educational and teaching activities acknowledged and appreciated,*
- b) to choose his or her educational and teaching methods, knowledge and teaching material, on the basis of the educational and pedagogical programme*
- c) after obtaining an opinion from a professional board, to choose the teaching equipment, textbooks and teaching aids,*
- d) in conformity with the contents of Para. (2) of Section 4, to fulfil educational, or educational and teaching work according to his or her own ideological conviction without obliging or forcing the children or students to accept it,*
- e) to guide and evaluate children's and students' work,*
- f) to give an evaluation of students' knowledge,*
- g) to have access to information indispensable for his or her work,*
- h) as a member of the teaching staff, to take part in the drawing up and assessment of the educational programme of the educational-teaching institution, and to exercise the rights of the members of the teaching staff,*
- i) to enrich his or her knowledge in the profession by way of participating in organised forms of further training, to take part in pedagogical experiments and in research work,*
- j) to participate in the work of local, regional and national bodies of public education, as a member of professional associations and chambers or in the capacity of representing them,*

*(2) Those employed in pedagogical activity in employment, in legal relationship of public employee, furthermore those pensionned from pedagogical work are due to the right to visit libraries, museums and other exhibition premises held by state agencies and local authorities free of charge. This right shall be attested by a document issued by the employer, or in case of pensionners, by the last employer. The document can also attest that its owner is entitled to use other favours granted to teachers by the law or local authorities. This paper is an official document. The permission of the Minister of Education is necessary for the production and distribution of the document.*

*(3) Those employed in pedagogical activity in employment, in legal relationship of public employee, furthermore those pensionned from pedagogical work are due to the right to utilize once a year a contribution of an amount equivalent to fifty per cent of the minimum wage available the last day of the previous year in order to buy special literature (book, schoolbook, lecture notes, review, electronical material, etc.), in accordance with the provisions of the law.*

- (4)
- (5)
- (6)
- (7) *The fundamental task of a teacher or instructor is to educate and teach the children and students in his or her care. In connection with this, his or her special duties shall be:*
- a) *to ensure the protection of children's, students' physical health, morality, the development of their personality, furthermore, to provide information and knowledge in an objective and many-sided way, in the framework of his or her educational-teaching activity.*
  - b) *To pay attention to children's and students' personal ability endowment, rhythm of development, socio-cultural situation and maturity, handicap and to help the development of children's and students' ability and endowment, and the closing up to fellow students of pupils disadvantaged for any reason, in the course of his or her educational-teaching activity.*
  - c) *To provide to children and students the necessary knowledge for protecting their own health and security, and to be certain of the acquirement of these; to take the necessary measures in case of noticing a child's or student's accident or the danger of it,*
  - d) *To cooperate in tasks of child's and student's protection, in prevention, revelation and cessation of conditions which put in danger the child's and student's development,*
  - e) *To make acquire the rules of attitude in common cooperation, and to make efforts to respect them considering the age and maturity of children and students,*
  - f) *to regularly inform parents and students of issues concerning them and to warn parents if he or she considers it necessary to take measures in order to safeguard the child's rights or to enhance the child's development,*
  - g) *to give an appropriate answer to proposals and questions put forward by parents and students,*
  - h) *to respect children's and students' human dignity and rights,*
  - i) *to impart knowledge necessary for moral conduct to the children and students.*
- (8) *Teachers shall take part every seven year in further training, in accordance with the provision of the law. Teachers participating in and finishing with success their studies shall receive financial acknowledgement, in accordance with the provisions of the law. The employment or public employee's legal relationship can be terminated in case the teacher neglects by his or her own fault to take part in further training or to finish it with no success, with the reference to Labour Code in Para. (3) of Section 89, or to the Act on Legal Status of Public Employees in Point d) of Para. (1) of Section 30. Teachers shall not take part in further training in case he or she have pedagogical special examination or any examination defined in other law in the seven years following these examinations.*

## **Chapter 4**

### THE SYSTEM OF PUBLIC EDUCATION

#### **The Institutions of Public Education**

##### **Section 20**

- (1) The educational and educational-teaching institutions of public education shall be the:
- a) kindergarten,
  - b) primary school,
  - c) vocational training school and specialized school (hereafter together: "specialized school"),
  - d) academic secondary-school and vocational secondary-school (hereafter: "secondary-

- school"),
- e) institution of primary art education, [hereinafter included under points b)-e) together: "school"],
  - f) educational-teaching institution for children and students with handicaps and conductive educational institution,
  - g) dormitory and dormitory [hereafter: "dormitory"; hereafter included under Points a)-g) together: "educational-teaching institution"].
- (2) Educational - teaching institution for children and students with handicaps and and conductive educational institution shall be kindergarten, primary school, secondary-school, specific specialized school, specific specialized school of skills' development, preparatory specialized school, dormitory appropriate for the given type of handicap.

### **Section 21**

Institutions of pedagogical specialized services of public education shall be:

- centres for counselling, screening, early development and caring of children and students with handicaps,
- specialist' and rehabilitation committees gauging learning capacity and national specialist' and rehabilitation committees,
- educational counselling centres,
- speech therapy institutions,
- counselling centres for further education and careers advice,
- conductive educational institutions.

### **Section 22**

- (1) Institutions of pedagogical-professional services shall be: regional and national institutions of pedagogical-professional services.
- (2) Institutions providing services shall be: central workshops.
- (3) Institutions of public education can carry out the tasks of several institutions of different types (hereafter: "multipurpose institutions"; hereafter those in Sections 20-22: "institutions of public education").
- (4) Institution of public education and institution carrying out non public educational tasks can be fused in case, form and following the procedure stipulated in this Act.

### **Section 23**

Besides those defined in Sections 20-22, the Minister of Education may establish or can give permission for the establishment of, other institutions of public education, provided that they are in accordance with the provisions of this Act and the Act on Vocational Training, and the Minister can also authorize the establishment of schools which do not prepare students for the primary examination and the secondary-school maturity examination. Secondary-school shall be authorized not to prepare for primary examination, only if it does not prepare for secondary-school maturity examination. The programme connected with the establishment and activities of, and the knowledge to be projected by, the institution of public education has to be enclosed with any application. The contents of Paras. (1) - (3) of Section 9 and of Section 46 shall not be applied if the school does not prepare for primary examination, or for secondary-school maturity examination.

## **The Various Institutions of Public Education**

## Kindergartens

### Section 24

(1) *The kindergarten is an educational institution for children from the age of three to the level of reaching the development required for schooling, up to a maximum of seven years of age, unless other provision is made by the law.*

*Education at kindergarten takes place within the framework of activities necessary for the children's education and embracing in themselves the entire life of the kindergarten.*

(2) Unless this Act stipulates otherwise from the first day of kindergarten educational year in which children reach the age of five children must attend activities preparing them for school life within the framework of kindergarten education.

(3) The duration of these preparatory classes shall be a maximum of four hours per day.

(4) The kindergarten classes shall be organised satisfactorily to the tasks in connection with kindergarten education and with day-care of children, in accordance with parents' demands. The available time for fulfilling kindergarten tasks is 50 hours in a week, in line with the stipulations of this Act. This shall be prolonged in justified case with the time necessary for fulfilling tasks in connection with children's day-care.

## Common Regulations of School Education and Teaching

### Section 25

(1) It is a task of schools to provide students with regular education and teaching and to prepare them for the primary examination, the secondary-school maturity examination and for the vocational examination. Under this Act and the legal regulations relating to vocational training, legal entities, business units which are not legal entities, and individual entrepreneurs can take part in the preparation of students for the vocational examination.

(2) The preparation of students for the primary examination, secondary-school maturity examination and vocational examination shall take place within the framework of compulsory classes. Schools shall assist preparation for the primary examination, secondary-school maturity examination and vocational examination in the framework of optional classes.

(3) Apart from the exception defined in Para. (6), the numbering of school forms shall be continuous from the first form of primary school to the last form of secondary-school.

(4) *In the course of school education from the first form on through the 10<sup>th</sup>, 12<sup>th</sup>, or 13<sup>th</sup> form, depending on the type of school in which school education and teaching take place, education and teaching serving the fulfillment of compulsory education, laying down the foundations of general knowledge shall be performed with the exception of institutions of primary art education. Certificate issued on successful completion of the 8th form shall testify basic-level school qualification, regardless of the type of school. Certificate issued on completion of the 10th form entitles to sitting for primary school examination, regardless of the type of school.*

(5) Vocational training in the school system (hereafter: "vocational training") shall prepare students for a vocational examination, following *the end of compulsory education, the acquiring of basic-level school qualification, the completion of the tenth form of secondary-school, the completion of the last form of secondary-school preparing for the secondary-school maturity examination, or the secondary-school maturity examination, or shall provide knowledge necessary for starting an independent life and taking up an employment, if this Act authorizes. The contents of this Paragraph shall not be applied in case of preparing for artistic vocational examination.*

- (6) *Unless this Act stipulates otherwise, in vocational training, the numbering of school forms shall start at one and using a fraction sign, shall be completed with the following number based on Para. (3) (hereinafter: vocational training form). For starting studies necessary for acquiring qualification recognized by the state, the required school or vocational preliminary trainings are defined in the Act on Vocational Training, furthermore the beginning of vocational training and the number of forms of vocational training, in accordance with the contents of Para. (5).*

## **Primary Schools**

### **Section 26**

- (1) *The primary school shall have eight forms, in exception with the contents of Paras. (2)-(3).*
- (2)
- (3) *A primary school may operate with fewer than eight forms if the number of pupils does not permit the starting of the missing form based on the medium-range prediction of the registration plan [Para. (2) of Section 88], in condition that the local authority still meets its obligation of fulfilling duties.*
- (4) *In primary school basic-level education and teaching shall be performed.*
- (5) *In primary school pupils shall be prepared for further training in secondary or specialized school, conformed with their interests, abilities and endowments, and for integration into the society.*
- (6) *Pupils of primary school may continue their studies on the convenient form of other primary, specialized or secondary-school, in accordance with the provisions concerning the transfer to another school and admission (Sections 42, 46, 66-67).*

### **Section 27**

- (1) *The specialized school shall have the ninth to tenth forms and at least two forms of vocational training, in exception with the contents of Paras. (7) and (12)-(13). The number of forms of vocational training may differ in case defined in the National Register of Trainings.*
- (2) *On the ninth and tenth forms' education and teaching laying the foundations of general knowledge shall be performed, furthermore, career orientation, vocational preparatory knowledge and vocational foundation teaching may also be performed.*
- (3) *Vocational training forms shall prepare students for vocational examination based on the requirements of vocational training, defined in the National Register of Trainings.*
- (4) *For students without primary examination on vocational training forms preparation for primary examination shall also be performed, if that latter is the precondition of sitting for vocational examination.*
- (5) *The timing, the frames of time and proportion of education and teaching laying the foundations for general knowledge, career orientation, vocational preparatory and vocational foundation teaching, vocational theoretical and practical training shall be defined by the skeleton curricula. A particular law stipulates on practical training.*
- (6) *Students of specialized school may continue their studies on the convenient form of other specialized school, primary school or secondary-school, in accordance with the provisions concerning the transfer to another school and admission (Sections 42, 46, 66-67).*
- (7) *If a specialized school prepares for artistic vocational examination, the provisions*

- concerning the specialized schools shall be applied with the following depart:
- a) before the end of compulsory education the student can join vocational training in the pedagogical period laying down the foundation of general knowledge,
  - b) the educational and teaching work in specialized school starts at fifth, seventh or ninth forms in accordance with the central programme (curriculum),
  - c) the requirements of vocational training and the acquiring of the requirements of pedagogical period founding the general knowledge can be performed in the same time (hereinafter: parallel teaching),
  - d) in case of parallel teaching students can fulfill the requirements of the pedagogical period founding the general knowledge and the requirements of vocational training in the same school on different forms,
  - e) in case of parallel teaching students can sit for vocational examination, after the successful completion of the tenth form,
  - f) if in the framework of vocational practice, students prepare artistic performance, the time of vocational practice shall adapt to the time of the repetition and performance,
  - g) in parallel teaching the contents of Para. (3) of Section 25 of this Act shall be applied for the numbering of forms. The provisions of Para. (6) of Section 25 shall be applied for the numbering of forms of vocational training and the number of forms, if the vocational training is organised as complementary training for those with the prescribed qualification.
- (8) Students can take part in closing up teaching of one to two years in specialized school if he or she have not completed the eight forms of primary school at the end of the year in which he or she reaches the age of sixteen. After the successful completion of closing up teaching students can start the first form of vocational training of the specialized school. The closing up teaching shall be organised in line with the provisions of the law.
- (9) In order to educate and teach students with physical, sensory, mild or serious mental or other handicap the specialized school can work as specific specialized school or specific specialized school of skills' development.
- (10) The specialized school operates as
- a) specific specialized school if it prepares for vocational examination those incapable to advance with the fellow-students because of their handicap, or provide them knowledge necessary for taking up an employment or starting an independent life,
  - b) as specific specialized school of skills' development if it provides the necessary preparation for starting an independent life for students with middle serious mental handicap and the acquiring of simple learning working process making possible the taking up of an employment.
- (11) Provisions concerning specialized schools shall be applied for the operating of specific specialized school (section, class, group), for students' legal status for subsidies from Labour Market Funds. These provisions shall be applied also for specific specialized schools of skills' development in case that students take part at least in fifteen hours of vocational training in a week on an average in a school year, in accordance with provisions concerning vocational training.
- (12) Specialized schools (section, class) developing abilities of students with mental handicap shall operate as preparatory specialized school (section, class), if education and teaching is performed solely on ninth to tenth forms. Students on ninth to tenth forms can prepare for primary examination, overmore for further training on vocational training forms of specific specialized school, or of specialized school of skills' development.
- (13) Specialized school may operate solely with vocational training forms if it prepares for vocational examination students who completed successfully the tenth form.

## **Academic Secondary-schools (Gimnázium)**

### **Section 28**

- (1) The academic secondary-school shall have four forms, in exception with the contents of Para. (2)-(3). The academic secondary-school of four forms the education and teaching starts on the ninth form and finishes with the twelfth form.*
- (2) The academic secondary-school can operate with six or eight forms, if on the basis of the medium range predictional schooling plan [Para. (2) of Section 88.] the conditions necessary for fulfilling the compulsory education can be created, and the admission in academic secondary-school of students willing to start their studies of academic secondary-school on the ninth form is solvable on capital and county level. The academic secondary-school of six forms shall commence education and teaching on the seventh form, the academic secondary-school of eight forms commence education and teaching on the fifth form, and finish with the twelfth form of the academic secondary-school of six and eight forms. In academic secondary-school operating with six or eight forms education and teaching shall be also organised on four forms, in line with the contents of Para. (1), if the law enacts it.*
- (3) If the multipurpose institution provides tasks of academic secondary-school and vocational secondary-school, in the case defined by the law, the academic secondary-school education and teaching can solely start on the ninth form.*
- (4) In the event that in the academic secondary-school defined in Paras. (1)-(2) the education and teaching work is performed on two languages (in Hungarian and a foreign language including the language of national, ethnic minority) (hereinafter: teaching on two teaching languages) education and teaching can be finished on the thirteenth form in accordance with the guiding principles of schools with two teaching languages and the guiding principles of national, ethnic minorities' school education.*
- (5) At academic secondary-schools, there shall take place education and teaching laying the foundations of general knowledge, preparing students for the secondary-school maturity examination, for the start of higher educational studies (hereinafter: secondary education and teaching). At academic secondary-school theoretical and practical classes preparing for and helping taking up an employment may also be held from the eleventh form.*
- (6) In the academic secondary-school students shall prepare the secondary-school maturity examination for the starting of higher educational studies and for the taking up of an employment.*
- (7) Students of academic secondary-school may continue their studies on the convenient form of other academic secondary-school, vocational secondary-school, specialized school and primary school, in accordance with the provisions concerning the transfer to another school and admission (Sections 42, 46, 66-67).*

## **Vocational Secondary-schools**

### **Section 29**

- (1) the vocational secondary-school shall have, in exception with the contents of Paras. (2)*



- and (8)-(9), four secondary-school forms preparing for secondary-school examination, and laying the foundations of general knowledge, in exception with the contents of Para. (2). From the ninth form professional orientation, defined in skeleton curricula and from the eleventh form, theoretical and practical foundation teaching in groups of profession, in accordance with the National Register of Trainings may be performed. The secondary-school education and teaching shall commence in the ninth form, and shall finish with the twelfth form, or, in cases laid down in Para. (2), with the thirteenth form. The number of vocational forms preparing for vocational examination shall be defined by the National Register of Trainings. The practical training is stipulated by a particular law. If this law stipulates vocational preparatory and vocational foundation teaching, it shall be applied on professional orientation and foundation teaching in groups of profession.
- (2) Education and teaching may finish with the thirteenth form of secondary-school, in case it is performed in two teaching languages, in line with the guiding principles of schools with two teaching languages, and the guiding principles of teaching in national, ethnic minorities' school.
  - (3) The timing, the frames of time and proportion of education and teaching laying the foundations for general knowledge, career orientation, vocational preparatory and vocational foundation teaching, vocational theoretical and practical training shall be defined by the skeleton curricula. A particular law stipulates on practical training.
  - (4) Vocational secondary-school on vocational training form shall prepare for vocational examination, in the circle of vocational qualifications lied to the completion of the last secondary-school form, to the secondary-school degree, in line with the contents of the National Register of Trainings.
  - (5) In vocational secondary-school students shall finish on secondary-school form the preparation for primary examination, furthermore, shall prepare for secondary-school maturity examination and for the start of higher educational studies, for taking up an employment, and shall prepare for joining in vocational training.
  - (6) Students can decide to take only the secondary-school maturity examination or, vocational examination following the secondary-school maturity examination, or only the vocational examination, unless the legal regulations relating to vocational training stipulate otherwise.
  - (7) Students of vocational secondary-school may continue their studies on the convenient form of other vocational secondary-school, academic secondary-school, specialized school, in accordance with the provisions concerning the transfer to another school and admission (Sections 42, 46, 66-67).
  - (8) In case the vocational secondary-school prepares for artistic vocational examination,
    - a) educational and teaching work on secondary-school forms may commence in fifth, seventh or ninth forms and finish with thirteenth form in case of parallel teaching, in line with the contents of central programme (curriculum),
    - b) for organizing vocational training, the contents of Points a) and c)-d) and f)-g) of Para. (7) of Section 27 shall be applied,
    - c) students shall take vocational examination after secondary-school maturity examination.
  - (9) Vocational secondary-school preparing for vocational examination students with secondary-school maturity certificate may operate only with vocational training forms.

***Rights to Special Care, Provision with Rehabilitative Aims, Educational-teaching Institutions for Children and Students with Handicaps, Obligatory Education***

### **Section 30**

- (1) *Children and students with a physical, mental, sensory, speech or other handicap have the right to receive pedagogical, special pedagogical or conductive pedagogical provision, in the framework of special care, in line with their condition, from the time of the handicap is diagnosed. Special care shall be guaranteed in framework of early development and care, kindergarten education, school education and teaching, developmental nurturing, depending on children's and students' age and state, in accordance with the expert opinion of specialist' and rehabilitation committee defined in Para. (2) of Section 35. The early development and care may be realized in the framework of home provision, infants'nursery care, providing care in nursing and caring home for people with handicap, special pedagogical guidance, development and care provided in early development and care, conductive pedagogical provision.*
- (2) *The kindergarten education, the school education and teaching of children, students with physical, mild or medium degree mental, sensory, speech or other handicap shall be performed in special pedagogical education and teaching institution, kindergarten groups, kindergarten sections, school sections, classes, groups set up with this aim, or together with the other children, students in the same kindergarten groups, kindergarten section or school classes (hereinafter: kindergartens, schools, dormitories providing education and teaching for children, students with handicap together: educational and teaching institution taking part in special pedagogical education and teaching). The kindergarten group or kindergarten section providing the seperate kindergarten education of the child or the school section, class or group providing the separate school education and teaching for students shall be established in accordance with the type of handicap, in line with the special pedagogical educational teaching institution [Para. (2) of Section 20]. in the educational and teaching institution taking part in special pedagogical education and teaching children and students shall receive habilitative and rehabilitative provision with medical and pedagogical aims.*
- (3) *Educational and teaching institution taking part in special pedagogical education and teaching shall have the personal and material conditions required for special kindergarten education, school education and teaching and health provision and habilitative and rehabilitative provision with medical and pedagogical aims for children and students with physical, mental, sensory, speech or other handicap. The educational teaching institution shall be chosen by the parents on the basis of the expert report of specialist' and rehabilitation committee gauging learning capacity or that of the national specialist' and rehabilitation committee.*
- (4) *In the interest of a child or student, the notary of the local authority can oblige parents to take the child to an expert's examination or to have the child enrolled at the appropriate educational-teaching institution, on the basis of the expert's opinion (hereafter: "educational-teaching institution" chosen in accordance with Para. (3) or "educational-teaching institution " assigned by the notary in accordance with Para. (4): "assigned educational-teaching institution", "assigned kindergarten", "assigned school").*
- (5) *If the assigned educational-teaching institution cannot admit the child, the institution giving the expert's opinion will try to find another educational-teaching institution which has the personal and material conditions needed for special education and teaching. In case the placing of the child or student cannot be solved in this way either, the institution giving the expert's opinion will define in what way the child or student can join education and teaching and put the child or student on a waiting list until his or her admission to an educational-teaching institution is solved.*
- (6) *If a student is unable to fulfil compulsory education because of his or her handicap he*

*or she shall take part in developmental nurturing ensuring his or her development from the first day of kindergarten year in which he or she reaches the age of five (hereinafter: obligation of taking part in developmental nurturing: educational obligation). The educational obligation shall finish at the same time as the compulsory education. The specialist' and rehabilitation committee shall make the decision on the extension of the time of educational obligation. The developmental nurturing can be realized in the framework of home provision, providing care in nursing and caring home for people with handicap, in institution of rehabilitation for people with handicap, in day-care institution for people with handicap, in the framework of special pedagogical guidance, development and care provided in early development and care, conductive pedagogical provision, or in infants' nursery provision until the age of six. The notary, in line with the contents of Para. (4) may oblige the parents to take the child to an experts' examination or to guarantee for the child the taking part in developmental nurturing in accordance with the experts' opinion.*

- (7) Children and students with integration trouble, learning problems and behavioural disorder shall have the right to take part in classes with rehabilitative aims, helping the integration into the common life. The classes with rehabilitative aims and educational guidance may be realized in the framework of kindergarten education, school education and teaching.*
- (8) On children's integration trouble, learning problem and behavioural disorder, or his or her suffering from a handicap shall be the decision of the specialist' and rehabilitation committee at the demand of educational adviser.*
- (9) Children with physical, mental, speech or other handicap, or integration trouble, learning problem and behavioural disorder shall be exempted by the head of the institution from certain subjects, part of subject and from the assessment in exception with practical training, on the basis of the expert opinion of the specialist' and rehabilitation committee or the educational adviser in line with the division of work defined in the law. If the student is exempted from evaluation and assessment of certain subjects, part of subject, the school shall organise individual classes in the charge of the frames of time defined in Para. (7), and Point c) of Para. (10) of Section 52 of this Act. In the framework of individual classes students shall be helped in closing up the other students on the basis of individual development plan. On the primary examination and the secondary-school maturity examination instead of the given subjects students can choose other subjects in line with the contents of the regulation of examination. On admission, marking, interposed, supplementary, retake, primary examination and on secondary-school maturity, vocational examination longer preparation time shall be ensured for students on written account the use of devices used during school studies (typewriter, computer, etc.) shall be made possible, and if necessary the replacement of written account with oral account, and the replacement of oral account with written account.*
- (10) The early development and care, furthermore the duties of obligatory education may be fulfilled by special teacher, teacher-conductor therapist, or special teacher, and social teacher, kindergarten teacher, primary school teacher, secondary-school teacher with the direction or, if necessary, the co-operation of conductor in pedagogical activity; by social worker, physiotherapist, nurse, children supervisor, pedagogical assistant, special pedagogical assistant, infants' nurse in non-pedagogical activity.*
- (11) Educational-teaching institutions taking part in special pedagogical education and teaching the necessary tertiary-school qualifications for fulfilling pedagogical work are the followings*
  - a) qualifications of special pedagogical teacher, conductor, conductor-teacher, therapist*

*appropriate for the type of handicap or qualifications defined in Para. (1) of Section 17, and qualification acquired in the framework of university- or college-level further training in the appropriate line entitling to pursuing this activity, if the primary aim of kindergarten classes and school classes is the reduction of disadvantage resulting from handicap, furthermore, habilitative and rehabilitative kindergarten and school classes with health and pedagogical aims,*

- b) qualifications defined in Point a) or in Para (1) of Section 17, if the child or student with handicap is mentally healthy and the kindergarten and school classes' primary aim is not the reduction of disadvantage resulting from handicap, the habilitation or rehabilitation with health and pedagogical aims, furthermore, for extra-school classes and classes in dormitories.*
- (12) In case the pedagogical work is fulfilled, on the basis of Point b) of Para. (11) by teachers with qualifications in Para. (1) of Section 17, the work of teachers shall be helped by special teachers (therapist) or conductors with qualification appropriate for the type of handicap.*

## **Institutions of Primary Art Education**

### **Section 31**

- (1) At the institution of primary art education, art education and teaching shall take place. Primary art education lays the foundation of the abilities of artistic self-expression and prepares students for pursuing further studies in the field of the arts. At institutions of primary art education, compulsory education cannot be fulfilled and students cannot prepare for the primary examinations.
- (2) *An institution of primary art education shall have at least six and maximum twelve forms, in line with the contents of the curriculum programme and the requirements of primary art education, in the framework of the educational forms education and teaching take place in preparatory, basic and further training forms. Students can take artistic primary examination after the completion of the last basic form, and artistic final examination after the completion of the last further training form.*
- (3) *The artistic primary examination entitles students to going on in further training forms. The artistic primary and final examination shall be organised in accordance with the stipulations of the law.*

## **Dormitories**

### **Section 32**

- (1) The task of the dormitory is to create the conditions for pursuing school studies for those who:
  - a) do not have the opportunity in their place of residence to make good their rights to education and the free choice of school or to education in the language of a national or ethnic minority group, or at an institution of education and teaching for students with handicaps, or
  - b) whose parents are unable to provide the necessary conditions for education.
- (2) *The task of the dormitory is*
  - a) *to educate in human atmosphere, to develop students' personality, to put for the endowment appropriate for their abilities and interests, to help their studies,*
  - b) *to ensure the possibilities of sport, culture and self-training,*
  - c) *to develop their independent activity and skills of co-operation, the independence and awareness of responsibility,*
  - d) *to help them in choosing a career and to acquire the necessary knowledge and ability for starting an independent life, in case of a secondary-school's dormitory.*
- (3) *A dormitory shall take contact with the student's parents and his or her school.*

## **Multipurpose Institutions**

### **Section 33**

- (1) The multipurpose institution can be:
  - a) *homogeneous or complex school*
  - b) *a public education institution of common administration*
  - c) *a general cultural centre (hereafter: GCC)*
- (2) *A multipurpose institution can be set up if the financial, material, technical and personal conditions for fulfilling all duties for establishment and operation are ensured.*
- (3) *The homogeneous school and the complex school considering the fulfilling pedagogical duties is an organically homogeneous institution. The homogeneous school fulfils duties of school of different types applying homogeneous common curriculum and curriculum*

*connected to these and system of requirements separated in line with the type of school. The complex school realizes the duties of school of different types applying the particular curriculum and system of requirements appropriate for every single duty.*

- (4) Public educational institutions of administration carry out the tasks of institutions of different types within the framework of organically and professionally independent units. Units fulfilling the duties of homogeneous or complex schools may also operate in public educational institutions of common administration. A unit providing homogeneous pedagogical specialised service may also operate in public educational institutions of common administration, for fulfilling the duties defined in Points a), d) and f) of Section 34 of this Act. Unit pursuing non public educational activity but connected with educational and teaching work, detailed in Point 22 of Para. (1) of Section 121 of this Act may also operate in public educational institutions of common administration.*
- (5) General cultural centres shall carry out the duties of public education in the framework of organically and professionally independent units, furthermore at least one of the cultural, artistic, general educational and sports tasks. In general cultural centres, units pursuing non public educational activity but connected with educational and teaching work, detailed in Point 22 of Para. (1) of Section 121 of this Act may also operate. In general cultural centres, homogeneous pedagogical specialised service may also operate, in line with the contents of Para. (4).*
- (6) In organically and professionally independent units those may be charged with commission of manager who has the necessary conditions for commission of manager of independent institution providing similar duties. Provisions concerning the open competition shall also be applied in case of management commission regulated in this Paragraph.*
- (7) In multipurpose institutions an organisational and operating regulation and a pedagogical program, in general cultural centres pedagogical educational program shall be established.*
- (8) Units pursuing different activities shall co-operate with each other and harmonise their activities on the basis of pedagogical program in public educational institution of common administration, and on the basis of pedagogical-educational program in general cultural centres.*
- (9) The management of public educational institutions of common administration and of general cultural centres, the co-ordination of the work of the institutional units shall be helped by the board of directors, made up of identical number of representatives from each institutional units, furthermore by a management and expert team. In accordance with the legal regulations, the board of directors shall take part in exercising employer's right.*
- (10) In public educational institution of common administration and general cultural centres, on the basis of the concerned unanimous decision institutional association (community) of parents, in general cultural centres GCC association (community) of parents; institutional self-government of students, in general cultural centres GCC self-government of students, institutional board, in general cultural centres GCC board or parents' kindergarten, school, dormitory association (community), students' school, dormitory self-government, kindergarten board, school board, dormitory board in each institutional unit may be established, these operating with entitlement for each institutional unit.*
- (11) Institutional unit providing homogeneous pedagogical specialised service may take part in fulfilling duties of early development and care, developmental nurturing, in operating the network of travelling experts, in providing children and students taking part in*

*education and teaching in kindergarten group, school class together with other children and students.*

- (12) In public educational institution of common administration and in general cultural centres for providing and directing duties which fall not within the public educational services, the legal regulations concerning the given activities shall be applied with the following departure: when establishing and operating the general cultural centre the stipulations of Paras. (7)-(8) of Section 18, Sections 37-38, Paras. (1)-(3) of Section 40, Section 54, and Para. (3) of Section 102 shall be applied in the respect of each institutional unit.*

### **Section 34**

The educational work of parents, teachers and instructors and the carrying out of the tasks of educational-teaching institutions shall be helped by pedagogical specialized services. Pedagogical specialized services shall be:

- a) *special pedagogical counselling, early development and care*
- b) expert and rehabilitation activities gauging learning capacity, and the national expert and rehabilitation activities
- c) educational counselling,
- d) provision of speech therapy,
- e) counselling for further education and choosing a career,
- f) provision of conductive education,
- g) medical physical training (PT).

### **Section 35**

- (1) *The task of special pedagogical counselling and the early development and care is children's early development and care with the involvement of parents, to offer counselling to parents from the date of the diagnosis of a handicap. Children of the age of three can take part in early development and care in case they cannot join kindergarten education.*
- (2) *In the framework of expert and rehabilitation activities gauging learning capacity and the national expert and rehabilitation activities shall be*
  - a) *made recommendation for a child's or student's provision of special care, the method, form and place of provision, and for the pedagogical specialized service in connection with the provision,*
  - b) *examined the conditions necessary for providing special care.*
- (3) *The task of educational counselling is to detect the problems of children with adaptional disorders, learning difficulties, behavioural disorder, and on the basis of these to prepare an expert report and the rehabilitational education of the child with the involvement of the teacher and the parents, furthermore to prepare an expert report for starting school in case the child's personal endowment and maturity make it imperative.*
- (4) The task of the speech therapy services is to develop speech, to correct disorders of speech and linguistic communication as well as to prevent and treat dyslexia.
- (5) The task of the counselling for further education and choosing a career is to examine professionally a child's particular endowments, learning capacity and orientation, and to help with choosing the proper school, on the basis of the above-mentioned factors.
- (6) *The task of conductive pedagogical specialized service is conductive education development and care of those with handicap of central nervous system.*
- (7) The task of medical PT is to provide medical physical education for children and students for whom the school physician or a specialist prescribes medical or light PT.
- (8) A person providing pedagogical specialized services can be someone who meets the requirements of the legal regulations.

## **Pedagogical-Professional Services**

### **Section 36**

- (1) *The work of public educational institutions, maintainers, teachers and instructors, as well*



*as activities in connection with safeguarding students' interests is to be helped by pedagogical-professional services.*

- (2) *Pedagogical-professional services shall be*
- a) *pedagogical evaluation, whose task is to assess and evaluate the educational and teaching work efficiency, and to help organizing the provision of local, areal and national public educational work;*
  - b) *expert counselling whose task is to make known and disseminate educational, pedagogical methods,*
  - c) *provision of pedagogical information, whose task is to collect, preserve, process and offer for use professional information and documents connected with teaching (curricula, textbooks, teaching aids, regulations related to educational issues, etc.) as well as to provide information,*
  - d) *administration, pedagogical service whose task is to prepare programs, curricula, school system counselling, providing economical, legal, etc informations, to acquaint curricula, textbooks, teaching materials, to help using them, to co-operate in preparing kindergarten educational program, school and dormitory pedagogical program;*
  - e) *an organised aid of the self-training of teachers and instructors.*
  - f) *organizing, harmonizing study and talent competitions*
  - g) *provision of informing and counselling students, whose task is to help students, students' communities, students' self-government, providing them knowledge, necessary for enforcing their rights, communicating informations on educational administration, economics, law, etc*
- (3) The pedagogical and teaching services have to be organised in line with the requirements.
- (4) Pedagogical-teaching services can be provided by a person who can meet the requirements defined in the legal provision.
- (5) It is the Minister of Education, in the case of the special subjects of vocational training, the minister concerned under the Act on Vocational Training, the head of a body with a nation-wide sphere of authority (hereafter: "minister responsible for vocational training") who define, in cases when education and teaching take place in one or only a few schools, which are the subjects and fields of profession in which pedagogical-professional services are organised on a nation-wide basis. The Minister of Education, in accordance with the spheres of authority defined in the Act on Vocational Training, the minister responsible for vocational training assign the institutions providing such services and establish and operate institutions for this purpose.
- (6) *The national organization of pedagogical-professional service helping the kindergarten education, school education and teaching, student home education of national, ethnic minorities shall be performed, in accordance with the division of work stipulated in Para. (5).*
- (7)

## **Chapter 5**

### **OPERATION OF THE INSTITUTIONS OF THE PUBLIC EDUCATIONAL SYSTEM**

#### **General Rules of Operation**

##### **Section 37**

- (1) An institution of public education is an institution for carrying out the tasks of public education defined in this Act. An institution of public education is a legal entity.
- (2) *The establishment of an institution of public education shall be reported in order for the*

*institution to be registered within 30 days of the signing of the foundation charter, furthermore the document authorizing the pursuing of public educational activities shall be sent, if the institution is not to carry out its activities under the authorization of the legal regulations. The reporting shall be made to an organ recording into register in case it is a budgetary organization, or if it is another kind of institution to the notary, or to the chief notary in accordance with the following: in case of kindergartens, primary schools to the competent notary of the district where the institution is to operate, in case of institution of primary art education, secondary-school, specialized school, dormitory, educational and teaching institution taking part in special pedagogical education and teaching, multipurpose institution and other public educational institutions, to the chief notary of the district where the institution is to operate. The fees of the procedure in connection with the registration are to be beared by the applicant.*

(3) Registration can be denied in case of the violation of the legal regulations.

(4) The institution of public education comes into being when registration takes place, with retrospective force from the date of the signing of the foundation charter.

*(2) The establishment of an institution of public education shall be reported in order for the institution to be registered within 30 days of the signing of the foundation charter, furthermore the document authorizing the pursuing of public educational activities shall be sent, if the institution is not to carry out its activities under the authorization of the legal regulations. The reporting shall be made to an organ recording into register in case it is a budgetary organization, or if it is another kind of institution to the notary, or to the chief notary in accordance with the following: in case of kindergartens, primary schools to the competent notary of the district where the institution is to operate, in case of institution of primary art education, secondary-school, specialized school, dormitory, educational and teaching institution taking part in special pedagogical education and teaching, multipurpose institution and other public educational institutions, to the chief notary of the district where the institution is to operate. The fees of the procedure in connection with the registration are to be beared by the applicant.*

(6) The registration data shall be public. *Any change in registered data shall be reported, in accordance with the stipulations of Para. (2).*

(7) If the institution of public education has been registered by the notary, it has to be re-registered in case of change in the place of operation if the institution will operate in the district of another notary. The registration shall not affect the date of the coming into being of the institution of public education.

(8) The institution of public education will cease to exist, on the day of deletion, if it is deleted from the registration book.

(9) If the institution of public education is run by a state organization or a local authority, the legal regulations can define further stipulations in connection with the contents of founding charter, the registration and deletion of the institution.

*(10) Provisions concerning public educational institutions established and maintained by local authority shall be applied in case of public educational institutions established and maintained by local authority of minorities or national authority of minorities, unless other stipulation is made by the law or governmental regulation.*

### **Section 38**

(1) An institution of public education is to enjoy the conditions necessary for carrying out its tasks. The institution of public education will carry out its tasks on the basis of the financial resources provided by the founding and operating body or on the basis of other incomes. The maintenance and running costs of the institution of public education are to

- be allocated from the annual budget endorsed by the maintainer.
- (3) An institution of public education can also pursue activities aimed at financial gains, provided it is not at the expense of its carrying out its basic tasks. Profits from such activities, in case they are used for carrying out the basic tasks of the institution of public education or for the rewarding of its students, are not to be taken into consideration when establishing the budget for carrying out the basic tasks of the institution, and the profits cannot be taken away from the institution.

### **Section 39**

- (1) Professionally, institutions of education and teaching shall be autonomous. They shall make decisions on issues related to their organization and operation which are not relegated to the sphere of authority of any other organization or person by the legal regulations.
- (2) In accordance with stipulations defined in the legal regulations, teachers, instructors, students and parents shall take part into the preparation, carrying out and checking of decisions brought in connection with the operation of an educational-teaching institution.
- (3) The number of principals, teachers and instructors, employees directly helping the educational and teaching work, and other staff is defined in Appendix I.
- (4) No political party or social organization related to a political party may operate on the premises of an educational-teaching institution, *in accordance with the foundation deed.*

## **Order of Operation**

### **Section 40**

- (1) The rules and regulations concerning the operation, internal and external relations of an institution of public education shall be laid down in the organizational-operational rules.
- (2) The organizational-operational rules of public education shall be drawn up by the head of the institution and are to be endorsed by the *teaching staff in educational-teaching institution, by the clerical assistants' meeting in other public educational institution. In educational-teaching institution the kindergarten board, school board, dormitory board, as well as the students' self-government in school or in dormitory have a voting right in endorsing and modifying the rules, in accordance with the provisions of the law. The organizational-operational rules of public educational institutions with common administration and general cultural centres shall contain the common operational rules and the prescriptions defining the operation of institutional units, separately for every units.*
- (3) The organizational-operational rules shall come into effect when endorsed by the maintainer of the institution.
- (4) Under the provisions of this Act, at an institution of public education, data defined in Appendix II are to be registered and processed.
- (5) An institution of public education has to register data defined in the legal regulations and to provide data defined in the National Statistical Data Collecting Programme and in a decree of the local authority. *The educational – teaching institution shall examine and register students' and children's accidents, fulfil the prescribed obligation of reporting and send the record made about the accident to the maintainer or to the notary or chief notary in case the maintainer of the educational teaching institutions is the local authority.*
- (6) *The arms of the Republic of Hungary may be placed in the premises serving for the provision of basic tasks, on sign, on the facade of the building of the public educational institution, furthermore on its round rubber stamp.*

- (7) *The regulations for the school and the dormitory shall lay down the rules relating to the exercise of the rights and duties of students, the working order of the school or dormitory, the rules relating to the use of premises of school and dormitory or territories belonging to school or dormitory. The regulation for the kindergarten shall lay down the provisions relating to the exercise of the rights and duties of children, the working order of the kindergarten. The regulations shall be prepared by the head of the kindergarten, school, dormitory and shall be endorsed by the teaching staff. The school board as well as students' self-government of the school or dormitory have a voting right in endorsing or modifying the regulations.*
- (8) *The sport establishment of the school may be put into others' use in case it does not put in danger the operation of sport circles of the school.*

#### **Section 41**

- (1) At institutions of education and teaching, the education of children and the education and teaching of students are to be organised on the basis of the principle of freedom of conscience and reconciliation between children and students of various ideological convictions.
- (2) At institutions of education and teaching, the freedom of conscience and religion of children, students, parents and staff must be respected.
- (3) Children, students, parents and members of the staff may not be compelled to confess or deny their ideological convictions.
- (4) Children, students, parents and teachers or instructors may not be put in a disadvantageous position on grounds of their convictions of conscience.
- (5) *The educational – teaching institution shall make sure that children and students in its care are under control, the conditions of education and teaching are healthy and safe, that reasons of accidents of students and children are discovered and abolished, that children and students are put under regular medical examination, especially, at least once a year dental, oculist's and general examination for children and students in kindergarten, primary school, secondary-school and specialized school until the end of compulsory education, furthermore twice a year examination of the physical state of students in primary school, secondary-school and specialized school.*
- (6) Educational-teaching institutions are to carry out tasks connected with the spotting of, and dealing with, talented children and students, the correction of early learning and adaptational disorders, the catching up of underprivileged children and the protection of children and students; they are to detect factors endangering the development of children and students and to endeavour to prevent harmful effects and to counter-balance them. In case it shall be necessary, they initiate measures in the interests of children and students. *The tasks in connection with safeguarding of children and youth shall be helped by the children's welfare service.*

#### **Section 42**

- (1) Schools may define the educational-teaching conditions (hereafter: "requirements for admission") for establishing a student's legal relationship, apart from the exception defined by this Act. Schools have to make public their requirements for admission in the information bulletin on school admissions and at the time defined in the regulations of the school year.
- (2) If a school has an entrance examination, the examination is to be taken before a committee comprising teachers of the school. The members of the committee are to be appointed by the head of the school. *The admission examinations may be organised in the circle and may be defined in the regulations of the school year.*

- (3) Tasks related to practical training shall be carried out by the school or, under an agreement concluded with the school or a student's contract, by a legal entity meeting the requirements for practical training, or a business unit which is not a legal entity or an individual entrepreneur (hereafter: "organizer of practical training") who also meets the same requirements. The stipulations of the Act on Vocational Training are to be applied when the agreement is concluded and also in the case of practical training under the student's contract (hereafter: "student's contract"). *Provisions concerning school which are not maintained by local authority shall be applied for registering, authorising the operation, making public educational agreement in case the organizer of vocational training is not a state organ or the local authority and establishes school apprentice workshop (apprentice farm, shop, hospital, garden, yard, kitchen, laboratory, demonstration room, practice and professional room, etc.) for registering, authorization of operation, making the public educational agreement, the provisions concerning schools not run by local authority shall be applied.*
- (4) The legal regulations relating to practical training carried in specialized schools and vocational training schools and to vocational training must apply measures established
  - a) to ensure the conditions for practical training,
  - b) to satisfy professional requirements.
- (5) *The maintainer may establish maintainer's practising public educational institution for co-operating in the tasks of teachers' training and further training in the framework of pedagogical – professional service. The requirements concerning providing the activity of senior teacher (senior kindergarten teaches, primary school teaches) [Para (9) of Sect. 17] shall be applied as well in these public educational institutions.*

### **Section 43**

- (1) The maintainer of a dormitory can assign the institution to work with students of extraordinary talent.
- (2) The working order of dormitories has to be defined in such a way that it complies with the working order of schools. During the school year, the going home of students cannot be made compulsory and can only be denied in cases laid down in the regulations for the dormitory. Prohibition from going home cannot be applied as a means of disciplining a student.

## **Educational and Pedagogical Programme**

### **Section 44**

- (1) At educational-teaching institutions, the educational and teaching work shall take place according to an educational and pedagogical programme. The educational and pedagogical programme shall be endorsed by the teaching staff and comes into effect with the approval of the maintainer of the institution. The maintainer has to seek the opinion of experts *entered in the National Experts' Directory* to approve the educational and pedagogical programme.
- (2) The educational and pedagogical programme has to be made public. At the end of the previous school year, parents have to be informed what textbooks and teaching aids will be necessary for the educational and teaching work.

### **Section 45**

- (1) Kindergartens shall draw up a pedagogical programme on the basis of the National Kindergarten Education Programme or choose from among the pedagogical programmes drawn up on the basis of the National Kindergarten Education Programme.

- (2) *The school shall draw up pedagogical program and as sport of this local curriculum on the basis of the skeleton curriculum based on National basic curriculum or choose curricula from among the ones drawn up in this way and build it into its pedagogical program, unless other stipulations are made by this act. The secondary-school shall take into consideration the requirements in the subjects of secondary-school maturity examination.*
- (3) *The local curricula for institutions of primary art education shall be drawn up the basis of the requirements and curriculum program of Primary art education or the institution shall choose from among curricula drawn up in this way and build it into its pedagogical program as local curricula.*
- (4) *Schools shall use local curricula concerning every forms. Multipurpose institutions shall use homogeneous pedagogical program concerning every educational and teaching tasks, and in the framework of this latter shall use kindergarten education program, as well as local curricula of school, pedagogical program of dormitory for providing certain tasks. The pedagogical program of educational – teaching institutions operating in general cultural centre shall be part of the pedagogical cultural program defining the activities of institutional units providing non public educational tasks. The pedagogical – cultural program shall assure the realisation of public educational and non public educational services by homogeneous principles.*
- (5)
- (6) *In drawing up the professional programme of vocational training at school, the stipulations of the legal regulations for vocational training are to be applied.*
- (7) *In case a student takes part in extramural practical training under an agreement concluded between the school and the organizer of practical training, the school and the organizer of practical training shall agree on the programme of theoretical and practical vocational training taking place at the school.*

#### **Section 46**

The local curriculum of a school is to ensure, with the exception of vocational training, transfer to another school, the admission of students from other schools, if necessary, with the students taking a supplementary examination or staying in the same form for a second year.

#### **Section 47**

The educational programme of a kindergarten contains:

- a) the basic principles and aims of kindergarten,*
- b) the educational tasks which ensure the development and preparation for community life of children, the catching up of the underprivileged and*
- c) pedagogical activity in connection with the protection of children and youth*
- d) forms of co-operation between parents, children and teachers and its possibilities to develop*
- e) the tasks connected with the nurturing of the minority culture and language in the kindergarten education of children belonging to a national or ethnic minority group.*
- f) the system of supervising, measuring, evaluating, assuring quality level of educational work in kindergarten.*
- g) the register of materials and equipment necessary for performing the educational program and helping educational work*

#### **Section 48**

(1) The pedagogical programme of a school shall define:

- a) the educational program of school, in the framework of this:*

- *the pedagogical principles aims, tasks, materials, methods of educational and teaching work at school,*
  - *pedagogical tasks in connection with the development of personality,*
  - *tasks in connection with the development of community,*
  - *pedagogical activity in connection with adaptational and behavioural difficulties*
  - *activity helping the development of talent and abilities*
  - *tasks in connection with the protection of children and youth*
  - *program helping the closing up of children exposed to learning failure,*
  - *activity helping diminishing the/alleviation of social disadvantages,*
  - *the system of supervising, measuring, evaluating, assuring quality level of educational – teaching work at school,*
  - *the register of materials and equipments necessary for performing the pedagogical program and helping educational – teaching work*
  - *forms of co-operation between parents, students, teachers of school and dormitory and its possibilities to develop.*
- b) the local curriculum of the school, and within its framework:
- the subjects taught in the various forms, the compulsory and optional classes and their number, the required teaching material and its requirements,
  - *the principles of choosing textbooks, study helping tools, study tools that may be employed*
  - the conditions for going on to a higher form of the school,
  - the forms and requirements of getting students to give accounts of their knowledge and its recitation, *the requirement of evaluating and grading students' behaviour and work, furthermore the form of evaluating and grading students' result, behaviour, work, in the framework of the law*
  - in the case of the school education and teaching of students belonging to a national or ethnic minority group, the mother tongue, history, geography, culture and ethnography teaching material of the given minority,
  - in the case of students belonging to a national or ethnic minority group, the teaching material for mastering the Hungarian language and culture, and for students who do not belong to any minority group, teaching material necessary for getting acquainted with the culture of the local minorities,
- c)
- d)
- e) in the case of vocational secondary-schools and specialized schools, the professional programme.
- (2) *Primary school and institutions of primary art education may prescribe in the pedagogical program that student shall take part in compulsory artistic repetitions and performances (orchestra, choir, ballet, etc.) in case the arts in cultural field are taught on higher level in primary school or specialised school prepares for artistic vocational examination.*
- (3) *Complex schools, public educational institutions with common administration and general cultural centres shall apply local curricula separately for realising the educational and teaching aims of the different types of schools. The homogeneous school shall apply a local curricula which shall contain the curriculum and requirements which are to be commonly transmitted to every student and are supplementary on the basis of the educational and teaching aims of the different types of schools, and shall also contain the learning conditions on the basis of what students way join to acquiring the supplementary curriculum and requirements.*

- (4) *The school shall build in its local curricula the vocational preparatory knowledge on the basis of the central program (curriculum) or the National basic curriculum the requirements in the subjects of secondary-school maturity examination.*
- (5) *The pedagogical programme of primary institutions of art education have to contain the system of aims and tasks of the teaching of the different artistic activities, the number of classes and requirements in the different departments, the tasks of working with talented students as well as the things defined in the second and third subpoints of Point b) of Para. (1).*

#### **Section 49**

- (1) *Dormitories shall prepare pedagogical program, on the basis of the National basic program of education in dormitory, considering the pedagogical program of the concerned school.*
- (2) *The pedagogical program of dormitory shall contain:*
  - a) *the educational principles and aims of dormitory,*
  - b) *the pedagogical principles of organizing the lifestyle, studying and free time of students,*
  - c) *the principles of activities helping students' development, talent promotion, catching up, choosing a career and starting independent life in case of secondary-school dormitory,*
  - d) *in case of education of students belonging to national, ethnic minorities in dormitory, the tasks of education of national, ethnic minorities' culture and on mother tongue,*
  - e) *the plan of classes helping the catching up, talent promotion, social adoption organised for students in disadvantageous situation,*
  - f) *the methods and tools of developing common life, the principles of organising cultural and sport activities,*
  - g) *activity in connection with the protection of children and youth,*
  - h) *the traditions and the plan of development of the dormitory,*
  - i) *the forms of keeping contact and co-operating with the school and parents,*
  - j) *the system of supervising, measuring, evaluating, assuring quality level of educational work in dormitory,*
  - k) *the register of materials and equipment helping educational and teaching work and necessary for performing the pedagogical program*

#### **Section 50**

As regards children with a physical, mild or medium degree mental, sensory, speech or other handicap,

- a) *in the case of kindergarten education, the educational programme of the kindergarten is to contain the special development activities aimed at helping to reduce the disadvantages resulting from the handicap,*
- b) *in case of school education and teaching, the local curriculum is to also contain a development programme adjusted to the type and extent of the handicap. The local curriculum can assign time longer than one school year for meeting the requirements of the various forms.*

#### **Section 51**

- (1) *A school can introduce its pedagogical programme or its amendment from the school year following approval in a hierarchical system.*
- (2) *If a school does not prepare students for the primary- or secondary-school maturity examination, attention to this fact has to be drawn in the information bulletin on school*



admission.

### ***The Order of School Year, Teaching and Educational Time, Extra Classes***

#### **Section 52**

- (1) *In school the teaching time, the school year shall consist of 185 days, excluding the year of primary-, secondary-school maturity and vocational examination, in every form. Teaching at school shall be organised in accordance with the order of work of day-teaching [Point 23 of Para. (1) of Section 121], assuring non-compulsory classes, extra classes, class division, individual activities and basic school services [Point 1 of Para. (1) of Section 121] (hereinafter: school teaching in regular system), unless other provision is made by this Act. Students can last start school years in regular system in the year in which he or she reaches*
- a) *The ages of 16, in case of primary school of 8 forms*
  - b)
  - c) *The age of 22, in case of secondary or specialised school*
- The time limit defined in Point c) may be extended with one year in case the student started the first form of primary school at the age of seven, furthermore if the student took part in vocational training in which the number of forms exceeds two forms. The age defined in Points a) – c) shall be extended with three years in case of students with physical, sensory, mental, speech or other handicap, or with serious adaptional disorder, learning difficulty, behavioural disorder, furthermore if the student could not fulfil the requirements because of a long-lasting treatment.*
- (2) *The school year, including the order of teaching year shall be laid down by the Minister of Education (the order of school year). In the order of school year shall be defined the tasks in connection with organising the school year, in special the first and the last year of the school year, the period in which school education and teaching shall be performed (teaching time, teaching year), the time and duration of holidays, the time of the judgement of admission applications, of primary-, secondary-school maturity and vocational examination. The stipulations of the order of school year are obligatory in every schools. Schools shall prepare a work plan, taking into consideration the order of school year, it shall contain the dates of work-days without teaching defined freely and of holidays.*
- (3) *The number of compulsory classes for students cannot exceed:*
- a) *four classes a day in the 1<sup>st</sup> to 2<sup>nd</sup> forms,*
  - b) *four or five classes a day (four and a half classes on a weekly average) in the 3<sup>rd</sup> to 4<sup>th</sup> forms,*
  - c) *five classes a day in the 5<sup>th</sup> to 6<sup>th</sup> forms,*
  - d) *five or six classes a day (five and a half classes on a weekly average) in the 7<sup>th</sup> to 8<sup>th</sup> forms,*
  - e) *six classes a day in the 9<sup>th</sup> to 13<sup>th</sup> forms,*
  - f) *in vocational training, the school and extramural practical training, the time defined by the Act on Vocational Training,*
  - g) *on the forms vocational training the number of vocational theoretical classes, seven classes a day, the number of vocational theoretical and practical training classes, eight classes a day, if the specialised school or secondary vocational school prepares for artistic vocational examination, in case of parallel teaching, eight classes a day in weekly average. If the specialised school or the secondary vocational school prepares for artistic vocational examination in the framework of parallel teaching, the number of classes defined for transmitting the requirements of the pedagogical period laying down the foundation of general knowledge, in the school year average may not be least than the 50*

- per cent of the classes defined for the given form, Points b) – e) of Para. (3).*
- (4) *In the school education and teaching of national, ethnic minorities the duration of compulsory classes defined in Para. (3) shall increase by ten per cent.*
  - (5) *In the case of catching up teaching the number of compulsory classes of students may not exceed seven classes, in line with the Para. (8) of Section 27, and when transmitting the necessary knowledge for starting working or independent life five or six classes (five and a half in weekly average) in line with the Para. (10) of Section 27.*
  - (6) *In educational-teaching institution taking part in special pedagogical education and teaching obligatory habilitative and rehabilitative classes with medical and pedagogical aims shall be organised besides the classes defined in Para. (3) for students with handicap. The student shall take part in as many habilitative and rehabilitative classes with medical and pedagogical aims, as many is necessary for the reduction of the disadvantage resulting from his or her handicap. The weekly frames of time for organizing obligatory habilitative and rehabilitative classes with medical and pedagogical aims shall be*
    - a) *in case of students with mental handicap, fifteen per cent,*
    - b) *in case of students with other handicap, in exception with autistic students, fifteen per cent,*
    - c) *in case of dim-sighted students, twenty five per cent,*
    - d) *in case of students with physical, speech handicap, hard of hearing and blind students, forty per cent,*
    - e) *in case of deaf and autistic students, fifty per cent*  
*of classes in a week defined for each form in Para. (3). The weekly frames of time shall be established for each class, in case the student is educated in separate class. If the student is educated together with the other non-handicapped students, in the same class, the frames of time shall be defined in groups of eight, in a way that the number of students receiving the same provision shall be divided by eight. The frames of time for each group may be also used if there is not eight students in the group. At this calculation the number of student shall be taken into consideration conforming to the real number of students. In case in the school the class is organised with students from different forms (hereinafter: fused class) and different number of weekly obligatory classes is established for the different forms by the Para. (3) the weekly frames of time of the habilitative and rehabilitative classes shall be defined on the basis of the number of weekly obligatory classes established for the higher forms. The weekly frames of time may be regrouped among the forms, classes, school weeks during the school year. The educational-teaching tasks for students with middle serious mental handicap shall be organised by the school in the framework of habilitative and rehabilitative classes with medical and pedagogical aims in the frames of time defined in Points a) of this Paragraph and Para. (3) [hereinafter: classes under Points (3)-(5): obligatory classes].*
  - (7) *Schools shall organise non-compulsory (optional) classes with the aim of helping students catch up, developping, talent care, or of providing consultation as well as special and supplementary knowledge (hereafter: "non-compulsory classes. If the head of the institution does not define larger frames of time, with the agreement of the maintainer, the weekly frames of time of non-compulsory classes, for each school class, shall be*
    - a) *ten per cent, on first to fourth forms,*
    - b) *twenty five per cent, on fifth to sixth forms,*
    - c) *thirty per cent, on seventh to eight forms,*
    - d) *forty five per cent, on ninth to tenth forms,*
    - e) *sixty per cent, on eleventh to thirteenth forms,*
    - f) *five per cent, on the form of vocational training*

*of the weekly obligatory classes defined for each form in Paras. (3)-(5). If in the fused class a different number of weekly obligatory classes is defined by Para. (3) for each form, the weekly frames of time of non-obligatory classes shall be defined on the basis of the number of obligatory classes established for higher forms. The weekly frames of time may be regrouped among the forms, classes, school weeks during the school year. The frames of time for providing non-obligatory classes may be used by the school for extra-school classes as well as for class division. From the frames of time defined in this paragraph, in the school one hour may be used for each class for performing the tasks of the classes' social programme and individual care.*

- (8) For organising medical physical training by groups of sixteen, three hours per week may be used, in addition to the frames of classes of the school.*
- (9) The school is obliged to provide light physical training, in the framework of obligatory classes. The school is obliged to create the necessary conditions for students everyday physical training, and shall ensure the operation of sport circles, if at least four forms operate in the school, in the framework of which at least one class in each forms. The frames of time for everyday physical training shall be ensured in the charge of the frames of time of obligatory and non-obligatory classes. The frames of time for the sport circle shall be organised in the charge of the frames of time of non-obligatory classes. In the organization of everyday physical training, the classes of sport circles shall also be calculated. The tasks of the sport circles may also be performed by the students' sport club operating in the school.*
- (10) Individual classes, organised for one to three students, shall be held*
  - a) in the branch of the art of music of the primary art education, in three hours a week in the charge of the frames of time of school classes, if in the average of the school year four hours are ensured weekly for the student, if the four hours weekly are not ensured, than one and a half hours weekly,*
  - b) in secondary vocational school and in specialized school, five hours for each student weekly in the charge of the weekly frames of time of obligatory and non obligatory classes, if the school prepares for music or artistic professional examination,*
  - c) in other schools not mentionned above, in addition to the frames of classes for obligatory and non-obligatory classes, defined in Para. (3), in five per cent of weekly obligatory classes in order to develop talents and close up students in disadvantageous situation,*
  - d) in addition to the contents of Points a)-c) the school shall define the percentage used for individual classes of the frames of time of obligatory and non obligatory classes.*
- (11) The frames of time used for individual classes shall be reduced by as many hours as many individual classes are organised. The frames of time in the school may be freely regrouped among the forms, school weeks obligatory and non-obligatory classes and extra-classes.*
- (12) For students in private tuition on the basis of the Para. (1) of Section 120, or because of serious illness, in average ten hours may be used for the preparation in the framework of individual classes, in addition to the frames of time of obligatory and non-obligatory classes. The frames of time may be regrouped among the weeks and students.*
- (13) The school shall define the percentage, used for class division, of the frames of time of obligatory and non-obligatory classes and for what classes. The disposing frames of time shall be reduced in line with the number of classes of the formed groups of students.*
- (14) In the school, the school year is composed of weeks of five studying days. Saturday and Sunday are days of rest without teaching. Students also have the right to the days of rest without teaching on public holidays. The schedule of teaching changes in accordance with the change of working time because of the public holidays, and after the last teaching day a summer vacation of at least thirty days shall be ensured.*

- (15) *The school board and the students' self-government may initiate with the agreement of the maintainer that the teaching week be organised of six days, with Saturday, in the case forty-two hours of continuous weekly rest and the utilization of failed days of rest can be ensured during the semester as one or several uninterrupted school holiday. The head of the school can order, with the agreement of the maintainer, the organization of six days' teaching week, even without ensuring the utilization of the failed days of rest, if without this order the 185 days of teaching could not be held because of the exceptional holidays. In line with the stipulation of the order of the school year, at least two times in the school year, two holidays of at least six uninterrupted days shall be ensured for the students.*
- (16) *The provisions of this Section shall not be applied, in exception with Paras. (2) and (9), in the institutions of primary art education. In the institutions of primary art education, the schedule of teaching shall be established by the school, considering the provisions concerning the order of school year, the days of rest without teaching and the school holidays.*
- (17) *In vocational training, the stipulations of the law concerning vocational training shall be applied for the organization of professional internship.*

### **Section 53**

- (1) Schools shall organise extra classes, in addition to regular classes, in line with the interest, requirements and needs of students.
- (2) Classes in addition to regular classes shall be
- a) day-care and study-room classes,
  - b) special student circles, hobby circles, self-training circles, choirs, artistic groups (hereafter, together with the things defined in Point b) "student circles"),
  - c) school sports clubs,
  - d) study, vocational, cultural competitions, school competitions, inter-school competitions, championships, student days
  - e) *activities in class or group defined in the pedagogical program of the school which are unrealisable in the framework of school classes, in special study excursions, environmental education, cultural and sport programs.*
- (3) At the request of parents, schools taking part in special education and teaching are obliged to provide day-care or study-room on every forms for students needing care and control, until the end of the tenth form.
- (4) *The day care and study room activities shall be organised in a way it fulfils the duties in connection with the school preparation and day provision of children, in accordance with parents demands. For organising day-care and study-room activities the available time is four and a half hours a day on the first four forms, three hours a day on the fifth to eight forms and on the rest of the forms of schools taking part in special education and teaching, two hours a day on the ninth-tenth forms, this time limit shall be prolonged with the necessary time for providing tasks in connection with children's day provision. The weekly time limit shall be defined for the created groups of day-care and study room. The weekly time limit, the forms of groups may be modified during the school year between the weeks of study.*
- (5) In the case of primary art educational institutions, the stipulations contained in Paras. (1) to (4) do not have to be applied. At institutions of primary art education, classes in addition to regular classes can also be organised.
- (6) Libraries operating at schools have to make it possible for students and the teaching staff to have access to their services on any school day.

- (7) *Dormitories shall organise classes aimed at catching up, development of talent, preparatory classes giving special knowledge, as well as activities aimed at spending free time, defined in Points b) and d) of Para. (2), and activities assuring individual care for students admitted in dormitory and receiving external accommodation. The available time limit for organising preparatory activities in dormitory may not be least then 14 hours a week, by groups of dormitory, and 10 hours a week, by groups of dormitory for the rest of activities in dormitory. The weekly time limit, the tasks in dormitory, the groups of students may be modified during the school year between the weeks of study. The classes in dormitory shall be organised in groups or in the framework of individual classes. The provisions of Point d) of Para. (10) and Para. (11) of Section 52 shall be applied in case of individual classes.*
- (8) *The order of work of dormitory shall be defined in a way it enables students to go home regularly, but going home shall not be obligatory during the school year.*

### **Heads of the Public Educational Institutions**

#### **Section 54**

- (1) The head of an institution of public education shall be responsible for the professional and legal operation of the institution; for the pedagogical work, rational and cost-efficient management, he or she shall exercise employer's rights and make decisions on every issue connected with the operation of the institution which is not assigned to the sphere of authority of any other person or institution under the legal regulations or collective agreement (regulations for public employees). The head of the institution exercises his or her rights in respect of matters relating to the employment and life and working conditions of staff with adherence to the obligation of co-ordination laid down in the legal regulations. *The head of the educational – teaching institution shall also be responsible for the pedagogical work, the operation of the system of supervising, measuring evaluating and assuring quality level of the institution, the organisation and provision of the tasks of protection of children and youth, creating healthy and safe conditions of educational and teaching work, preventing accidents of children and students, the organisation of regular health examination of students. The head of the educational – teaching institution may order extraordinary holiday in the operation of educational and teaching institution cannot be assured because of extreme weather, epidemic, catastrophe or for other insurmountable reason or in case the failure of the order implies important danger or irreparable damage. The maintainer shall give his or her agreement for the order, or if it is impossible shall be informed immediately.*
- (2) The head of a public educational institution shall represent the institution.
- (3) He or she can transfer his or her rights *defined in Paras. (1) – (2)* to his or her deputy or another employee of the institution in certain cases or in matters defined.

#### **Section 55**

- (1) a) *In case of operating as independent institution at the head of*
- *kindergarten stands the head of kindergarten*
  - *schools, dormitories or other public education institution stands a principal*
  - *institutions providing national pedagogical – professional services stands a principal or inspector of school, depending on employer's decision.*
- b) *In case of operating as member institution or institutional unit of an independent institution, at the head of*
- *dormitories stands the head of boarding – school head,*

- *other public educational institution stands the head of member institution or head of institutional unit.*
- (2) Special tasks of the head of an educational-teaching institution shall be:
  - a) heading the teaching staff,
  - b) direction and supervision of educational and teaching work,
  - c) preparation of decisions in the sphere of authority of the teaching staff, their professional organization and supervision,
  - d) provision of personal and material conditions necessary for the operation of the educational-teaching institution, on the basis of the budget at the disposal of the head of the institution,
  - e) co-operation with the school board, with the interest-representing bodies of the employees and the student movement, *as well as with parents' associations (communities);*
  - f) the organization of national and school holidays in accordance with the order of work and in a way befitting the occasion.
  - g) *direction of the work of protection of children and youth,*
  - h) *direction of activities in connection with preventing accidents of students and children.*

## **Teaching Staff**

### **Section 56**

- (1) The teaching staff is the community of the teachers and instructors of an educational-teaching institution, and in issues related to education and teaching it is the most important body for consultations and decision making at the institution.
- (2) Members of the teaching staff are all the employees of the institution in the post of teacher or instructor, *business manager* as well as those with tertiary-level qualifications who directly assist the educational and teaching work.
- (3) The teaching staff of an educational-teaching institution shall have the rights to make decisions on issues connected with the educational-teaching activities of the institution as well as on matters defined in this Act and other legal regulations, while in other cases, the teaching staff shall have the right to put forward opinion and recommendations.

### **Section 57**

- (1) The decision-making rights of the teaching staff shall cover:
  - a) the adoption of the employment and pedagogical programmes and their modification,
  - b) the adoption of the organizational-operational regulations and their modification,
  - c) the drawing up of the annual work-plan of the educational-teaching institution,
  - d) the adoption of analyses, assessments and reports concerning the work of the educational-teaching institution,
  - e) choosing the member of the teaching staff who will act on behalf of the teaching staff,
  - f) the adoption of the regulations for the institution,
  - g) grading students for entry to a higher form,
  - h) decisions in disciplinary issues of students and grading students in end of term examinations,
  - i) *giving expert opinion in connection with the managing program made for the competition of head of institution, head of institutional unit;*
  - j) other matters defined by legal regulations.
- (2) *The teaching staff can give opinion or proposal in every question in connection with the operation of educational – teaching institution. The opinion of the teaching staff shall be asked before the endorsement of the division of subject, during the decision of the*

- different commission between teachers, as well as before charging the deputy principals or before the revocation of the commission.*
- (3) The teaching staff of the educational-teaching institution shall make decisions about:
    - a) turning to a court of law to nullify a ruling, in case the endorsement of the employment or pedagogical programme or the organizational operational regulations are denied,
    - b)
  - (4) The teaching staff can establish a committee for a fixed period or an ad hoc committee for the preparation of, or making decisions about, issues belonging to the sphere of activities of the teaching staff , *or can transfer the exercise of certain rights to the professional panel, the school board or the students' self-government.* The exerciser of the transferred rights is to inform the teaching staff, at periods and in ways defined by the teaching staff, about the issues in connection with which it acts on behalf of the teaching staff. These stipulations cannot be applied in the case of the adoption of the employment and pedagogical programmes or the organizational-operational regulations.
  - (5) If there is a dormitory operating within a multipurpose institution, in matters concerning the dormitory, a staff consisting of the teachers and instructors of the dormitory and employees with higher educational qualifications directly helping the educational and teaching work are to act. *In public educational institutional of common administration and in general cultural centres the teaching staff in the concerned unit or units formed by the employees defined in Para. (2) of Section 56, the head of the institution and business manager shall act on matters*
    - a) *concerning only one institutional unit, providing the tasks of an educational – teaching institution,*
    - b) *concerning several institutional units, providing the tasks of an educational – teaching institution.*
  - (6) *Part-time teachers have not voting right in matters belonging to the decision making rights of the teaching staff, excluding matters defined in Points g) – h) of Para. (1)*
  - (7) *The right of teaching staff in questions concerning the entire institution are exercised by the meeting of professional employees [Point 26 of Para. (1) of Section 121], if the public educational institution (institutional unit, member institution) is not an educational – teaching institution, furthermore in public – educational institutions of common administration and in general cultural centres.*

### **Professional Panels**

#### **Section 58**

- (1) Teachers and instructors of educational-teaching institutions can set up professional panels. The panels shall extend help in professional and methodological issues for the planning, organization and supervision of educational and teaching work carried out at institutions of education and teaching. At the initiative of teachers and instructors, inter-institutional panel may also be set up.
- (2) *In kindergarten, school, dormitory may be established a professional panel for providing the sae tasks or for every subjects or every cultural field. A separate professional panel may operate in the member institution and in the section.*

## ***Parents' Association***

### **Section 59**

- (1) At kindergarten, school and dormitory, parents can set up *parents' association (community)* in order to have their rights made good and to carry out their tasks.
- (1) *If several parents associations (communities) operate in kindergarten, school, dormitory the association (community) which has been elected by more than 50 per cent of the parents of children attending the given kindergarten, school or dormitory can act on behalf of all the parents. In absence of such parents' association (community) the parents' association shall establish a common association, or change on of the associations (communities) with the commission of representing them (hereinafter: kindergarten, school and dormitory parents' association) for fulfilling matters concerning the entire educational –teaching institution.*
- (2) *The parents' associations shall decide on their own activities, the endorsement of the plan of work and the election of their officers.*
- (3) *The kindergarten, school, dormitory parents' association (community) may initiate the establishment of kindergarten board, school board, dormitory board, furthermore shall make decision in connection with the persons who are to represent them on kindergarten board, school board or dormitory board.*
- (4) *The legal regulation as well as the organisational – operational regulations for the kindergarten, school and dormitory can establish additional right for parents associations (communities).*

## ***The School Board***

### **Section 60**

- (1) At schools, school boards shall be set up to enhance co-operation between the teaching staff, parents and students, the maintainers of the institutions as well as other bodies interested in the operation of the institution, and also to help the educational and teaching work.
- (2) A school board shall consist of an equal number of representatives of the parents, of the teaching staff, and of the student's self government of the educational-teaching institution.
- (3) To the school board,
  - a) *the maintainer,*
  - b) *child-care institutions, institutions for the protection of children and youth,*
  - c) *local authority of minorities, national authority of minorities in case of school providing tasks on national level, if the authority is not the maintainer of the school, the local economic chamber in specialised school and secondary vocational school can also delegate the representative each.*
- (4) *The establishment of a school board may be initiated by*
  - a) *at least 20 per cent of the member of the teaching staff,*
  - b) *the representative of parents' association (community) in lack of that at least twenty per cent of the parents of the children attending the given institution,*
  - c) *the representative of students' self government of the school, in lack of students' self-government in the school at least 20 per cent of students attending the given school [hereinafter: Points a) – c) together: the interested groups]*
- (5) *To the school board shall be elected the followings:*
  - a) *the representatives of parents by the parents association (community) of school, in lack of that by the parents of students attending the school,*
  - b) *the representatives of teachers' staff by the member of teachers' staff*



- c) the representatives of students' self-government by the students' self-government of the school, in the lack of students' self-government of the school by the students attending the given school*
- (6) *The school board shall be established if the representative from among at least two interested groups initiate the creation and take part in its work.*
- (7) *If the establishment of the school board is initiated by the representative of the parents' association (community) of the school, in lack of that at least by 20 per cent of the parents, and by the representative of the students' self-government, in lack of students' self-government in the school at least by 20 per cent of the students attending the school, the representatives of the teaching staff shall co-operate in the creation and work of the school board.*
- (8) *Parents may be represented in the school board by a person whose child does not attend the given school, on the basis of election defined in Point a) of Para. (5).*
- (9) *The students' self-government may be represented by a person of the age of legal majority who is not the student, employee of the school or whose child does not attend the given school, on the basis of election defined in Point c) of Para. (5).*
- (10) *The establishment is initiated by any of the interested groups, the principal of the school shall establish a committee of an equal number of representatives delegated by the interested groups taking part in the work of the school board, within 30 days from the initiation for preparing the creation of the school board.*

## **Section 61**

- (1) The decision-making rights of a school board shall cover the adoption of its operational order and working programme, the election of its officials, as well as issues in connection with which the teaching staff or the maintainer *or the non-local authority maintainer* transfers the right of decision to the school board.
- (2) The school board shall take part in judging appeals against decisions of the educational-teaching institution in connection with the making good of students' rights and the fulfilling of their duties.
- (3) The school board shall have the right of approval
- a) in adopting the organizational-operational rules in issues defined by the legal regulations,
  - b) in adopting the regulations for the educational-teaching institution,
  - c) *in defining the conditions of making use of teaching on the basis of enterprise and of services in connection with that*
- (4) The school board can put forward its opinion on any issue connected with the operation of the educational-teaching institution. Before *the endorsement of the pedagogical program and concluding a public-educational agreement defined in Point e) of Para. (1) of Section 81*, the opinion of the school board shall be sought.
- (5) The school board has a right to make recommendations in any issue concerning *the operation of the educational teaching institution, with special regards to the management of the educational-teaching institution, or concerning the person heading the institution, as well as on those which concern the whole of the institution or a majority of its students.*
- (6) The school board is to have free access to the school premises to carry out its tasks, provided it does not disturb the operation of the school.
- (7) *As regard the creation, operation, the legal status, the tasks of kindergarten board, board of dormitories, institutional board, board of general cultural centres, the stipulations concerning school boards are to be applied with the departure that in kindergarten board the stipulations concerning students' self-government shall not be applied, the activity of the board of general cultural centres extends as far as the institutional units non public*

*educational tasks and their members, on the basis of the interested groups' agreement besides the contains of Para. (4) of Section 60 other organs or associations may also delegate a representative.*

## **Student Communities, Students' Self-Governments**

### **Section 62**

- (1) The students of schools and dormitories can set up, in accordance with the regulations of the institution, student circles in order to organise their common activities.
- (2) The student communities shall have a decision making right, taking into consideration the opinion of the teaching staff, in planning and organising their own community life and in electing their own officials, and they shall also have the right to represent themselves in the students' self-government.

### **Section 63**

- (1) Students, student communities and student circles may establish a students' self-government to represent the interests of students. The activities of a students' self-government shall cover all the issues concerning students. The work of the students' self-government can be helped by *a person of the age of legal maturity requested by the students who can also act as the representative of students' self-government, on the basis of the commission of students' self-government.*
- (2) *If several students' self-governments operate in the school or dormitory, the students' self-government body which has been elected by most of students can act on behalf of all the students of the school or dormitory, in condition that such a way more than 50 per cent of the students are represented. In lack of such students' self-government, the self-governments operating in the school or dormitory shall establish a common association for acting on issues concerning the whole educational – teaching institution, or can charge with the commission one of the students' self-government (hereinafter: students' self-government of the school or dormitory).*
- (3) The students' self-government shall make decisions on its own operation the use of the financial means provided for the operation of the students' self-government, the exercise of its spheres of activity, the programme of a working day when there is no teaching, as well as *on the establishment and operation of an informing system of the students' self-government of the school or dormitory, and on the mandating of the head of the editorial board (managing editor) and colleagues of the informing system (school paper, school radio, etc.)* taking into consideration the opinion of the teaching staff.
- (4) The organizational-operational rules of the students' self-government shall be adopted by the student community electing the self-government and shall be endorsed by the teaching staff. The endorsement of the organizational-operational rules can only be denied if they are against the legal regulations or the organizational-operational rules or regulations of the school. The teaching staff have to declare the endorsement of the organizational-operational rules within 30 days of submission. *If the teaching staff does not reply within 30 days, the organisational – operational rules or the modification shall be considered as endorsed.*
- (5) The students' self-government can express an opinion and put forward recommendations in connection with every issue related to the operation of the educational-teaching institution and to the students, in matters concerning students.
- (6) The students' self-government shall have free access to the premises and equipment of the school or dormitory, if this does not disturb the activities of the school or dormitory.
- (7) *In the school or dormitory a general meeting of students shall be organised at least once a*

*year in order to review the operation of students' self-government and the enforcement of students' right.*

#### **Section 64**

(1) The students' self-governments shall have the right to establish federations or to join such a federation. The federations cannot exercise the rights of a students' self-government at a school or dormitory.

(2) *The students' self-government the school and of the dormitory shall have the right of approval concerning the following issues relating to students:*

- a) in drawing up and amending the organizational-operational rules for the school, on issues defined by the legal regulations,
- b) in establishing the principles of the distribution of welfare benefits extended to students,
- c) in the use of financial resources provided for youth policy goals,
- d)

(3) *The students' self-government of the school and of the dormitory shall have the right of approval when endorsing of modifying the regulations of the institution.*

(4) *As regard the creation, operation, the legal status of students' self-government of institutions or general cultural centres, the stipulations concerning the students' self-government of school or dormitory shall be applied.*

### **Admission to Kindergartens, Students' Legal Status and Membership with Dormitory**

#### **Section 65**

(1) Admission to kindergarten and transfer from one kindergarten to another shall take place on application. Entitled to admission to kindergarten is a child of the age of three years. Parents can apply for the admission or transfer of their children at any time. The admission of new applicants shall take place continuously during the kindergarten educational year.

(2) Children have to be admitted in the first place to the kindergarten, or transferred to the kindergarten in the district of which they live or in which a parent works. It is the head of the kindergarten who makes decisions about admission and transfer. If the number of applicants exceeds the number of children that can be admitted, the head of the kindergarten or, in the case of more than one kindergarten, the maintainer of the kindergartens shall set up a committee which puts forward proposals of admission. *The kindergarten, including the assigned kindergarten, is obliged to admit children, who takes part in activities preparing for school life in the framework of kindergarten education, if his or her domicile or in lack of that the residence is in the same district (kindergarten carrying out district tasks).* The kindergarten assigned [Para. (4) of Section 30) can turn down children only if there are no more places, in case it is not obliged to admission.

(3) It is the head of the kindergarten who shall make the decisions, taking into consideration the opinion of the parents and the kindergarten teachers, about the grouping of children. The rules for organizing kindergarten groups are defined in Appendix III of this Act.

#### **Section 66**

(1) Students (including those taking private tuition) shall have a legal relationships with their school. A student's legal relationship shall come into being through admission or transfer from another school. Admission and transfer shall take place on application. It is the school principal who shall make decisions about admission and transfer *on the basis of the contents of Paras. (1) – (2) of Section 42 and Section 46-47. Primary schools cannot organise admission examination.*

- (2) *Primary schools, including assigned schools are obliged to admit or transfer a student under compulsory education whose domicile, in lack of that the residence is in the district of the school (school carrying out district tasks). The maintainer of a specialised school may assign the school as school carrying out district tasks, on the 9<sup>th</sup> – 10<sup>th</sup> forms.* The school chosen [Para. (4) of Section 30] can turn down a student only if it lacks places *if it is not a school carrying out district tasks.* Applicants belonging to a national or ethnic minority group, if they meet the requirements for admission, have to be admitted to a school (section, class or group) which provides education and teaching in the language of the given national or ethnic minority or in that language and in Hungarian.
- (3) A student's legal relationship shall come into being on the day of enrollment. A student can exercise his or her rights based on a student's legal relationship from the date mentioned above. Legal regulations and the regulations of the school can stipulate that certain rights are to be exercised only from the time when the first school year is started.
- (4) Students under compulsory education have to be enrolled in the first form of school in the period established by the village, city, Budapest-district or city authorities with county rights. The period established for enrollment has to be made public in the way which is locally customary.
- (5) It is the professional panel or, in the absence of it and taking into the consideration the opinion of the teaching staff, the school principal who makes decisions about dividing students into classes or groups. The rules for organising classes and groups are defined in Appendix III of this Act.

## **Section 67**

- (1) The requirements for taking part in vocational training according to school pre-training shall be defined by the legal regulations relating to vocational training. Those who are over the age of compulsory education can also take part in the mastering of knowledge necessary for taking up an employment and starting an independent life, even if they do not have the basic-level school qualification.
- (2) If a specialized school or a vocational secondary-school prepares students for the acquiring of a vocation for which health or skill requirements are to be met, an expert's report on meeting the requirements for health and skills has to be taken into consideration at enrollment in the first form of vocational training, transfer and further training.
- (3) A specialized school or a vocational secondary-school shall demand an examination on professional ability or skills for admission to the first form, transfer, or going on to higher forms *if it prepares students for the acquiring of a vocation for which skill requirements are to be met. The admission, transfer or going on to forms of vocational training cannot be denied for those having student contract, in condition he or she meets the requirements of pre-training, age or those for health, abilities and skills. If the conditions of the student contract was meeting the requirement for health, abilities and skills, the school shall make decision on admission, transfer or further training on the basis of its results, unless it is older than two years.* The requirements for such an examination shall be set jointly by the school principal and the organizer of practical training.
- (4) The requirements for the skills necessary for the given vocation and for the examination on vocational abilities have to be made public; in the information bulletin on school admission.
- (5) The legal provision concerning taking part in vocational training can set further conditions.

### **Section 68**

(1) Students can apply for admission to a dormitory or to accommodation outside it either through the school or directly.

(2) In the case of an independent dormitory, it is the head of the dormitory who shall make the decisions about admission, while in the case of a non-independent dormitory it is the school principal who shall make the decisions, with the approval of the head of the dormitory. It is the principal or the head of the dormitory who shall decide about dividing students into classes, seeking the opinion of the teaching staff of the dormitory. The rules for organizing classes are defined in Appendix III to this Act.

(3) In cases laid down in legal regulations, students have to be admitted to dormitory.

(4) Admission to dormitory and accommodation outside one shall be for one school year, apart from exceptions defined in the legal provision. Turning down an application for admission to dormitory or accommodation outside one cannot be a means of disciplining.

## **Fulfilling the Duties of Children and Students**

### **Section 69**

(1) If the family circumstances, the development of abilities or the particular situation of a child justify it, on request, he or she may be exempted by the head of the kindergarten from kindergarten education preparing children for school.

(2) In case the individual endowments, handicap or particular situation of a student justify it, the school principal may, at the request of the student, exempt him or her from attending the compulsory classes *partly or entirely. The principal may, at the request of student, exempt him or her from studying subjects of ability if the students' individual endowment or particular situation justify it.*

(3) Students taking private tuition must be exempted from all compulsory classes.

(4) Students exempted from attending compulsory classes are to give account of their knowledge at times defined by the school principal and in ways established by the teaching staff.

(5) The legal relationship of a student who has been allowed to interrupt his or her studies or who has been prohibited to continue the school year through disciplinary action shall be suspended. The student has the right during suspension of the legal relationship to attend the facilities of the school, to become informed about issues concerning him or her, or to apply for transfer to another school. Students can exercise their rights based on a student's legal relationship even during suspension of the legal relationship, unless the legal regulations stipulate otherwise.

### **Section 70**

(1) Students' knowledge, results, work and behaviour shall be assessed with marks during the school year by teachers and instructors, while at mid-term and at the end of the term, they shall be assessed in a school report. *The work and behaviour of students shall be assessed by the class-master, by seeking the opinion of teachers teaching in the class. The student and the parents of minor students shall be regularly informed of the marks received. The results in the school report shall be defined on the basis of the marks received during the year. The student and the parents of minor students shall be informed of the results of the school report. The assessment of students results and work shall not be means of disciplining.*

(2) The marks shall be the following:

a) in the assessment and grading of students' knowledge, top mark (5), good (4), satisfactory

- (3), pass (2) and fail mark (1),
- b) in the assessment and grading of students' behaviour, exemplary (5), good (4), variable (3), bad (2),
- c) in the assessment and grading of students' work, exemplary (5), good (4), variable (3), negligent (2).
- (3) *The pedagogical programme of the school may prescribe an other way of marking for the assessment of students results, work, behaviour instead of the marks during the year, furthermore for the school report in first to sixth forms. In schools educating and teaching in accordance to the alternative pedagogical requirements and methods, the school can depart from the provisions of Paras. (1)-(2), in line with the contents of the pedagogical programme.*
- (4) *The teaching staff shall survey the final marks of each student in the framework of an assessing meeting, and shall decide on students further education in higher forms on the basis of the marks defined by the teacher and the class-master. In the case the student's final mark differ considerably from the average of the marks received during the school year to his or her disadvantage, the teaching staff shall request the teacher or instructor to inform them of its reason, and to change his or her decision if it is justified. If the teacher or instructor is not willing to change his or her decision, and the teaching staff does not agree with the decision, this latter may modify the mark to the student's advantage on the basis of the marks received during the school year.*
- (5) *while assessing the student, the provisions in Paras. (1) and (4) shall be applied, in exception with the application of marks during the school year and in the school report, even if the school does not use the marks.*
- (6) *If the practical training of a student is not carried out by the school, his or her knowledge, behaviour and work shall be assessed by the organizer of practical training in line with the provisions of Para. (2). It is the teaching staff that shall make decisions about students' grading, going on to a higher form and allowing him or her to take a vocational examination, on the basis of the assessment of the organizer of practical training. If the school organises interposed examination the assessment shall be made on the basis of the assessment of the organizer of practical training and the result of the interposed examination. The provisions of Paras. (1) and (4) shall be also applied in case of students taking part in non-school practical training.*
- (7) *Students admitted to the first form may be exempted from the assessment, or an improvement, adapted to his or her individual endowment, development (hereinafter: individual improvement), may be authorized by the head of the school, if it is necessary in accordance with his or her individual endowment, development, in accordance with the division of work defined the law, on the basis of the expert opinion of the expert's an rehabilitative committee or of the educational council.*
- (8) *If the students has been exempted from the assessment, he or she shall make or finish the first form, together with the other students as preparatory form. During the preparatory form the student shall prepare the fulfillment of school requirements in the framework of playful preparation. The preparatory form may also be organised in the framework of morning day-care classes.*
- (9) *In the case of individual improvement, in the authorization shall be defined that the student shall close up to the other students at the last teaching day of which form, for the different subjects, on the basis of the expert opinion mentioned in Para. (7). The individual improvement may last as long as the end of different forms, the latest, at the end of the fourth form, of every some subjects.*
- (10) *The preparatory form may be changed at individual improvement until the end of the last teaching day of the month following the first semester, on the basis of the expert opinion mentioned in Para. (7).*

### **Section 71**

- (1) A student can go on to a higher form if he or she has met the set study requirements successfully.
- (2) A student going on to a higher form does not have to be re-enrolled.
- (3) A student can meet the requirements set for two or more forms of the school during one school year or during a time shorter than that set, if the school principal gives permission to do so
- (4) *If a student under compulsory education shall repeat the same form for second or further time because he or she did not meet the requirements of study [Point 38, Para (1) of Section 121], the school shall render possible for the student to take part in individual classes as well of the given subject or subjects, on the charge of time limit defined in Para. 7 and Point c), Para (10) of Section 52 of this Act.*
- (5) At the request of a student, permission can be granted to him or her to stay in one or more forms for a second year, with the exception of vocational training, even in case the student could go on to a higher form.
- (6) *In the institution of primary art education students can go on to the forms or further training from the form of basic level, if he or she passed the artistic primary examination.*

### **Section 72**

- (1) Students shall obtain reports on fulfilment of the requirements of the various forms and the requirements of the primary examination, the secondary-school maturity examination and the vocational examination. These reports shall be regarded as official documents. The reports are to be written in Hungarian or, if the school teaching is carried out - partly or entirely - in the language of a national or ethnic minority group or in another foreign language, in two languages: in Hungarian and in the language of the national or ethnic minority group or the other foreign language. *The report cards shall contain the arms of the Republic of Hungary.*
- (2) Schools can use report cards or forms necessary for the writing of the reports, which have been approved by the Ministry of Education, with the exception of reports certifying vocational training, *which shall be approved by the Ministry of Labour.* The permission of the Ministry of Education, *in case of reports certifying vocational training the permission of the Ministry of Labour,* shall be needed for the printing and distribution of the report cards and forms.
- (3) *A central register shall be kept on delivered reports on secondary-school maturity examination and reports certifying vocational training, in line with the contents of the regulations of examination.*

### **Section 73**

*In case the specialised school as the secondary vocational school prepares for artistic vocational examination in the framework of parallel teaching the decision and the report on the going on to higher form may be made separately as well considering the requirements of the pedagogical period laying down the foundations of general knowledge and the requirements of vocational training.*

## **Cessation of Kindergarten Placement, Students' Legal Status and Membership with a Dormitory**

### **Section 74**

- (1) Kindergarten placement shall cease if:

- a) a child has been transferred to another kindergarten, on the day of the transfer,
  - b) a parent announces in writing that his or her child shall leave the kindergarten on the day indicated in the letter,
  - c) the head of the kindergarten puts an end to the child 's kindergarten placement because of delay in payments, repeated notice - without any result - to parents to pay, after investigation of the child's family situation, on the day of the decision putting an end to the placement acquires legal force,
  - d) the child has been admitted to school on the last day of the educational year,
  - e) the child has not been admitted to school on the last day of the educational year in which he or she reaches his or her seventh birthday.
- (2) Kindergarten placement also comes to an end if the child stays away from kindergarten classes without justified reason for periods longer than permitted in the legal regulations.
- (3) The provisions laid down in Points b)-c) of Para. (1) and in Para. (2) cannot be applied if the child is participating in kindergarten education preparing for school.

### **Section 75**

- (1) A student's legal relationship shall cease to exist if:
- a) *the student has been transferred to another school, on the day of the transfer,*
  - b) *on the day of the issue of the certificate on the completion of the last form of the primary school,*
  - c) *the student does not wish to continue his or her studies, on the last day of the last school year of compulsory education,*
  - d) *in case of secondary-school studies, at the last day of the first examination period, following the completion of the last form,*
  - e) *the student does not wish to continue his or her studies in vocational training, at vocational secondary-school, or if he or she cannot continue his or her studies in lack of conditions necessary for further education, in the case of secondary-school studies, on the last day of the first examination period following the completion of the last form,*
  - f) at specialized school and vocational secondary-school
    - on the last day of the first vocational examination period following the completion of the last form,
    - if the student takes part in practical training under a learning contract, on the last day of the first vocational examination,
    - if the student has become incapable, for health reasons, of continuing his or her studies, and if there is no other, suitable form of vocational training at the school, or if the student does not wish to continue his or her studies or cannot continue them in lack of conditions for further education,
  - g) *in the institutions of primary art education, if the parents or the student of age of majority announce the cessation of studies, on the day indicated in the announcement, furthermore on the last day of the last primary form, if the student does not take the artistic primary examination, or on the day of the final examination of the final form of further training, or on the day of the issue of the certificate on the completion of the last form if the student does not take the final examination, and in the case defined in Point i),*
  - h) after the end of compulsory education, if the student announces in writing that he or she leaves school, on the day of acknowledgement of the announcement,
  - i) if the school principal brings to an end the student's legal relationship - with the exception of a student under compulsory education - because of delay in payment and repeated notice, without any result, to the parents to pay or, in the case of a student of at least 18 years of age, notice to the student, after investigating the student's social situation, on the



- day the decision bringing the legal relationship to an end acquires legal force.
- (2) Following the end of compulsory education, the school can bring to an end the student's legal relationship even in lack of request, in case the student has not completed at least the eighth form and there is no adult education at the school or the student does not wish to continue his or her studies there.
  - (3) A student's legal relationship shall cease to exist, with the exception of a student under compulsory education, if he or she has stayed away from compulsory classes for longer periods than permitted in the legal regulations.
  - (4) *A student's legal relationship shall cease to exist on the day the disciplinary decision of expulsion from the school acquires legal force.*
  - (5) *On the last day of the school year, the school can cease the student's relationship with a unilateral declaration of the student, who is not under compulsory education, if he or she did not complete for the second time the study requirements of the same form. On the last day of the school year the school can also cease the student's legal relationship of the student who cannot take part in school education in regular system, in accordance with the provisions of Para. (1) of Section 52, in condition that there is not adult education in the school, or the student does not wish to take part in it.*
  - (6) *For the extinguishment of student's legal relationship, the provisions concerning secondary-schools shall be applied, in the case of unified schools, furthermore in the institutional units providing school tasks of public educational institutions with common administration and of general cultural centres the provisions concerning the type of schools providing the according tasks.*
  - (7) A student's membership with a dormitory shall come to an end:
    - a) with the cessation of the student's legal relationship in cases defined in the legal regulations, otherwise at the end of the school year,
    - b) with coming into legal force of a disciplinary resolution expelling the student from a dormitory,
    - c) if the head of the dormitory brings to an end the student's membership because of delay in payment and repeated notice, without any result, to the parents to pay, and after investigating the student's social situation, on the day the decision bringing the legal relationship to an end acquires legal force,
    - d) if the student renounces, in writing, his or her membership, with the consent of the parents, on the day indicated in the announcement of this.
    - e) *if the student is admitted by another dormitory, on the day of the transfer,*
  - (8) *The contents of Points b)-c) of Para. (7), shall not be applied in case the student cannot fulfil the compulsory education without the membership with the dormitory.*
  - (9) *A minor student can make an announcement with the parents agreement which results the extinguishment of student's legal relationship or the student's membership with the dormitory.*
  - (10) *The kindergarten emplacement, student's legal relationship, membership with dormitory shall cease to exist if the educational-teaching institution ceases to exist without legal successor.*

## **Disciplinary and Damages Responsibility of Students, Damages Responsibility of the Educational-Teaching Institution**

### **Section 76**

(1) If a student neglects his or her duties deliberately and seriously, he or she can be disciplined on the basis of disciplinary action or in a written resolution.

(2) The disciplinary punishment can be:

- a) reprimand,
- b) severe reprimand,
- c) reduction of certain benefits and allowances, or their withdrawal,
- d) transfer to another class, study group or school,
- e) prohibition from continuing the school year in the given school,
- f) expulsion from school.

(3) In case of students under compulsory education, the disciplinary punishments defined in Points e)-f) of Para. (2) cannot be applied. The disciplinary punishment defined in Point d) of Para. (2) can be applied if the school principal has agreed with the principal of the other school to transfer the student. The disciplinary punishment defined in Point c) of Para. (2) cannot be applied in connection with welfare allowances and benefits.

(4) In the disciplinary action taken against a student of a vocational *secondary-school* or a specialized school, the local chamber of trade concerned is to be involved if the student has signed a study agreement.

(5) In the case of a member of a dormitory, the following disciplinary punishments can be applied for breaking the regulations of the dormitory:

- a) reprimand,
- b) severe reprimand,
- c) expulsion.

(6) When establishing the disciplinary punishment, the student's age, mental development and the severity of the deed committed have to be taken into consideration. The disciplinary punishment is brought by the teaching staff. The opinion of the student community and the students' self-government has to be taken into consideration in course of the disciplinary proceedings.

*(7) The student and the parents of the minor student shall be informed of the disciplinary proceedings, appointing its reason. In the course of the disciplinary proceedings, the student has the right to obtain an audition and he or she is to be given an opportunity to present his or her point of view and defence. Process shall be held in case the student disputes the breach of duty imputed to him or her, or if it is justified by the clarifying of the facts.*

*The student and the parents of the minor student shall be invited to the procedure. In case of minor student parents shall be involved to the disciplinary proceedings in every cases. The student may be represented by a parent or someone else granted in the course of disciplinary proceedings. The disciplinary procedure shall be held even if the student, the parent or the granted person did not appear despite the regular notice.*

*The disciplinary process shall be launched and conducted at the initiation of the student or the parents in case of minor students.*

(8) For the same neglect of obligations, only one disciplinary punishment can be applied against the student. If, a disciplinary punishment could be established both at the school and the dormitory because of neglect of obligations, in the absence of an agreement to the contrary between the educational-teaching institutions, the disciplinary punishment may be established in the educational-teaching institution where the proceedings first began.

(9) In the case of disciplinary proceedings for neglect of obligations in the course of practical training, the disciplinary proceedings are to be conducted at the school.

(10) Only a disciplinary resolution which has a legal force can be carried out. The rules for conducting disciplinary proceedings shall be laid down in the legal regulations.

### **Section 77**

(1) A student shall be responsible for any damage he or she has caused in breaking the law to the educational-teaching institution or to the organizer of practical training in connection with the pursuit of his or her studies under the stipulations of the Civil Code.

(2) In case defined in Para. (1), the extent of damages , may not exceed

a) 50 per cent of the lowest wage, its monthly sum being established in accordance with the regulations in effect on the day of causing the damage, in case the damage was caused out of negligence,

b) *the value of the damage in maximum the sum of the lowest wage of five months, the monthly sum being established in accordance with the regulations in effect on the day of causing the damage, in case the damage was caused intentionally, if the students is unable to act or limited in action.*

(3) In case a student suffers any injury or loss in connection with his or her *placement in kindergarten, student legal relationship, membership in dormitory, practical training, the kindergarten, school, dormitory* or the organizer of practical training is obliged to compensate him or her for this *entirely regardless delinquency*. As regards compensation, the stipulations of the Civil Code are to be applied with the difference that the school or the organizer of practical training will be exempt from their responsibility only if they can prove that the damage was the result of an unavoidable cause outside their scope of influence. No compensation has to be paid if the damage has been caused by the unpreventable behaviour of the person suffering the damage.

4) If a student of a vocational secondary-school or a specialized school has signed a study contract, the stipulations of the Act on Vocational Training are to be applied in compensation for the injury or loss caused to the organizer of practical training or to the student.

## **Special Provisions Concerning School Education and Teaching Regulated to Students' Occupations**

### **Section 78**

- (1) *Students who are not under compulsory education and cannot or don't wish take part in school education in regular system may start or continue their studies in school education regulated to their work, family or other occupations, to their level of knowledge and age (hereinafter: adult education)*
- (2) From the school year in which
  - a) in the case of primary school studies with eight forms students have reached the age of 17 years,
  - b)
  - c) in the case of secondary-school and specialized school studies, students have reached the age of 23 years, school studies can be commenced or continued only within the framework of adult education. *The limit defined in Point c) may be extended by one year, in case the student started his or her studies in the first form of primary school at the age of 7, or in case he or she took part in vocational training of more than two vocational forms. The limit defined in Points a) – c) shall be prolonged by 3 years in case of students with physical, sensory, mental, speech or other handicap, or with adaptational disorder, learning or behavioural disorder, or in case the student could not fulfil the study requirements because he or she was under permanent medical treatment.*
- (3) *After the extinguishment of compulsory education the student or the student and parents in case of minor student, shall decide on continuing school education until the age defined in Para. (2), in regular system or in adult education.*
- (4) *Adult education may be organised*
  - a) *in schools created for that purpose, detailed in Points b) – d) and f) of Para (1) of Section 20 of this Act, or*
  - b) *in the adult education section, class or group in schools created for the purpose of school education in regular system.*
- (5) *In adult education class or group for young may be organised for students of age of 16 to 20.*
- (6) *In adult education, education and teaching can be organised in accordance with the working order of full-time education and teaching or according to the working order of evening, correspondence or other specific courses (e.g., distance education). Teaching may be organised in accordance with the working order of full-time education for those who can take part in school education in regular system in line with the contents of Para. (1) of Section 52.*
- (7) *In adult education*
  - a) *school education and teaching may be based on the individual preparation of students,*
  - b) *the 185 teaching days are to be counted by together with the days intended for learning within the framework of self-teaching, defined by the school, and provisions concerning the week of 5 teaching days shall not be applied, if teaching is not organised according to the working order of full-time education,*
  - c) *the application of provisions concerning non-compulsory classes, division class, individual occupations, extra-classes, everyday physical training is not obligatory.*

## **Special Provisions Concerning Institutions of Public Education Not Run by Local Authorities**

## **Section 79**

- (1) If an educational-teaching institution has not been founded by a local authority, it may start operation only with a permit.
- (2) Enclosed with the application for the permit must be the foundation charter of the educational-teaching institution, its educational and pedagogical programmes, as well as the documents which show that the personal and material requirements for starting operation and educational and teaching work are present. The application and its supplements can be lodged in the forms laid down in the legal regulations.
- (3) *It is the notary of the local authority of the district where the institution is to operate who shall make the decision on issuing a permit in case of kindergarten, primary school, and the chief notary of the local authority of the district where the institution is to operate who shall make the decision in case of institution of primary art education, secondary-school, specialised school, institution of special pedagogical education and teaching, multipurpose educational institutions and dormitories. Before making decision the notary shall seek the expert opinion taking into consideration the Pont a) of Para (4). Experts included in the National Directory of Experts may give the permit shall be on the charge the applicant.*
- (4) The issue of the permit can be denied in case the educational-teaching institution's
  - a) educational and teaching programmes are not in accordance with the requirements laid down in the Act or vocational programmes are not in accordance with the requirements of the Act on Vocational trainings,
  - b) the institution does not have the personal and material conditions for its operation, or it cannot be seen in its budget from what sources the costs necessary for carrying out its tasks will be provided.
- (5) If the activities or the place of operation of the educational-teaching institution changes, the permit defined in Para. (1) has to be obtained again by the maintainer of the institution.
- (6) If the notary refuses the issue of the permit necessary for the operation, he or she also has to refuse registration of educational-teaching institution, in case he or she has already registered the educational-teaching institution, he or she is to delete it from the registration. In case of a budgetary organization, he or she contacts the Ministry of Finance, to have the institution deleted from the registration.

## **Section 80**

- (1) It is the notary who carries out the legal supervision of the running activities of an educational-teaching institution not run by a local authority, *in accordance with the working order defined in Para (3) of Section 79.*
- (2) The notary shall examine within the framework of control by the authorities whether the maintainer of the educational-teaching institution is operating the institution in accordance with what has been laid down in the foundation charter and the permit necessary for the operation.
- (3) The notary, within the scope of legal supervision and by ensuring an appropriate deadline, shall call on the maintainer to stop the breach of Act. If the maintainer does not take any action within the deadline allowed, the notary may initiate the establishment by a court of law of the activities, decisions or default which are against the law. Legal action is to be initiated within 30 days of the expiry of the deadline of putting to an end the breach of law. In case the court establishes a breach of law and the maintainer of the institution does not bring it to an end within the deadline set by the court, the notary shall withdraw the permit necessary for operation and shall delete the educational-teaching institution from the registration or, if it is a budgetary organization, shall contact the Ministry of Finance to have the institution deleted from the registration.
- (4) The notary who carries out legal supervision may suspend the operation of an educational-

teaching institution if the educational and teaching work carried out there violates public safety, public order, public health or public morals, or is against the rights of freedom of others, or in case the educational-teaching institution does not have the requirements necessary for carrying out its tasks. Before suspension of operation, the maintainer has to be called on to bring to an end the activities criticized *or to remedy the deficiency* by ensuring an appropriate deadline, unless any delay would mean substantial or irreversible damage or danger. The notary can order instant carrying out of the ruling. Within 15 days of the ruling's acquiring legal force, the notary is to initiate legal action as defined in Para. (3) and take proceedings in accordance with the requirements of the above-mentioned Para., unless the cause for legal action has ceased to exist.

- (5) If the educational-teaching institution also has places of operation other than that of the mother institution, in line with the content of Section 79, permit has to be sought from the notary of the local authority of the district where the unit(s) other than the mother institution is/are to operate. The notary has the sphere of authority in connection with the unit(s) defined in Paras. (1)-(4), with the difference that in the case of a unit or units, it is the notary of the local authority of the district where the unit(s) operate(s) who deletes the unit(s) from the registration.
- (6) *The notary shall take measures for the suspension of paying normative budget contribution by sending the administrative definitive judgement, if the maintainers did not bring to an end the violation of the law, the activities criticised in spite of being called on by the notary in accordance with the regulations of Paras. (3) – (4) and consequently the establishment of the violation of the law by a court of law has been initiated.*

## **Section 81**

(1) In case an educational-teaching institution is not run by a local authority of state body:

- a) the educational-teaching institution can also operate as an institution committed in respect of religious or ideological conviction, *and in compliance with it can stipulate the adoption of certain religion or ideological conviction as requirement for admission, and can include into its pedagogical programme the philosophical, ethnical, cultural knowledge appropriate to the religious, ideological conviction and can restrict or exclude the exercise of rights defined in Point d) of Para. (1) of Section 19 of this Act and can lay down rights and requirements and operational regulation and for children and students in the regulations of the institution,*
- b) *and religious instruction figures in the school's curriculum, the teacher or instructor of religion shall have tertiary-level qualification of teacher or instructor of religion acquired in a denominational higher educational institution, or in connection with religious life (e.g.: priest, theologian), and shall have commission of the local religious authority,*
- c) *the following stipulations shall not be applied while founding and maintaining the school: the stipulations concerning the medium-range plan of registration [Paras. (2)-(3) of Section 26, Para. (2) of Section 28.], from the stipulations concerning the admission of children, students Section 46, the 1<sup>st</sup> and 3<sup>rd</sup> to 5<sup>th</sup> sentences of Para. (2) of Section 65,*
- d) *the admission to kindergarten, school, dormitory, as well as the kindergarten emplacement, the student's legal relationship, membership with dormitory may be tied to payment obligation, in connection with the cessation of kindergarten emplacement, the student's legal relationship, membership with dormitory, they can depart from the Sections 74-75, of this Act, in written agreement.*
- e) the maintainer can take over the carrying out of certain tasks from the local authority

responsible for the carrying out of those tasks, under a written agreement (hereafter: "public educational agreement"). Under the agreement, education and teaching for children and students become free *and the provision of Point d) cannot be employed in the framework of the agreement. For providing the tasks defined in Para. (3) of Section 86, the public-educational agreement shall be concluded with the local authority of Budapest, of the county, of the city with county rights.*

- (2) If under the public educational agreement made on the basis of Point e) of Para. (1) an educational-teaching institution participates in carrying out the tasks of the local authority with an institution which is committed religiously or ideologically, the conclusion of the agreement does not exempt the local authority from its obligations concerning children and students whose parents do not want them to attend an educational-teaching institution which is religiously or ideologically committed. No extra burden may be put on these parents, children or students because of the conclusion of the agreement.
- (3) The contents of a public educational agreement are set freely by the parties making it, with the stipulation that the agreement has to contain:
  - a) the educational and teaching tasks,
  - b) the number of children and students,
  - c) taking part in kindergarten educational tasks and in tasks related to school education and teaching in fulfilling compulsory education, and in connection with this, the possible transfer of the exercise of certain operational rights to the person or body giving the mandate,
  - d) the period for which the agreement has been concluded,
  - e) for the maintainer of the institution, the sources that can be used for carrying out the tasks of the institution, as well as the sum of the supplementary support extended to this end, and also those services which, under the agreement, become free for the children, students and parents *and those for what they shall pay fees.*
- (4) *The sum of the supplementary support shall be defined in a way, that it should make possible the providing of the undertaken tasks freely or for a fee, in accordance with the provisions of Sections 114-115, and 117 of this Act.*
- (5) The period set in a public educational agreement is to ensure that children and students concerned can complete kindergarten education or school studies on the basis of the agreement.
- (6) *The provisions of the Civil Code of the Republic of Hungary concerning the commission shall be applied for the public educational agreement.*
- (7) The public educational agreement has to be made public in the way which is customary locally.
- (8) *The Minister of Education can also make a public educational agreement, in case the educational-teaching institution provides national tasks or in wider area, if the maintainer initiated the signing of an agreement without any results.*
- (9) *In the case of a vocational secondary-school or specialized school, the Minister of Education can sign the agreement with the consent of the minister responsible for the vocational training.*
- (10) *The Minister can also make public educational agreement with the local authority of national minority. The Minister is obliged to make public educational agreement with the local authority of national minority, if the tasks of school and dormitory in connection with national, ethnic minorities is not performed in the framework of provision of tasks of the local authority, and the school, dormitory provides national tasks. The local authority is obliged to make public educational agreement, in accordance with the provisions of Paras. (3)-(4), in case it assigns the ownership and the right to maintain of the public educational institution under its maintenance to the national minority authority.*

- (11) *If the denominational legal entity made an agreement with the Government extended also to the tasks of public education, in exception with the transmission of institution defined in Para. (13), may assume, considering the educational-teaching institution under its direction, the collaboration in local authorities' task in a unilateral statement sent to the village, city, city with county rights and Budapest district local authority of the place where the institution operates. The Catholic Church of Hungary is entitled to make a statement on the basis of the agreement between the Republic of Hungary and the Apostolic See. The statement shall contain the contents of Points a)-d) of Para. (3), while preparing it the provisions of Para. (5), while performing the provisions of Para. (6) shall be applied. The local authority shall send the statement to the Budapest district or county local authority within three working day. The supplementary support, defined in Paras. (1)-(2) of Section 6 of the Act CXXIV of 1997 on financial conditions of the activities of religious life and with public purposes (hereinafter: Act on financial conditions of ecclesiastical with public purposes) shall be provided on the charge of the central budget from the school year following the sending of the statement.*
- (12) *The Minister of Education is obliged to make public educational agreement with, in exception with the event the educational-teching institution comes under the ruling of Para. (13), if the school, dormitory run by the denominational legal entity, provides national task. The Minister of Education shall make an agreement, on the basis of the contents of Para. (11), at the request of the denominational legal entity for providing the pedagogical specialized service and the pedagogical professional service.*
- (13) *If the property does not come under the ruling of the Act CXXV of 1997 on the settlement of the ownership state of former property of the church (hereinafter: Act on the settlement of the ownership state of former property of the church), and the local authority transmits the educational-teching institution operating in the property under its maintenance to the maintenance of the denominational legal entity, the local authority is obliged to make a public educational agreement at the request of the denominational legal entity. In case of denominational legal entity, detailed in Para. (11), who does not initiate it, shall be attached to the receipt and the public educational agreement the agreeing statement of the signatory of the agreement, in other cases that of the organ of the autonomous organization (monastic organization, etc.) of the legal entity which is entitled to declaration at the registering to the court (hereinafter: church organ entitled to declaration at the registering to the court). On the basis of the public educational agreement, the denominational legal entity becomes entitled to the supplementary support from the school year following the subscription of the public educational agreement. The supplementary support shall be paid on the charge of central budget and shall be accounted with the transmitting local authority, on the basis of Para. (9) of Section 118.*
- (14) *In case it is the Minister of Education who makes the public educational agreement, he or she shall send a copy to the Budapest district or county local authority where the educational-teching institution operates.*

## **Section 82**

- (1) *If an institution of pedagogical specialized services or an institution of pedagogical-professional services is not run by a local authority or a state body, the stipulations contained in Paras. (1)-(3) and the second phrase Para. (5) of Section 80, and in Point e) of Para. (1) and in Paras. (7)-(8) and (10) of Section 81 are to be applied. For the pedagogical specialized services and the pedagogical-professional services payment may be specified. The scope of authority defined in this paragraph shall be exercised by the chief notary, in exception with the public educational agreement.*
- (2) *For the public educational agreement defined in Paras. (8)-(10) of Section 81 and in this*



*Section shall be sought the agreement of the Minister of Finance.*

- (3) *Considering the public educational institutions ru by the national, ethnic minority local authority, the scope of authority defined in Section 80, and in Para. (1) shall be provided by the chief notary of the place where the institution operates.*

## **Rules of Procedure**

### **Section 83**

(1) An educational-teaching institution shall inform students and parents about its decisions concerning children and students in writing in cases and forms defined by the legal regulations.

(2) Students and parents can initiate proceedings against a decision or measure, or the absence of measures (hereafter: "decision") of the kindergarten, school or dormitory, within 15 days of being informed about it or, in the absence of this, within 15 days of getting to know it, in the interest of the child or student, with the exception of the assessment and grading of studies, behaviour and work. *Proceedings can be initiated also against the assessment and grading of studies, behaviour and work in case the assessment was not realized on the basis of the local curricula used by the school, or the proceeding in connection with the assessment is contrary to the law or to the provisions concerning student's legal relationship.*

(3) The petition initiating the proceedings

- a) is a petition for revision, in case it has been lodged on grounds of the violation of individual interests,
- b) it is a petition submitted on legal grounds, in case it has been lodged on grounds of the breach of legal provision.

(4) It is the representative of the maintainer who acts and brings decisions of a second degree in respect of:

- a) petitions of a legal ground and also
- b) admission to and expulsion from kindergarten, the establishment of a student's legal relationship, membership, or their cessation as well as petitions for revision in connection with disciplinary action concerning a student.

(5) The petition for revision, *in exception with the petitions for revision detailed in Para. (4)* shall be judged by the school board or, in the absence of one, a maximum three men committee consisting of members of the teaching staff. As an outcome of the judging, the school board or the committee

- a) shall reject the petition for revision,
- b) shall order those failing to make a decision to make it,
- c) shall annul the decision and order the maker of the decision to make a new decision.

(6) In connection with the calculating of the deadline of handing in a petition on a legal ground, negligence and proceedings concerning the judging of the petition, the stipulation concerning appeals procedures of the general regulations of state administration procedures are to be applied.

(7) Students and parents can apply for revision by a court of law of the decision on the petition for revision within 30 days of being informed about the decision, on grounds of breach of legal provision, *with reference to being contrary to the law or to the provisions concerning student's legal relationship*, with the exception of the petition on a legal ground and the contents of *Points a)-b) of Para. (2) of Section 76* and *Points a)-b) of Para. (5) of Section 76*.

(8) *The decision of the educational-teaching institution is final, if the petition launching the proceeding was not presented within the deadline defined in Para. (2), or the concerned*

*waived the presenting of the petition launching the proceeding. The decision of the appeal court become into force at the announcement. For the announcement the provisions of the act on general rules of administrative procedures shall be applied. The decision in force may be executed, unless court revision was requested. The decisionmaker may order the immediate executing of the decision in case the strong interest of the other students in the same educational-teaching institution justifies it.*

- (9) To the recommendation of the students' self-government, the teaching staff, the school board or *the parents' association (community)* a person or organization authorized to act in public education within thirty days, the representative body of the local authority on the 30<sup>th</sup> day the latest following the first meeting has to give a proper answer.

#### **Section 84**

(1) If the maintainer of the educational-teaching institution does not endorse the pedagogical or educational programme of the institution, or its organizational-operational regulations, the teaching staff, the conference of professional employees can ask the court to revise the decision, on grounds of breach of legal provision, within 30 days of being informed about the decision, with the exception defined in Para. (3).

(2) The school board, the student's self-government, the parents' association (community) can lodge a petition on legal grounds with the maintainer within 15 days in case their are violated. With the exception defined in Para. (3), a court of law is to be approached against a decision of the maintainer, in accordance with the contents of Para. (1).

(3) If the decision in accordance with Paras. (1)-(2) has been brought by the representative body of the local authority running the educational-teaching institution, a legal supervision can be initiated with the Republican Commissioner.

(4) In court cases defined in Para. (7) of Section 83 and in Paras. (1)-(2), Chapter 20 of Act III of 1952 on Civil Procedure shall be applied. The court can change the decision. The Court shall make specially prompt decision.

(5) *The parent, student can submit a request on legal grounds, referring to breach of legal provision against the decision, acting or the absence of acting (hereinafter: together: decision) of the independent examination committee, the committee of the examination of general knowledge, secondary-school maturity- and vocational examination to the National Centre of Public Education, Assessment and Examination, within three days after the decision. For the procedure the Paras. (6)-(8) of Section 83, Para. (4) of Section 84, Para. (3) of Section 104 of this Act shall be applied with the departure that failing the deadline defined for the submission of the petition involve the loss of rights, there is no place for justification.*

(6) Those who exercise the right of approval in decisions concerning public education at an educational-teaching institution, can make a declaration within 30 days. This deadline can be extended by a maximum of 30 days, before the expiry of the deadline and with a declaration made to the other party. If the deadline is allowed to pass, then there is no place for justification, the legal rights are lost. In calculating the deadline, the stipulations of the Act on the General Rules of State administration Proceedings are to be applied. In case any debated issue between the parties concerned cannot be solved through conciliation in the course of exercising the right of co-ordination, a nine-strong committee has to be set up at the educational-teaching institution. The teaching staff and the exerciser of the right of approval delegate three members each to the committee. Three members shall be appointed by the maintainer of the educational-teaching institution, from among the experts on the national experts' list, at the expense of the budget of the educational-teaching institution. The committee shall define its own operational order, with the restriction that it brings its decision with simple majority of

vote. The committee's decision is to substitute for agreement.

## Chapter 6

### ORGANIZATION AND ADMINISTRATION OF PUBLIC EDUCATION

#### **The Public Tasks of Public Education, the Obligation for Carrying Out Tasks of Local Authorities**

##### **Section 85**

- (1) Local authorities shall carry out their tasks connected with public education in accordance with the provisions of this Act.
- (2) Local authorities shall take part directly in solving the public educational tasks through the establishment and running of state institutions and through concluding an agreement with the maintainer of a non-state or non local authority institution.
- (3) Legal entities and natural persons can also take part in carrying out public educational tasks defined in Para. (1), through the establishment and running of educational-teaching institutions or pedagogical specialized services and institutions of pedagogical-professional services.
- (4) *The local-authority, if it runs at least two public educational institutions, is obliged to prepare independently or together with another local authority a plan for providing tasks, operating institutional network, development serving the preparation of decisions made by the local authority necessary for providing public educational tasks (hereinafter: local authorities' acting plan). The local authorities' acting plan shall take into consideration the developmental plan of Budapest or the county. The local authorities' acting plan shall contain the way in which the local authority provides obligatory tasks, and the non-obligatory tasks which the local authority wishes to provide. It shall also contain the ideas in connection with operating, maintaining, developing, restructuring an institutional system. When preparing the acting plan the agreement of the local minorities' authority shall be sought in points concerning the national ethnic minorities. For preparing the acting plan the opinion of the heads of public educational institutions operating in the district furthermore, that of parents' and students' organizations, of the maintainers of institutions not run by state or local authority, of specialized organization of settlement-level, the concerned national authority of minorities, if minorities' local authority does not operate in the district, shall be sought. The local authority shall graduate and revise, if necessary, every two years, the performing of the acting plan. The local authority shall examine if the educational and the pedagogical programme is in accordance with the contents of the local authorities' acting plan, on the basis of the Point a) of Para. (2) of section 103 of this Act.*

##### **Section 86**

- (1) Village, city, city with county rights and Budapest district local authorities are obliged to provide kindergarten education, primary-school education and teaching and, in settlements inhabited by national or ethnic minorities, kindergarten education of children belonging to a national or ethnic minority group and the primary-school education and teaching, necessary for fulfilling compulsory education of students belonging to such a group.
- (2) The obligation defined in Para. (1) shall include provision for students with a physical, mild mental, sensory, speech or other handicap who can be educated and taught with other children.
- (3) In case a village, city or Budapest district local authority does not undertake to carry out

the tasks in connection with an institution that has gone into its ownership under the law on local authorities or the carrying out of the tasks in the area of a county or the capital is not solved, the Budapest city and county local authorities, unless other provision is made by Para.

(4) are obliged to provide:

- a) provision in dormitory and provision in dormitory for students belonging to a national or ethnic minority group,
- b) secondary-school and specialized-school provision,
- c) secondary-school and specialized-school provision for students belonging to a national or ethnic minority group,
- d) adult education,
- e) primary art education,
- f) counselling for further education or choosing a career, educational counselling and speech therapy and physical therapy.

*(4) Unless the agreement concluded between the Budapest city local authority and the Budapest district local authority stipulates otherwise, the Budapest district local authority shall provide*

- a) primary school teaching of students with mild mental handicap*
- b) primary art education*
- c) primary adult education and teaching educational counselling, speech therapy, physical therapy*

*(5) If the number of students of the same national, ethnic minority does not make possible the organization of the education of the minority within the settlement the Budapest city, county local authority shall organise on the initiation of the national local authority of the minority concerned the teaching of the requirements in mother tongue and ethnic knowledge in connection with the requirement of the section laying down the foundation of general knowledge (hereinafter: complementary teaching of minorities), in line with the provisions of the law. The complementary teaching of minorities may be organised as a section of a given school, by creating a separate teaching language school or by employing mobile teachers and instructors.*

## **Section 87**

(1) Unless other provision is made by Para. (2), the Budapest city and county local authorities are obliged to provide:

- a) *after primary school* transfer from one school to another without a supplementary examination or staying in a form for a second year of students in the district of the permanent address of whom the conditions for school education and teaching are not ensured until the end of compulsory education,
- b) information activities connected with admission to secondary-school and specialized school,
- c) regional pedagogical-professional services,
- d) education and teaching necessary for the fulfillment of compulsory education for children and students undergoing long-term treatment at a convalescent hospital for children, health institution, rehabilitative institution,
- e) kindergarten, school and provision for children and students with a physical, mental, sensory, speech or other handicap who cannot be educated and taught together with other children,
- f) the conditions for fulfilling obligatory education,
- g) early development, counselling and care services and experts and rehabilitational activities gauging learning capacity as well as the provision of conductive education,
- h) *the operation of a network of mobile teachers and instructors necessary for providing the*

- tasks defined in Points e)-f), as well as the tasks of physical therapy.*
- (2) The Budapest district local authority is obliged to provide the local authority's pedagogical professional service regarding the kindergarten education and school education and teaching, unless other provision is made by the agreement between the Budapest city local authority and the Budapest district local authority.*
  - (3) The Budapest city local authority is obliged to provide national experts' and rehabilitation activities necessary for diagnosing a handicap. The tasks of the national specialist and rehabilitational tasks are defined in the legal regulations.*
  - (4) The Budapest city and county local authorities shall provide the operation of the system of Budapest and county permanent replacement of teachers and instructors, in line with the provisions of the law.*

## **Section 88**

(1) *The Budapest city local authority shall prepare a plan for providing tasks, operating an institutional network, an developping (hereinafter: development plan) serving the preparartion of a local authority decision necessary for organizing public educational tasks, by seeking the opinion and with the collaboration of Budapest district, county local authorities and those operating on the county's territory. When preparing the development plan the expert opinion of Budapest city-, county Statistical Office, labour centre (hereinafter: collaborators), the regional chamber of commerce, the Budapest city-, county parents' and students' organizations, the maintainers of institutions not run by state or local authority, the Budapest city-, county-level pedagogical specialized organization shall be sought. The development plan shall be prepared by the county local authority and the local authority of a city with county rights for its own territory, then shall be endorsed by them together in a conciliation board committee. The local authority of the minority concerned may express its opinion and collaborate in preparing the development plan. In the county development plan the plan concerning the provision of county local authority's obligatory tasks defined in Sections 86-87 of this Act, in the framework of which fulfilling the demand to continue secondary studies after the completion of the 8<sup>th</sup> form, shall appear in an independent chapter. Regarding the provision of teching tasks the county development plan shall contain the principles of co-operation between local authorities, the guarantee and conditions of permeability of the educational institutional system. For preparing the development plan the opinion of national authority of minorities shall be sought. At the request of Budapest city and the county local authority the collaborators are obliged to provide the necessary datas. The Budapest development plan shall be issued by the Budapest local authority, the county development plan by the county local authority in the form of proposition as a provision. In the application of this paragraph parents' and students' organization, pedagogical professional organization shall be an organization registered in Budapest city, county local authority producing a certificate of its general rules and of the registration at court.*

(2) *The development plan shall contain the progress report of organization of public educational service, the tasks to be solved, furthermore the medium rande schooling project concerning the territory of Budapest city and the county. The development plan shall be organised to be able to point out the way the local authorities meet the requirement of performing the tasks in connection with public education, furthermore the places where the public-educational services, defined in this Act are available for children, students with permanent adress, in the lack of this latter with adress of residence in a settlement, especially kindergartens, schools ensuring compulsory admission and the pedagogical specialized services. In the schooling project shall be defined, regarding the probable formation of the number of students, the admission capacity of the types of schools, the schools' task of performing compulsory education, as well as that of creating the conditions of further education. The public educational institution not run by local authority or state body shall be taken into consideration when preparing or modifying the developmental plan if it co-operates in performing obligatory tasks of local authorities in the framework of public-educational agreement, or in the case defined in Para. (11) of Section 81, sent the maintainer's declaration to the settlement's local authority, or made public educational agreement with the Minister of Education. In the lack of public educational agreement or declaration the public educational institution not run by local authority or state body may not be mentionned in the development plan.*

(3) *The development plan shall be prepared for at least a period of six years. The development plan shall be revised every four years, and also in case it is requested by the five per cent of the concerned local authorities, or the local authority of local minorities, or the national authority of minorities, or the concerned.*

(4) Local authorities can carry out their tasks through the establishment and running of institutions, participation in associations or agreements made with other maintainers. *In the case the local authorities provide the tasks defined in this Act in association, they shall agree on the bearing and division of expenses.*

(5) *Local authorities can only establish new public-educational institution, or extend the task of an already existing institution if the personal and material conditions and the financial funds necessary for starting operation is available or can be established. The expert opinion of the Budapest city and county local authority, based on the development plan, shall be sought for the decision.*

(6) A local authority can close down or reorganise a public educational institution carrying out compulsory tasks if the local authority continues to provide the given activities and services at an appropriate level in such a way that it does not put extra burden on children, students and parents. *The expert opinion of the Budapest city and county local authority, based on the development plan, shall be sought for the decision.*

(7) A local authority can transfer its rights of ownership and maintaining, partly or entirely, to another maintainer committed to any ideology or to another maintainer if the maintainer provides education and teaching at an appropriate level for students whose parents do not want their children to attend an institution that is ideologically committed or has been transferred to another maintainer. The provision of this education and teaching cannot put extra burden on students and parents. *The expert opinion of the Budapest city and county local authority, based on the development plan, shall be sought for the decision.*

(8) *If the local authority, Budapest city or county local authority wish to cease its public educational institution contrary to the contents of the expert opinion based on the development plan, and to convey partly or entirely the right of property and maintainance to non state body or local authority maintainer, it is necessary for the decision the qualified majority regulated in Para. (2) of Section 15 of the Act LXV of 1990 on local authorities. At these decisions the contents of Para. (6)-(7) shall be taken into consideration.*

(9) *In case a village, city or Budapest district local authority does not undertake to carry out district tasks detailed in Para. (3) of Section 86 with a public educational institution that has gone into its ownership, it is obliged to notify the Budapest city or county local authority of the transfer of the tasks, these latter shall decide, considering the contents of Para. (6) and respecting the procedure defined in Para. (3) of Section 102, whether it is necessary for the transferred tasks to operate the institution. At the request of the Budapest city and county local authority the local authority transferring the task allow the assets of the institution to be used by the Budapest city or county local authority. The transfer shall be free of charge. The date of the transfer of tasks and utility rights is July 1 of the year following the announcement in case of educational-teaching tasks and institution and in the case of other public educational tasks and institutions, January 1 of the year following the announcement, unless the parties concerned agree otherwise. The assets of the institution cannot be shared in case the task is provided by a village, city or Budapest district local authority in the framework of a multipurpose institution, At the request of the Budapest city and county local authority the total assets of the institution, included the tasks provided by the institution, shall be allowed to be used. The time of transfer into use defined in this paragraph cannot be shorter than ten years. The provisions of the Civil Code of the Republic of Hungary shall be applied further on the transfer into use.*

(10) *In case the Budapest city, county local authority does not request the transfer of the utilization right, in line with the contents of Para. (9) the assets of the institution can be alienate only if the owner local authority performs the tasks defined in Para (1) of Section 86 as maintainer of institution. At the alienation of the institution the right of pre-emption is the due of those using the assets for providing public educational tasks. Restraint on alienation*

*and encumbrance shall be entered on such property for ten years.*

*(11) For ceasing a public educational institution run by Budapest city or county, for transferring its right of ownership or maintenance to non-state or non-local authority maintainer partly or entirely the decision of the general assembly made in accordance with the contents of Para. (8) is necessary in case the decision is not in conformity with the contents of the development plan. The expert opinion of the conciliation committee shall be sought on such questions, in case of public educational institution of county maintenance.*

*(12) In case the kindergarten or school provides national, ethnic minorities' kindergarten education, school education and teaching the agreement of the minorities' local authority, in accordance with the seat of the institution and the expert opinion of the national authority of minorities shall be sought by the local authority for the decisions defined in Paras. (6)-(7) and (9).*

*(13) If the educational-teaching institution ceases with succession the cessation shall not concern the child's kindergarten placement, student's legal relationship, membership with dormitory. In case the parents do not want to enroll their children to the successor educational-teaching institution, furthermore if the educational-teaching institution ceases without successor the local authority shall point out the educational-teaching institution considering the contents of Paras. (6)-(7), before the cessation of the educational-teaching institution, in which parents can demand the transfer of their children. The pointed educational-teaching institution cannot deny the admission, only in case of lack of place.*

## **Section 89**

In order to ensure the carrying out of public educational tasks without any difficulties, the Budapest city and county local authorities shall initiate the signing of a co-operation agreement with the local authorities operating in the area of Budapest or the county for the organization of services of a district character connected with public education, especially

- a) for carrying out tasks connected with the fulfillment of compulsory education (the establishment of school networks provision of education and teaching in the ninth and tenth forms, enrollment, transfer and the operation of pedagogical specialized services),
- b) for the provision of kindergarten education and school education and teaching of children belonging to a national or ethnic minority group and the education and teaching of children and students with a physical, mental, sensory, speech or other handicap,
- c) for the creation of the conditions necessary for obligatory education and for the operation of a network of mobile teachers and instructors dealing with children and students with handicaps, speech therapists and conductors,
- d) for ensuring the transfer from one school to another without a supplementary examination or staying in the same form for a second year for students in the district of the permanent place of residence of whom the conditions for school education and teaching are not ensured until the end of compulsory education,
- e) for settling issues connected with admission to vocational secondary-school and specialized school as well as for the solving of special tasks,
- f) for establishing the district of an institution providing district services (school, student home, dormitory, speech-therapy institution for the education and teaching of students with handicaps), and for establishing the financial contribution necessary for the operation of the institution.

## **Section 90**

(1) The local government maintaining an institution of public education shall establish the operational districts of kindergartens, schools *in which the admission, and transfer of students living in the given district cannot be denied* [Para. (2) of Section 65. And Para. (2) of Section



66.] and that of institutions providing pedagogical specialized services, as well as the opening order of kindergartens and make public in a way locally customary all the above information.

(2) Before establishing the operational (admission) districts of kindergartens or kindergarten groups educating children with a physical, mental, sensory, speech or other handicap, as well as schools, school groups, classes and school sections educating and teaching students with a physical, mental, sensory, speech or other handicap and speech-therapy institutions, the local authorities maintaining these institutions shall seek the opinion of the local authorities concerned.

(3) Before establishing the admission districts of educational-teaching institutions providing education and teaching for students with a physical, mental, sensory, speech or other handicap in more than one county or region in the country and run by a Budapest city or a county local authority, the opinion of the Ministry of Education is to be sought.

(4) Before establishing the operational districts of kindergartens providing education for children belonging to a national or ethnic minority group and schools providing education and teaching for students belonging to a national or ethnic minority group, local authorities shall seek the opinion of the interest-representing body of the given national or ethnic minority group.

(5) To prepare information material connected with admission to secondary-school and specialized school, information on the expected changes in the employment structure which influence the number of students that can be admitted has to be obtained from the Budapest or county labour centre.

## **Section 91**

(1) *The chief notary*

a)

b) *shall initiate the ordering of exceptional holidays by the Minister of Education if the operation of educational-teaching institutions is not possible on the territory of Budapest city or county because of extraordinary weather, epidemic, natural catastrophe or other circumstances beyond control, for the initiation the chief notary shall seek the expert opinion of the notaries of the concerned local authorities, in exception with cases when the delay would cause important danger or irremediable damage; in case the seeking of the opinion was not possible, the chief notary shall inform immediately the notaries of the local authorities about the measures.*

(2) *The chief notary, furthermore the notary of the city with county rights*

a) *shall co-operate in the preparation and holding of the secondary-school maturity examinations, in line with the provisions of the examination regulation of the secondary-school maturity examination,*

b) *shall co-operate in the operation of the public educational information system.*

(3) *The chief notary shall prepare and keep the register of public educational institutions not run by local authorities and shall send it to the health insurance office until the August 31 in every year, and shall make possible to the concerned to take a view of it through the institution providing pedagogical-professional services.*

(4) *In case of local authorities association maintaining public educational institution, the notary, the chief notary of the pointed local authority*

a) *shall co-operate in organising the graduating and evaluating tasks in connection with pedagogical activities in kindergartens, schools and dormitories,*

b) *shall judge the petitions detailed in Para. (4) of Section 83,*

c) *shall co-operate in preparing and holding the primary examination, in line with the contents of the regulation of primary examination ,*

d) *shall provide the preparatory tasks in connection with the procedure of open competition*

- concerning the nomination of the head of public educational institution maintained by local authority,*
- e) shall inform the competent specialists' and rehabilitation committee of the institution, detailed in Paras. (1)-(2) of Section 30, disposing the necessary conditions for providing special care for children and students with handicap,*
  - f) shall help and control the educational-teaching institutions activities for preventing students' and children's accidents, and send the records of students' and children's accidents to the Ministry of Education twice a year,*
  - g) shall inform the Minister of Education, in case of vocational secondary-schools and specialized school the minister responsible for the specialization, of the establishment, restructuring, cessation of a public educational institution,*
  - h) shall provide the tasks assigned to his or her functions, activities by the law.*
- (5) The notary shall send to the chief notary a copy of definitive decisions in connection with the registering, the cancelling from the register, furthermore the authorization of the operation and the withdrawal of the authorization of kindergartens and primary schools not run by local authorities.*
- (6) The notary, the chief notary may invoke, in line with the provisions of the law or in the lack of this on the basis of agreement, the co-operation of experts figuring in the register defined in this Act and institutions providing pedagogical-professional services for providing the task defined in Points a)-b) of Para. (2) and in Points a) and c) of Para. (4).*
- (7) In the district of the local authority where a child's permanent place of residence, in the lack of this the place of residence is*
- a) the mayor shall extend help to parents concerning the placement and travelling of the child, in case there is no school providing education and teaching in the settlement through to the end of compulsory education,*
  - b) the notary*
    - shall keep a record of children and students under the obligation to participate in classes preparing for school life in the framework of kindergarten education and under compulsory education and compulsory training, and shall keep track of the fulfillment of obligations defined in Point a) of Para. (2) of Section 14 of this Act,*
    - shall send the recording on children under kindergarten and compulsory education to the kindergarten, primary school in the district of the local authority where the child's permanent place of residence, in the lack of this the place of residence is,*
    - the notary shall order on the basis of notification or officially the attendance of kindergarten education preparing children for school, the fulfillment of compulsory education and training in case the parents do not meet their obligations in this respect.*
- (8) The notary may initiate the ordering of exceptional holidays in the educational-teaching institution operating in the settlement by the Minister of Education, in case of conditions defined in Point b) of Para. (1). Before acting, in exception with cases when the delay would cause important danger or irremediable damage, the notary shall seek the opinion of the concerned maintainers of institution; in case the seeking of the opinion was not possible, the notary shall inform immediately the concerned maintainers of institution about the measures.*
- (9) The local authority in the district where the child's permanent place of residence, in the lack of this the place of residence is shall defray the expenses of travelling to the kindergarten assuring the compulsory admission and to the school assuring the compulsory admission, furthermore shall provide if necessary an attendant for the child or student in case the kindergarten or school is outside the settlement and the local authority cannot ensure travelling to the kindergarten or school, unless this Act stipulates otherwise.*

## The Minister

### Section 92

- (1) The Minister of Education shall carry out the branch management of public education in accordance with the provisions of this Act.
- (2) The Minister of Education shall have a branch management sphere of authority covering all the activities under the provisions of this Act, regardless of at which institution, organization these activities are carried out or who the maintainers of the various institutions are.
- (3) In connection with vocational training at vocational secondary-schools and specialized schools, the management spheres of authority are laid down in the Act on Vocational Training.

### Section 93

- (1) The Minister of Education
  - a) *shall issue the guiding principle of bilingual school education, the guiding principle of kindergarten education of children with handicap, the guiding principle of school education of students with handicap, the National basic programme of education in dormitory, the skeleton curricula, the Requirements and curriculum of primary art education, the guiding principle of kindergarten education of national, ethnic minority and the guiding principle of school education of national, ethnic minority, after seeking the expert opinion of the National Council for Public Education and the Council for Public Educational Policy, furthermore, shall carry out the tasks in connection with the supervision of the above mentioned; the opinion of National Committee of Minorities shall be sought for the issue of the National basic programme of education in dormitory, the skeleton curricula in points concerning the national, ethnic minorities' education and teaching and for the issue of, the guiding principle of kindergarten education of national, ethnic minority and the guiding principle of school education of national, ethnic minority;*
  - b) *shall regularly, at least in every three years evaluate the observations in connection with the introduction and application of the National Basic Programme of Kindergarten Education and the National Basic Curriculum, in co-operation with the National Council for Public Education and the National Committee of Minorities, if necessary the National Council for Public Education may initiate the necessary modifications by the Government in questions concerning children and students belonging to a national, ethnic minority with the agreement of the National Committee of Minorities and the expert opinion of the Council for Public Educational Policy; furthermore, shall arrange the preparation of kindergarten education programmes and school curricula, involving the national authority of minorities for the kindergarten education and school education and teaching of national, ethnic minorities;*
  - c) shall define the requirements for primary and secondary-school maturity examination and shall carry out tasks in connection with their revision,
  - d)
  - e) shall provide the national pedagogical-professional services,
  - f) *shall decide with the co-operation of the National Council for Public Education on the registering of books in the register of school books, materials in the register of school materials, in exception with the vocational training, shall carry out the publication of these registers and shall issue the register of the materials and equipments obligatory in public educational institutions and shall revise it,*
  - g) shall provide the professional supervision, evaluation of the pedagogical work carried out

- at educational-teaching institutions in national-, area-, county-, Budapest city-level, with the exception of the professional and content requirements of professional training,
- h) *shall create the conditions for the quality assurance, in accordance with the provisions of the law,*
  - i) *shall create and operate the ministerial commissioner's office of education rights,*
  - j) *shall define the requirements for the planning, healthy and safe operation of institutions of public education, and for the provision of equipment and teaching materials of these institutions,*
  - k) *shall put forward proposals for providing statistical data,*
  - l) *shall endorse the school-report forms and the forms used as the basis for filling in the report-forms, gives permission for their production and distribution, with the exception of certificates, and the forms used as the basis for filling the certificates in, on vocational training,*
  - m) *shall carry out the tasks, defined in the law, in connection with handling and using the vocational base of the Fund of Labour Market,*
  - n) *shall carry out the tasks of education policy in connection with regional development.*
- (2) *The Ministry of Education may order, at the charge of its budget, regional professional supervision, pedagogical-professional measuring, vetting, preparation of analyses, furthermore, may request the maintainer to perform professional supervision, pedagogical-professional measuring, vetting, analyses in the educational-teaching institution under his or her direction and inform the Ministry about the results. In case the maintainer does not comply with the request, the National Centre of Public Education, Evaluation and Examination shall act at the measure of the Minister of Education.*
- (3) *The Minister of Education shall establish an Accreditation Body for Teachers' Further Training in order to prepare decisions in connection with endorsing teachers' further training programmes. The law stipulates on the establishment and operation of the Accreditation Body for Teachers' Further Training. The Accreditation Body for Teachers' Further Training shall inform the National Committee of Teachers' Further Training on its operation at least twice a year.*
- (4) *The Minister of Education is obliged to initiate, on the basis of his or her sphere of competence defined in Point c) of Section 97 of the Act LXV of 1990 on local authorities, that the manager of the administrative office request the concerned local authority, fixing a deadline, to cease the violation of the law in connection with the fulfilment of public educational tasks, and in case the request does not end up with any result, to launch a process, depending on the type of the case, by the State Audit Office, Constitutional Court or the court.*
- (5) *The Minister of Education, in case he or she judges the operation of a public educational institution injurious, shall inform the notary, chief notary in order that they exercise their sphere of competence defined in Section 80 of this Act regarding public educational institutions not run by local authorities.*

#### **Section 94**

- (I) The Minister of Education shall regulate
- a) *the introduction and issue of the guiding principle of kindergarten education of national, ethnic minority and the guiding principle of school education of national, ethnic minority, the guiding principle of bilingual school education, the guiding principle of kindergarten education of children with handicap, the guiding principle of school education of students with handicap, the National basic programme of education in dormitory, the skeleton curricula and the Requirements and curriculum of primary art education respecting the rules of procedure defined in Point a) of Para. (1) of Section 93; in questions concerning*

*the national, ethnic minorities' education and teaching of the skeleton curricula and the National basic programme of education in dormitory and for the issue of the guiding principle of kindergarten education of national, ethnic minority and the guiding principle of school education of national, ethnic minority, the agreement of the national authority of minorities shall be sought,*

- b) the professional rules of the operation of public educational institutions, the order of school year, procedures connected with the appointment of the heads of public educational institutions; the issues connected with the names of educational-teaching institutions, the relations between students' sports associations and educational-teaching institutions, the general rules of administration and document-handling at public educational institutions as well as records connected with teaching and educational affairs and the order of handling data, *the tasks in connection with the prevention of children's and students' accident, as well as the activity in connection with the inquiry, registration and report of the accidents,*
- c) *the order of performing the national supervision, measuring, evaluation and quality assurance, the activity of experts contained in the National experts' directory, as well as the tasks and the operational rules of the ministerial commissioner's office of education rights, the establishment and operation of the Accreditation Body for Teachers' Further Training,*
- d) procedures connected with the experts' recommendations and reports on the education and teaching of children and students with a physical, mental, sensory, speech or other handicap and the education and teaching of children and students with adaptational disorders, learning difficulties and behavioural disorders, the operation of the specialist' and rehabilitation committees, the national and other specialist' and rehabilitation tasks,
- e) *the conditions and the order of declaring a book, a textbook, the preparation and the issue of the register of textbooks, the order of cancelling a book from the register of textbooks and subsidies granted to textbooks, furthermore the order of declaring materials study materials, or cancelling them, the preparation and the issue of the register of study materials, the issue of the register of compulsory materials and equipments,*
- f) the tasks connected with the preparation for school, the fulfillment of compulsory and obligatory education, certain issues connected with students' legal relationship, benefits and allowances to be extended to students, with the exception of benefits and allowances to be provided on the basis of taking part in vocational training as well as the amount of the fees to be payed by students,
- g) the order of examination, with the exception of secondary-school maturity examination, furthermore the issue of the requirements of the secondary-school maturity examination
- h) the supplements connected with the issue of permits necessary for the commence of operation of educational-teaching institutions which have not been established by a local authority, the conditions for the provision of pedagogical specialized services and pedagogical-professional services, and taking part in these services,
- i) the compilation of the National Experts' Directory and the National Examiners' Directory as well as issues connected with the procedures of being entered on these directories and the conditions for the extension of entry,
- j) training courses serving the carrying out of the tasks of public education,
- k) the rules for the recognition and naturalization of degrees and certificates, with the exception of certificates on vocational training.

(2) The Minister of Education shall exercise his or her rights defined in Para.

(1), in respect of vocational training, in agreement with the ministers responsible for vocational training.

(3) *The Government shall stipulate in provision*

- a) *the introduction and the issue of the National basic programme of kindergarten education,*
  - b) *the introduction and the issue of the National Basic Curriculum,*
  - c) *the introduction and the issue of the examination regulation of the secondary-school maturity examination,*
  - d) *the questions in connection with the issue and use of students' card,*
  - e) *the establishment and operation of Budapest and county permanent replacement system of teachers,*
  - f) *the introduction of teachers' professional examination, the system of teachers' further training, the benefits and allowances to be extended to teachers taking part in further training,*
  - g) *the conditions of receiving contribution for buying pedagogical special literature (book, textbook, notes, review) for teachers and the rules of accounting costs.*
- (4) *For presenting to the Government the National Basic programme of Kindergarten Education and the National Basic Curriculum, the agreement of the National Council for Public Education and of the National Committee of Minorities, in points concerning the kindergarten education and school education and teaching of national, ethnic minorities, shall be sought as well as the expert opinion of The Council for Public Educational Policy.*
- (5) *For presenting the government decree defined in Points a)-c) and f) of Para. (3) to the Government the agreement of the national authorities of minorities shall be sought, in questions concerning the kindergarten education and school education and teaching of national, ethnic minorities.*

## Section 95

The tasks of the Minister of Education in connection with the development of public education shall be the following:

- a) working out the long - and medium - term development projects of public education,
- b) the establishment, operation, development and streamlining of the national system of examinations,
- c) working out a development programme for the development of the school network and school structure, and keeping track of the development,
- d) examining the pedagogical problems emerging in public education, the development of pedagogical solutions and methods,

providing the financial and institutional conditions for pedagogical research work,

*f) creating the conditions of further training for teachers and the heads of public educational institutions necessary for renewing their knowledge and helping the further training of those co-operating in public educational management tasks of the state and local authorities,*

*g) helping the preparation of Budapest city and county development plan and local authorities' proceeding plan,*

*h) assuring the conditions of the expert activity in connection with the declaration of books as textbooks,*

*i) helping the development of pedagogical systems, especially the skeleton curricula issued for the educational-teaching period, type of school of public education defined in this Act and the system of materials helping and evaluating the teaching and studying based on this latter, furthermore the proposal of teachers' accredited training and further training making possible and helping the practicing.*

(2) *The institutions of national pedagogical-professional services shall take part in performing the tasks of the Minister of Education defined in Para. (1).*

(3) *With the co-operation of the National Council for Students' Rights, the minister of education shall convene every three years the students' parliament composed of the students' self-government of school, dormitory, in the lack of students' self-government in an educational-teaching institution composed of the delegates elected at the students' assembly held with the participation of at least twenty per cent of students from the students' communities of the school or dormitory.*

(4) *The Minister of Education, by provision,*

*a) shall act at request or officially in connection with the organization, the taking place of examination of general knowledge and secondary-school maturity examination, if the performance of the examination of general knowledge and the secondary-school maturity examination in line with the law is risked at national level without acting,*

*b) may order exceptional holiday in the educational-teaching institutions of Hungary, the county, Budapest city or some settlements, at the initiation of the notary, the chief notary.*

(5) *The Minister of Education can also act differently from the contents of the examination regulation and the order of school year when acting in accordance with the contents of Para. (4), in case the necessary measures cannot be taken, in proportion to the necessity of the given matter. The Minister of Education shall decide within three days. The decision may be enforceable preliminary.*

(6) *The Minister of Education can withdraw of the school the right of organizing the examination of general knowledge, the secondary-school maturity examination, the vocational examination and can invalidate the results of the examination of general knowledge, the secondary-school maturity examination, the vocational examination, as well as declare void the certificate issued, in case it is proved that the examination was organised, or the certificate was issued contrary to the law, in accordance with the*

*contents of the examination regulation in the framework of the process regulated by the Act IV of 1957 on the general rules of administration process. The invalid certificate shall be withdrawn and destroyed. The Minister of Education shall publish his acting defined in this Paragraph in the official paper of the Republic of Hungary, without offering explanation. The Minister of Education shall seek the agreement of the minister responsible for the vocational training before deciding on matters in connection with the vocational examination and the certificate attesting vocational qualification.*

### ***The National Public Education Evaluation and Examination Center***

#### **Section 95/A**

- (1) *The Government shall establish a central budgetary organ under the name of National Public Education Evaluation and Examination Center, which shall operate as a central agency and shall be directed by the Minister of Education. The National Public Education Evaluation and Examination Center shall perform its tasks with national jurisdiction.*
- (2) *The tasks of the National Public Education Evaluation and Examination Center are especially:*
  - a) *to provide the direction, organization, co-ordination of supervisory, measuring, evaluating and quality assuring tasks in the framework of branch management of public education,*
  - b) *to co-operate in performing the official tasks in the competence of the Minister of Education, defined in this Act,*
  - c) *to co-operate in organizing the examination of general knowledge and the secondary-school maturity examination, in deciding on applies for legal remedy and operates the independent committee of examination during the studies, in line with the contents of the examination regulation,*
  - d) *to perform the tasks in connection with National Experts' and Examination Directory,*
  - e) *to perform the tasks in connection with regional development and the financing linked with it belonging to the framework of branch management,*
  - f) *to co-operate in tasks in connection with operating the information system of public education.*
- (3) *The National Public Education Evaluation and Examination Center shall co-operate with the National Committee of Minorities in performing tasks in connection with kindergarten education, school teaching, and education in dormitory of national, ethnic minorities.*
- (4) *The Government shall stipulate the establishment, operation, the detailed tasks and the competence of the National Public Education Evaluation and Examination Center by decree.*

### ***The National Council for Public Education***

#### **Section 96**

- (1) *In the professional preparation of questions in connection with public education the National Council for Public Education shall co-operate. The National Council for Public Education is a professional body for preparing and judging decisions and putting forward proposals for the Minister of Education.*
- (2) *The National Council for Public Education keeps track of the situation in education, puts forward proposals and takes stands in connection with educational policy, research and development issues related to education.*
- (3) *The special tasks of the National Council for Public Education are:*



- a) to adopt standpoints on issues connected with curriculum regulations,
- b) *to keep track and to put forward proposals the issue and the application of the National Kindergarten Education Programme, National Basic Curriculum as well as the skeleton curricula, to make proposals concerning they survey,*
- c) *to keep track of and to give an expert opinion on the provision of textbooks and the declaration of books as textbooks,*
- d) to keep track of the professional level of public education and to initiate research projects for the development of public education,
- e) to submit proposals to Minister of Education in professional issues concerning public education.
- f) *to publish annual report on the situation of public education,*
- g) *to keep track of and give expert opinion on the operation of the system of teachers further training with special attention to the procedure of further trainings' accreditation, to give expert opinion once in a year on the report of the ministerial commissioner of education rights.*

(4) *The National Council for Public Education shall have twenty three full members and eight alternate members. The members shall be invited by the Minister of Education by the followings: three members by the minister's own choice, ten members and three alternate members by the nomination of the national pedagogical professional organizations, six members and three alternate members by the nomination of the teacher's training higher education institutions, two members and an alternate member by the nomination of the Hungarian Academy of Sciences and two members and an alternate member by the nomination of the national employers' association and employers' chamber. The membership is for a period of five years, in exception with the members invited by the minister, whose membership shall cease with the expiration of the nomination of the minister in office. The national pedagogical professional organizations can participate in the nomination in case they were registered in the secretariat of the National Council for Public Education presenting they basic regulation and the approval of jurisdictional registration. The members delegated by the national pedagogical professional organizations and the teacher's training higher education institutions shall be nominated according to the following procedures:*

- a) each of the concerned can make a proposal for one candidate,
- b) nominations are collected and sent to the maker of the proposal by the Ministry of Education, *the candidates of the national pedagogical professional organizations and the teacher's training higher education institutions are separated,*
- c) the makers of proposals name the ten and the six persons whom they propose as members of the National Council for Public Education,
- d) full members of the National Council for Public Education are the ten nominees from the candidates of the national pedagogical professional organizations and the six nominees from the candidates of the teacher's training higher education institutions who have received the most votes, while the alternate members are the following three nominees, in the case of identical number of votes the order is to be decided by drawing lot,
- e) the counting of the votes and the drawing of lot are carried out by the Ministry Education, in the presence of a public notary.

(5) *Professional and experts' committees may operate permanently and temporarily in the framework of the National Council for Public Education. The permanent committees of the National Council for Public Education are:*

- a) the National Committee for Teachers' Further Education, its task is to keep track of the operation of the further training system serving the further training and retrainig of teachers, heads of public educational institutions, persons co-operating in state and local authority public educational management tasks. The National Committee for Teachers'

Further Education has eight members, five of them are delegated by the National Council for Public Education, one by the Minister of the Interior, one by the Minister of Education, one by the Minister of Finance. The expert opinion of the National Committee for Teachers' Further Education shall be sought in questions concerning the system and operation of teachers' further training.

- b) the National Secondary-school Maturity Examination Committee, for providing preparatory tasks in connection with the definition of the requirements of the secondary-school maturity examination. The National Secondary-school Maturity Examination Committee has six members, three members are delegated by the National Council for Public Education, three of them by the Council of Sciences for Higher Education.
- (6) *The nomination of the members of the permanent committees is for the same period than the nomination of the members of the National Council for Public Education, in exception with the members delegated by the minister, their nomination shall cease when the minister's nomination ends.*
- (7) The National Council for Public Education and its committees elect its own officials and defines its working order, in the framework of this may define other cases of cessation of commission.
- (8) *The work of the National Council for Public Education shall be helped by a secretariat. The Ministry of Education shall provide the necessary conditions for the operation of the National Council for Public Education.*

### **The Council for Public Educational Policy**

#### **Section 97**

(1) The Council for Public Educational Policy is a body preparing and judging decisions concerning public educational policy and putting forward proposals for the Minister of Education. *Any member defined in Para. (2) of the Council for Public Educational Policy has the right to take a stand on or put forward proposals in any questions concerning the public education, in exception with questions belonging to the circle of conciliation of interests in connection with public functionary legal relationship and employment.*

- (2) Members of the Council for Public Educational Policy are four representatives of the
- a) national pedagogical professional organizations,
  - b) national teachers' unions,
  - c) national parents' organizations,
  - d) national students' organizations,
  - e) interest-representing bodies of local authorities,
  - f) national minority authorities,
  - g) non-local authority maintainers of schools, and also
  - h) one representative of the Ministry of Education, other ministries involved in education and bodies with a national sphere of activity, respectively. *When applying this Paragraph national pedagogical professional organizations, national parents' organizations, national students' organizations shall be organizations registered at the secretariat of the Council for Public Educational Policy proving by documents of the rules of association and the registration at court.*

(3) The Council for Public Educational Policy elects its own officials and defines the order of its operation.

(4) *The work of the Council for Public Educational Policy shall be helped by a secretariat.*

The Council for Public Educational Policy is convened by the Ministry of Education, who provides the conditions necessary for its operation.

### **Professional Panels**

#### **Section 98**

- (1) *The National Minority Committee shall take part in the preparation of decisions of the Minister of Education in connection with kindergarten education, school education and teaching, education in dormitory. Every national minority authority shall delegate one member to the National Minority Committee. The National Minority Committee's legal status corresponds to the National Council for Public Education's legal status, unless other provision is made by this Act. Before registering a book as textbook prepared for national, ethnic minorities' school education, the expert opinion of the National Minority Committee shall be sought.*
- (2) *The National Council for Students' Rights shall take part in the preparation of decisions of the Minister of Education in connection with students' rights. The National Council for Students' Rights may express its opinion, put forward proposals, take stand on any questions concerning students' rights. The National Council for Students' Rights has nine members, three members are delegated by the Minister of Education, three by the national students' organizations representing students of age of six to fourteen, and three by the national students' organizations representing students of age of fifteen to eighteen. When applying this Paragraph national students' organization shall be an organization in which the majority of the members is of the given age, furthermore, shall provide the representation of students or helping this latter in accordance with the aims and activities defined in its rules of association.*
- (3) *The nomination of the members of the committees stipulated in Paras. (1)-(2) is for a period defined by those delegating them, three years at the longest, in exception with the members delegated by the Minister of Education, their nomination shall cease with the end of the minister's nomination. The committees shall elect their officials, define their order of operation, in the framework of this latter may define other cases for the cessation of nomination. The Ministry of Education shall provide the conditions necessary for the committees' operation.*

*The national survey tasks of public education*

#### **Section 99**

- (1) *The national survey tasks of public education are especially: to operate and harmonize the national system of examination, to define the requirements and supervise of the primary examination and the secondary-school maturity examination, to develop and streamline the national system of examination, to develop the evaluation activity.*
- (2) *The public educational institutions' professional supervision of national, area, county, Budapest city level shall be realized through the national survey tasks.*
- (3) *National institutions providing pedagogical-professional services may be charged with providing tasks defined in Paras. (1)-(2). Institutions providing municipal pedagogical-professional services may co-operate in fulfilling the tasks, on the basis of the agreement concluded with the maintainer. National institutions providing pedagogical-professional*

*services can make an agreement with the maintainer of institutions providing municipal pedagogical-professional services.*

### **Section 100**

*National institutions providing pedagogical-professional services shall be assigned by the Minister of Education, in case of vocational education, by the minister responsible for the vocational qualification, in accordance with the contents of his sphere of activity defined in the Act on vocational training.*

## **National Experts' and Examiners' Directories**

### **Section 101**

- (1) The National Experts' Directory shall contain the names, professional fields, addresses and places of work of those who take part in the professional supervision of educational-teaching institutions.
- (2) The National Examiners' Directory shall contain, in accordance with the regulations defined in Para. (1), the data of those who can be assigned as primary examination or secondary-school secondary school maturity examination chairpersons.
- (3) To be entered in the National Experts' Directory can those who have no criminal record and who
  - have qualifications required for the supervisory teacher's (supervisory kindergarten teachers' or primary-school teacher's) appointment and have at least ten years' experience in education and teaching work,
  - have higher educational qualifications required for their work and have at least ten years' experience in their professional field and is an acknowledged expert on the field.
- (4) *To be entered in the National Examiners' Directory can be those who have teaching qualifications as defined in Points d) -e) of Para. (1) of Section 17 of this Act, in the case of secondary school maturity examination, those who have teaching qualifications and degree of university level - teaching of engineering, teaching of technics- , as well as those who have passed a special teacher's examination and have a ten years' experience in educational work, also in the case of secondary school maturity examination those who have experience in secondary-school educational work or in teaching in a teacher's college institution of higher education.*
- (5) On the first occasion, entry in the directories mentioned in Paras. (1)-(2) is for five years, which can repeatedly be extended. A separate legal provision can set further training or the taking of a professional examination as the condition for extension.
- (6) Entry in the directories mentioned in Paras. (1)-(2) can take place through an open competition. The competitions have to be made public in the official gazette of the Ministry of Education. *Concerning vocational training, the Minister responsible for the questions of qualifications prepares and promulgates the National Experts' Directory.*
- (7) *Concerning the national and ethnic minorities' kindergarten education, school education and teaching, education and teaching at dormitories, the person in charge of the specialists' assignment and of the presiding examiner's assignment is to have acquired the experience defined in Paras. (3)-(4) in national and ethnic minorities' education and teaching.*
- (8) *The National Experts' Directory and the National Examiners' Directory, with the exception of vocational training, is composed and maintained by the National Center on Evaluation and Examination of Public Education. The center mentioned above shall also take care of the tasks relative to the control of the activities of the persons who's names*

*are appearing the National Experts' Directory and in the National Examiners' Directory, in line with the provisions of the law.*

### **Administration by the maintainer**

#### **Section 102**

- (1) If the maintainer runs three or more educational-teaching institutions, it is obliged to set up and operate a committee dealing with public educational affairs. *If the maintainer runs a primary school, a secondary school or a specialized school with at least six forms, in the maintainer's decision preparatory work in connection with administration, he is to collaborate with a person who has a tertiary level qualification, entitling to perform educational teaching work on the basis of Section 17 of this Act.*
- (2) The maintainer
  - a) makes decisions on the establishment of a public educational institution, its sphere of business activities, restructuring, ceasing, modification of its sphere of activities, its name, the way of application to kindergarten admission as well as on the time of admission to kindergarten of a large number of children within the same period, *the weekly and annual opening time of kindergartens,*
  - b) defines the budget of the public educational institution and also the regulations for establishing the tuition fees and expenses that can be charged and the conditions for allowances that can be given on the basis of a child's or student's welfare position,
  - c) supervises the legality of the operation and financial activities of the public educational institution, *the effectiveness of the professional activities, the activities for the protection of children and youth in the educational-teaching institutions as well as the activities for the prevention of accidents occurring to students and children; if the maintainer is not the local authority, children's and students' accidents shall be reported to the Budapest city, county chief notary responsible in the district where the educational teaching institution's seat is,*
  - d) appoints the head of the institution and exercises the employer's rights over the head of the institution,
  - e) *confirms the organizational and operational rules of the public educational institutions as well as the educational and pedagogical program of the educational teaching institution, the pedagogical and cultural program of the general cultural center and, in cases defined by the law, their working plan,*
  - f) evaluates the carrying out of the tasks defined in the occupational and pedagogical program of the educational-teaching institution, *as well as the effectiveness of the pedagogical and professional work.*
- (3) Before bringing decisions on the closing, restructuring, the alteration of its tasks, giving a name, establishing and modifying the budget, appointing the head or withdrawing the appointment concerning a public educational institution, the maintainer is to seek the opinion of the staff of the institution, the school board, *the school's parents' organization (community), the students' self-government, in the case of an educational-teaching institution providing teaching and education in the language of a national or ethnic minority group or in the language of a national and ethnic minority group and in Hungarian, unless the institution has the right to accordance, that of the minority local authority, in the lack of this latter that of the local spokesman of the minority group or in the lack of this latter that of the local association of the given minority group, in the case of vocational secondary school or specialized school the opinion of the Budapest city or county chamber of commerce.*

- (4) The body of representatives (general assembly) is to gauge every year the demand for preparatory education in Hungarian and for education and teaching in the language of a national or ethnic minority, with the involvement of the concerned minorities' local authority, or in case of general assembly the national minority authority.
- (5) The maintainer can set new tasks for an institution of public education with the provision of the conditions necessary for carrying out the new tasks.
- (6)
- (7) *If the maintainer is the local authority, it may control, confirming the schools' pedagogical program, the interchangeability and the admission of student from a school into the school under its maintenance, as it is stipulated in Section 46 of this Act.*
- (8) *In the budget of the educational-teaching institution, the maintainer provides the conditions necessary for the operation of the school board, of the parents' organization (community) as well as for the students self-government's at the school and the dormitory.*
- (9) *During the school year (academic year) and the educational year, in exception with the month of July and August, the maintainer*
  - a) *cannot establish a school, furthermore, restructure, cease school, dormitory or kindergarten and cannot transfer his right to maintenance,*
  - b) *cannot reorganize or cease a school class, a group at a dormitory or at a kindergarten,*
  - c) *cannot modify the tasks of a school, dormitory or kindergarten.*
- (10) *If the maintainer is the local authority, in the educational-teaching institution co-operating in kindergarten education, school education and teaching, education in dormitory of national, ethnic minorities, the institution providing pedagogical-professional service co-operating in providing the concerned children and students*
  - a) *the establishment, cessation, modification of the sphere of activity, the name,*
  - b) *establishing and modifying the budget,*
  - c) *evaluating the professional work,*
  - d) *confirming the structural and operational regulation,*
  - e) *confirming and evaluating the performance of the education program, pedagogical program, pedagogical-cultural program*

*may be performed with the agreement of the concerned local minority authority, in case of public educational institution providing regional and national tasks, that of the national minority authority. In educational institution of minorities [Para. (6) of Section 121], in line with the division of labour defined above, the agreement of the minority local authority shall be sought even before the assignment and the cessation of the assignment of the head.*

### **Section 103**

- (1) The maintainer can deny endorsement of the organizational-operational rules if they violate the legal regulations. The organizational-operational rules and any modification of them, are to be regarded as approved if the maintainer does not make a statement within 30 days or, in the case of an educational-teaching institution run by a local authority - if the decision is brought by the body of representatives (general assembly) - on the first meeting of the body of representatives (general assembly) following the 30<sup>th</sup> day.
- (2) The maintainer can deny the approval of the educational or pedagogical program if it is
  - a) not in accordance with the requirements laid down in this Act,
  - b) it contains extra tasks for which the conditions are not provided and it does not undertake the creation of these conditions, or if it does not contain the tasks which the maintainer has defined, providing the necessary conditions.
- (3) The educational and pedagogical program and any modifications made to it are to be regarded as approved if the maintainer does not make a statement within 30 days or, in the case of an educational-teaching institution run by a local authority - if the decision is

brought by the body of representatives (general assembly) - on the first meeting of the body of representatives (general assembly) following the 30<sup>th</sup> day.

#### **Section 104**

- (1) Within the framework of ensuring legality, it is necessary
  - a) to check the regulations for the institution and, with the exception of the collective agreement and the public employees' regulations, the observation of procedural rules set for the approval of other internal regulations, the legality of the regulation's stipulations, the legality of operation and decision-making, *especially the activities related to the accomplishment of the tasks for the prevention of accidents occurring to students and children, for the protection of children and youth and for the creation of healthy and safe conditions in the educational-teaching work,*
  - b) to judge requests defined in Para. (4) of Section 83.
- (2) As a result of the checking regulated in point a) of Para. (1), the maintainer calls on the head of the public educational institution to remedy any decision that violates the legal regulations. If it does not have a positive result, the maintainer shall annul the decision violating the legal provisions and shall order the head of the public educational institution to bring a new decision or take the measures the head of the institution has failed to take. These stipulations are also to be applied in case the organizational-operational rules are not approved. *The stipulations defined in this Paragraph are not to be applied if more than a year passed since the decision has been issued or if the court has revised the decision and also if the cancelling of the decision is of good faith and would violate case law. In these cases, the maintainer shall inform the head of the institution of public education of his conclusions and of the right procedure to be followed.*
- (3) In the scope of rights regulated in point b) of Para. (1), the notary, the chief notary can act, in the case of an educational-teaching institution run by a local authority, in case of another maintainer, a person with qualifications obtained from a law school or from the College of State Administration, or with higher educational qualifications authorizing for filling the position of head of an educational-teaching institution bringing the decision can act. As a result of the procedure, the decision can be changed if it violates the legal regulations or individual interest or can be annulled and the educational-teaching institution can be ordered to bring another decision.
- (4) *The maintainer can graduate the performing of the educational and pedagogical program, the effectiveness of the professional work carried out in the institution of public education on the basis of*
  - a) *The pedagogical survey, evaluation carried out by institutions providing pedagogical-professional services of the local authority, as well as the expert opinion prepared by experts figuring in the National Experts' Directory and also the results of the primary examination and of the secondary-school maturity examination and*
  - b) *the report made by the institution of public education,*
  - c) *the school board's opinion.*
- (5) An educational-teaching institution can be obliged on one occasion in every school year and every year to give a comprehensive account to the maintainer of its activities.

#### **Section 105**

The educational-teaching institution the maintenance of which is justified on grounds of interests of public education and *which carries out regional and national tasks*, but which the maintainer is not able to provide by its own means in accordance with the requirements set by the legal provisions, can be operated, under the agreement made with the maintainer, as a

state-run institution. The consent of the Minister of Finance is needed for the signing of the agreement.

### **Section 106**

The management or administration by the maintainer may not violate the professional autonomy of the educational-teaching institution or the institution's sphere of authority in bringing professional decisions.

## **Supervision of a Public Education Institution**

### **Section 107**

- (1) Participating in the professional supervision of an educational-teaching institution, *except for the things defined in point b) of Para. (1)*, can be a person who is in the National Experts' Directory.
- (2) If the professional supervision takes place in an institution of public education which provides education for national, ethnic minorities
  - a) the supervision can be led by an expert who speaks the language of the given national, ethnic minority; in lack of such an expert, the supervision has to be carried out with the involvement of a teacher who knows of the national, ethnic minority,
  - b) *the result of the professional supervision shall be transmitted to the national authority for minorities which can take part in the professional supervision through a representative, with the conditions defined in Para. (3) of Section 101 of this Act, even if that person does not figure in the National Experts' Directory.*
- (3) At least seven days before the start of the supervision, the leader of the supervision has to agree with the head of the public educational institution and with the initiator of the supervision on the duration, form, methods, the date of the supervision and also on the ways in which those concerned will be able to express opinion on the findings of the supervision. In the cases defined in points a)-b) of Para. (8), the maintainer of the institution of education has to be informed of the professional supervision at least seven days before the start of it and of the fact that he can be present during the supervision.
- (4) *Those affected by the supervision and the initiators of the supervision will get the findings of the professional supervision, as well as the maintainer, in exception with Point f) of Para. (8). If the supervision is carried out in an institution of public education for national, ethnic minorities, the findings of the professional supervision are to be sent to the local authority for minorities concerned and to the national authority for minorities.*
- (5) Those who do not agree with the findings of the supervision can ask for its revision within the framework of another supervision.
- (6) As a result of the findings, the maintainer - if he is not authorized to act - calls on the head of the public educational institution, providing an appropriate dead-line to take the necessary measures.
- (7) The findings of the supervision have to be made public *respecting the legal regulations concerning the protection of personality.*
- (8) *Ensuring the costs, a professional supervision can be started by*
  - a) *the Minister of Education on national, regional, county and Budapest city level, the Minister responsible for the vocational qualification concerning vocational trainings, in order to prepare the aims of national education policy or to get acquainted of the realization of the aims as well as the national authority of minorities, in order to evaluate the performing of the tasks of national, ethnic minorities in public education,*



- b) *on county, Budapest city level, the Budapest city, county local authority in order to prepare and to get acquainted of the realization of county, Budapest city development plan and of the aims of national education policy,*
  - c) *on settlement level the local authority of the commune, city, city with county rights, Budapest district, in order to prepare and to get acquainted of the realization of the local aims of educational policy, the local authority of minorities, in order to survey the performing tasks in connection with the settlement's national, ethnic minority group's kindergarten education, school education and teaching,*
  - d) *on institutional level the maintainer, in order to prepare and to get acquainted of the realization of the local aims of educational policy and to evaluate the level of educational and teaching work in every institution,*
  - e) *the head of the institution in order to evaluate the level of educational and teaching work performed in the institution and of some employees by an outside expert,*
  - f) *the employee of the public educational institution, in order to evaluate his or her own work.*
- (9) In the course of checking of legality at a public educational institution, the contents of Paras. (2)-(6) are to be applied, with the difference that the stipulations concerning preliminary agreement do not have to be observed if it threatens a successful supervision.
- (10) The person carrying out a professional supervision and the person person carrying out legality supervision do not have a sphere of authority to bring a decision or act.

## Chapter 7

### PROVISIONS WITH AN INTERNATIONAL BEARING

#### **Foreign Educational-Teaching Institutions in Hungary, Hungarian Educational-Teaching Institutions Abroad**

##### **Section 108**

- (1) *A foreign educational-teaching institution can operate in Hungary and issue foreign certificates if in the state from which it comes the institution is recognized legally as an educational-teaching institution and the certificate it issues is recognized as a certificate in line with such an educational-teaching institution, and this recognition has been authentically proved.*
- (2) *The Minister of Education registers and gives the maintainer the permission necessary for the start of the operation. Unless an international agreement stipulates otherwise, the maintainer can ask for registration on the basis of Para. (2) of Section 37 and for the permission necessary for the operation on the basis of Paras. (1)-(2) of section 79. The regulations to be applied for the creation of a foreign educational-teaching institution, for the educational-teaching work carried out in the institution and for the control of that work, for the affairs and decisions related to the children and students are the ones of the state which recognized the educational-teaching institution as its own.*
- (3) *Hungarian citizens can also fulfill compulsory education at a school described in Para. (1) or at school operating abroad. The notary responsible in the district where the student's domicile, or in the lack of this his or her place of residence gives out a testimonial of the student's legal relationship.*
- (4) *An educational-teaching institution indicated in Para. (1) can also operate in Hungary on the basis of an international agreement.*

- (5) Hungarian state-run kindergartens, primary schools and secondary schools can be established and operated abroad by the Ministry of Education; specialized schools can be established and operated abroad by the Ministry of Labour, provided that the country of the location of operation makes it possible under his own legal system or under an international agreement.
- (6) Hungarian educational-teaching institutions can be established abroad with the permission of the Minister of Education if the state of the location of operation makes it possible under its own legal system or under an international agreement and this is authentically proved. If the seat of the Hungarian educational-teaching institution is abroad, under Hungarian foreign representation, the principles defined in Para. (2) are to be applied in the procedure concerning registration and the permission of operation. In the permission given for the establishment and the operation of a Hungarian educational-teaching institution operating abroad, the conditions of establishment and operation are to be defined. The Minister of Education shall register the educational-teaching institution operating abroad and exercises the sphere of authority defined in Section 80 of this Act.
- (7) The financial support stipulated in Para. (6) of Section 4 is also due to the maintainer for the Hungarian students admitted in the educational-teaching institution defined in Para. (1). The financial support is also due to the maintainer for the Hungarian citizens admitted in kindergartens, schools operating abroad, under Hungarian foreign representation authorized to operate on the basis of Para. (6), if the Hungarian citizen's parents are abroad on the basis of an official state mission.
- (8) Other institutions of public education can operate on the territory of the Republic of Hungary than the ones defined in Para. (1) if the institution has been registered according to the principles defined at Para (2) of Section 37 of this Act.
- (9) The Minister of Education can conclude agreements with the maintainers of the foreign educational-teaching institutions.
- (10) For the children of refugees staying on the territory of the Republic of Hungary the Minister of Education, with the agreement of the Minister of the Interior, can allow an educational-teaching institution to operate by delivering a temporary permission to operate even if the conditions defined in Paras. (1)-(2) are missing. The temporary permission to operate is valid for one year and can be prolonged on several occasions. The request for the obtention of the temporary permission to operate is to be presented by the Ministry of the Interior. When delivering a temporary permission to operate, the educational-teaching institution is to be simultaneously registered. In the temporary permission to operate the Minister of Education makes himself acquainted of the fact that the children of the persons enjoying a temporary asylum on the territory of the Republic of Hungary have organised kindergarten education or school teaching. The temporary permission to operate does not mean the recognition of the fact that this educational-teaching institution is conform to the conditions set by the country from which the persons enjoying a temporary asylum on the territory of the Republic of Hungary came from, it does not mean the recognition of the certificates established by that school by the Republic of Hungary.

### **Studies pursued by Hungarian Citizens Abroad**

#### **Section 109**

- (1) A Hungarian citizen can pursue studies abroad without permission from the authorities.
- (2) A Hungarian citizen can fulfill his or her compulsory education at a foreign educational-teaching institution.

- (3) In the case of a student under compulsory education who has domicile, in the lack of this place of residence in Hungary, the pursue of studies abroad is to be reported, in order to register the child as undergoing compulsory education, to the notary of the local authority of the village, city, Budapest district, city with county rights of the student's permanent place of residence, or if the student has already enrolled at a Hungarian school, the pursue of studies abroad has to be reported to the school principal.
- (4) The legal relationship of a student who has a permanent place of residence in Hungary is suspended, while he or she pursues studies abroad.

### **Studies Pursued in Hungary by non-Hungarian Citizens and the Continuation in Hungary of Studies Started Abroad**

#### **Section 110**

- (1) *A non-Hungarian citizen, according to the legal provisions of this Act, falls under compulsory education in Hungary if he or she is a refugee, if he or she is enjoying an admitted or a temporary asylum (hereafter: refugee), if he or she has an immigration or long-period residence permit. The existence of the necessary conditions shall be proved at the admission to an educational-teaching institution.*
- (2) *If the non-Hungarian citizen lives on the territory of the Republic of Hungary as a refugee, and if he or she has a permit of immigration and also those who have long-period residence permit, on the basis of reciprocity, can use the services of public education defined in this Act in the same conditions as the Hungarian citizens.*
- (3) *A non-Hungarian citizen who has a letter of invitation from the Ministry of Education can use the services defined in the letter of invitation in the same conditions than the Hungarian citizens.*
- (4) *On the basis of reciprocity, the child of a member of the Hungarian diplomatic or consular representation is exempted from paying the fees and tuition fees defined in this Act. The Ministry of Foreign Affairs takes stand in questions of reciprocity.*
- (5) *A non-Hungarian citizen who does not come within the provisions of the principles defined in Paras. (1)-(3) is to pay a fee for using the provision in kindergarten, school and dormitory as well as for using the pedagogical specialized services, unless other provision is made by an international agreement or the law. The fees may not exceed the sum falling onto a student from the running expenses of the professional tasks. The head of the public educational institution may diminish or dispense the fees on the basis of the regulations defined by the maintainer.*

#### **Section 111**

- (1) *Studies pursued abroad but not completed can be continued in the Hungarian public school system. It is the head of the school who shall decide on the admission of a non-Hungarian citizen and on the counting of his or her studies.*
- (2) *If the head of the school is unable to make a decision concerning the counting of studies pursued abroad, he or she shall seek the opinion of the Minister of Education, in the case of vocational training, the opinion of the minister responsible for the vocational training.*

### **Recognition and Naturalization**

#### **Section 112**

- (1) *A certificate obtained from a foreign teaching institution and recognized under an international agreement, as being equivalent in the Republic of Hungary, shall testify to school qualifications equivalent to school qualifications obtainable at a similar Hungarian*

educational-teaching institution, and shall qualify the holder to apply for further education in line with this qualification, and shall testify to vocational training and also, shall qualify the holder for an identical position or for the carrying on of an identical occupation (activity).

- (2) In case there is no international agreement recognizing the equivalence of the certificate obtained from a foreign teaching institution, the recognition or the naturalization of the certificate is needed. In case of recognition, the certificate shall prove school qualifications equivalent to the school qualifications that can be obtained in a corresponding Hungarian educational-teaching institution. A certificate recognized as equivalent through naturalization shall prove school qualifications equivalent to the school qualifications that can be obtained from a corresponding Hungarian educational-teaching institution, or shall prove an equivalent vocational training and qualifies for application for further education which is in accordance with it and also for the filling of an identical position or for the pursue of an identical occupation (activity).
- (3) *The Minister of Education decides on recognition, except for certificates testifying vocational training, the educational-teaching institution gives a decision on naturalization, except for certificates testifying vocational training.*

### **Taking Abroad Documents Issued by Teaching Institutions**

#### **Section 113**

If the documents issued by a school are to be used abroad, they have to be authentic and have to be provided with a proper over-authentication, provided no other international agreement stipulates otherwise. Authentication is done by the maintainer of the school or, in the case of a school run by a local authority, by the notary (chief notary) and the documents are over-authenticated by the Ministry of Education, the Ministry for Foreign Affairs and the foreign representation in Hungary of the state corresponding to the use of the document.

## **Chapter 8**

### **PRINCIPLES OF FUNDING OF PUBLIC EDUCATION**

#### **Free Services**

#### **Section 114**

- (1) Free services at educational-teaching institutions maintained by a local authority or a state body and within the framework of the carrying out of local authority tasks are:
  - a) at kindergarten
    - kindergarten classes [Para. (1), Section 24], if necessary speech therapy, dyslexia-preventing classes, two closing up classes a day for children with physical, mental, sensory, speech or other handicap,
    - *regular* health checks for children,
    - the use of the facilities and equipment of the kindergarten to have access to the free services,
  - b) at a primary school and in forms laying the foundations for general knowledge, in every case, and at a specialized school and secondary school, with the exception defined in Sections 115-116,
    - school classes [Paras. (3)-(5), Section 52],
    - *according to the order of work of day teaching in the preparation for the first and second qualification and in the framework of this, and in the case defined in*

- Paras. (8) and (10) of Section 27, in closing up teaching, as well as in classes transmitting the knowledge necessary for taking up an employment, starting an independent life, the work-clothes ensured in practical training, individual protective equipment (protective wear) and means for washing,*
- *staying in the same form for a second year for the first time from the first form to the tenth form, from the eleventh to the thirteenth, in vocational training form, as well as staying in the same form for the second or third year, unless it is necessary because of the for non-fulfillment of educational requirements,*
  - *classes organized in addition to compulsory classes within the framework of the number of classes defined in Para. (7) of Section 52, including study competitions and vocational competitions, students' days, choral, school choir, and other artistic activities detailed in the pedagogical program, sport clubs, regular physical training, school competitions as well as competitions and championships between schools,*
  - *care before the start of classes, during meal times, as well as day care and study-room classes until the end of the tenth form,*
  - *entrance examinations, graduating examinations, interposed examinations, supplementary examination, correctional examination, vocational skill examinations, career aptitude test,*
  - *during the validity of the student's legal relationship, the primary examination, the secondary school maturity examination and the first vocational examination, during the validity of the student's legal relationship the supplementary examination, in the case of an unfinished examination and the correctional examination taken on the first occasion,*
  - *the use of the facilities and equipment (library, laboratories, computer center, sports and recreational facilities, etc.) to have access to the free services,*
- c) *at a dormitory, in the case of taking part in education defined in point b)*
- *classes at dormitory [Para. (7), Section 53],*
  - *guaranty of conditions for habitation conform to the professional normatives defined in the law,*
  - *continual pedagogical control and regular health checks,*
  - *the use of the facilities and of he equipment (library, laboratories, computer center, sports and recreational facilities, etc.)to have access to the free services and habitation,*
  - *in the case of students with a physical, mental, sensory, speech or other handicap, full-scale provision adjusted to their condition.*
- (2) *In the case of students with a physical, mental, sensory, speech or other handicap, the provision of education and the provision at the dormitory are free of charge in every case.*
- (3) *The use of the nurturing development [Para. (6) Section 30] and of the pedagogical services (Section 34) are free.*

## **Obligation to Pay Fees**

### **Section 115**

(1) At educational-teaching institutions run by a state body or a local authority and within the framework of the carrying out of tasks of a local authority, the following services shall be available for a fee:

- a)
- b) extra classes not mentioned in Section 114 from the eleventh form of school teaching, at vocational training school forms day care and study room classes,
- c) at institutions of primary art education,
  - six classes a week in order to master the practice and theory of the main subject, one audition (examination) and one performance a year, staying in the same form for a second year because of not fulfilling the educational requirements,
  - the use of the facilities and equipment of the school in respect of these services,
- d) in adult education, the things defined in Points b)-c) of Para. (1) of Section 114, in exception with the teaching organized according to the order of work of day school, from the eleventh form at academic secondary school and vocational secondary school and also at vocational secondary school or specialized school, when acquiring the first vocational qualifications on vocational training forms,
- e) at academic secondary school and vocational secondary school, the things defined in Points b)-c) of Para. (1) of Section 114, from the eleventh form on and at vocational secondary school and specialized school, staying in the same form for the second year because of not fulfilling the educational requirements in the vocational training form,

f)

(2) The contents of Point e) of Para. (1) are also to be applied in the case of those taking part in adult education.

(3) Children and students pay for the meals provided at educational-teaching institutions, in accordance with the legal regulations.

## **Obligation to Pay Tuition Fees**

### **Section 116**

(1) At educational-teaching institutions run by a local authority or a state body and within the framework of the carrying out of tasks of a local authority, the following services shall be available for tuition fees:

- a) in primary art education, classes exceeding those defined in Section 115 and after reaching the age of 22 every classes,
- b) the services defined in Points b)-c) of Para. (1) of Section 114, when acquiring vocational qualification, in exception with the contents of Sections 114-115,
- c) at kindergarten, school and dormitory, education and teaching carried out under activities which are not connected with the educational and pedagogical programme as well as other services relating to this,
- d) at academic secondary school and vocational secondary school, the services defined in Points b)-c) of Para. (1) of Section 114, from the eleventh form on and at vocational secondary school or specialized school staying in the vocational training form for at least the third and further year because of not fulfilling the educational requirements of the form,

- e) primary examination, secondary school maturity examination, vocational examination started after the cessation of student's legal relationship, including correctional examination and supplementary examination; also in the case of examination started when the legal relationship of the student was valid but unfinished, the second and further correctional examination.
- (2) The things contained in Points d)-e) of Para. (1) are also to be applied in the case of those taking part in adult education.

### **The Size of Fees and Tuition Fees**

#### **Section 117**

- (1) The fees per school year
- a) fifteen to twenty-five percent, in the cases defined in Point b) of Para. (1) of Section 115,
  - b) five to ten percent in the cases defined in Point c) of Para. (1) of Section 115, for students under 18 years of age,
  - c) fifteen to thirty percent in the cases defined in Point c) of Para. (1) of Section 115, for students over 18 years of age but under 22,
  - d) twenty to forty percent in the cases defined in Point d) of Para. (1) of Section 115,
  - e) twenty-five to fifty percent in the cases defined in Point e) of Para. (1) of Section 115
- of the proportion of the current expenditures used for special tasks falling on one student, calculated at the beginning of the school year.
- (2) The fees are to be reduced depending on the study results, in accordance with the conditions set by the maintainer.
- (3) Tuition fees per school year, may not exceed the proportion of the current expenditures used for special tasks falling on one student, calculated at the beginning of the school year. Tuition fees have to be reduced, depending on the study results, with the exception of education and teaching taking place under profit-making activities.
- (4) It is the maintainer of the institution who shall define the rules, with the exception of education and teaching and other activities carried out under profitmaking activities, on the basis of which the head of the kindergarten, school and dormitory shall decide on extending other free provision apart from those defined in Section 114, on the sums of fees, including tuition fees as well on the allowances that can be granted to students because of their study results and financial situation, and also on the ways of paying the fees.
- (5) It is the head of the kindergarten, school, or dormitory who shall make decisions on the tuition fees connected with education and teaching performed on the basis of enterprise according to the foundation charter, as well as connected with the use of services relating to this kind of education and teaching, and on the allowances and methods of payment.

#### **Other Issues Connected with Funding**

##### **Section 118**

- (1) The financial resources necessary for the operation of the public educational system shall be provided by the state budget and contributions from the maintainers of the institutions which can be complemented by the fees students pay for certain services and by other income of public educational institutions.
- (2) The sum to be allocated from the state budget for carrying out the tasks of public education must be established in the annual Budget Act.
- (3) *The state budget shall provide normative budgetary contribution to state bodies, local authorities, to the maintainers of institutions run by non-state or non-local authorities for*

*the operation of the educational-teaching institutions under their maintenance, considering the strength of children, students and the provided tasks.*

- (4) The sum of the annual prevailing normative budgetary contribution shall not be less than ninety percent of the aggregate expenditure used for public education by the local authorities two years before the year under consideration, reduced by the sum of accumulation and capital expenditure, the institutions' operational purpose incomes and the centralized estimates. The sum of the normative budgetary contribution shall reach the sum of the last year's normative budgetary contribution. The sum of the normative budgetary contribution for the maintainer of an institution not run by state body or local authority may not be less than the normative budgetary contribution for the local authority set upon the same rights. The Annual Budgetary Act shall lay down other rules considering the organizations under the effect of the Act on corporation tax and individual entrepreneurs.*
- (5) The sum of the financial support as a support that cannot be diverted to other objects, which is extended to the maintainers of schools, calculated on the basis of the strengths of students, to subsidize the prices of textbooks that are sold at market prices, is to be defined in the annual Budgetary Act. It is the teaching staff that decides, considering the opinion of the school board and that of the parents' association (community) and the students' self-government, on the ways of extending financial support. The students' financial situation can be taken into consideration in bringing the decision. The financial support can be used for the purchasing of textbooks to be placed in the school library, provided that through library lending the free provision of textbooks is ensured for students. In line with the provisions of the law, the defined part of the support shall be used for purchasing durable textbooks.*
- (6) In this Act*
  - the frame of time defined for the organization of kindergarten classes in Para. (4) of Section 24, and that of day care and study room in Para. (4) of Section 53 shall be increased from the sources for providing social administrative tasks, and account as social expenditure, in case the children's day care provision makes it necessary, furthermore*
  - the frame of time defined for the organization of non-compulsory (optional) school classes, extra classes, individual classes, medical physical training, that of divisions of classes in Pares. (7)-(8) and (10)-(12) of Section 52,*
  - the frame of time defined for the organization of classes in dormitories in Para. (7) of Section 53,*
  - the frame of time which can be used freely at the charge of the management and employees' strength employed obligatorily on the basis of the Appendix I, and at the charge of the number of compulsory classes*

*may be increased with the maintainers agreement, the leader's and assigned teachers' classes may be reduced and the strength of kindergarten groups, school classes defined in Appendix III may be reduced compared to the maximum strength (surplus services), in case the maintainer provides the necessary funds without budget surplus support, or the educational-teaching institution from its own sources.*
- (7) When setting the normative budgetary contribution for public educational institutions run by church denomination beside the provisions of this Act the provisions of the Act IV of 1990 on the freedom of conscience, religion and on church shall be taken into consideration.*
- (8) The provisions of Sections 114-116 of this Act shall be applied in case the maintainer sent his statement to the settlement's local authority as defined in Para. (11) of Section 81.*



- 9) *The local authority giving over the institution is obliged to transfer the sum of the complementary support defined in Paras. (1)-(2) of Section 6 of the Act on the Financial conditions of the public activities of the church as well as its transferred incomes to the body carrying out the transfer - from the transferred incomes and from its own sources -, furthermore, until the public educational agreement is valid, the sum of the transferred incomes shall be reduced with the sum of the complementary support, if on the basis of Para. (13) of Section 81 of this Act, the local authority made a public educational agreement with the church denomination and if on the basis of the stipulations of this paragraph, the church denomination does not become entitled to make a unilateral statement on the basis of Para. (11) of Section 81. After the second year following the signing of the public educational agreement, the Church denomination entitled to make a statement can initiate the making of a unilateral statement at the National Center for Assessment and examination, according to Para. (11) of section 81 of this Act. The National Center for Assessment and examination can grant the financial contribution if at least seventy percent of the institution is exploited and if the strength of the forms and groups reaches ninety percent of the average strength defined in the appendix III of this Act. From the education-teaching year following the submission of the unilateral statement, the maintainer is entitled to the complementary financial contribution and the public education agreement can be called off with prompt effect by any of the parties within sixty days following the making of the unilateral statement. If the Church or denominational legal entity did not get the financial contribution necessary for the unilateral statement, it can reinitiate the concession after one year. For the procedure concerning the concession of the contribution necessary for the making of the statement, the National center for Assessment and Examination shall apply the Act on the General Rules of the Administrative Procedure. These provisions shall also be applied if the Church or denominational legal entity does not fall under the scope of Paras. (11)-(12) of Section 81 of this Act and if the local authority and the Church denomination without legal personality make a public education agreement with a mutual agreement for the tasks fulfilled by the education-teaching institution founded by the Church denomination.*
- (10) The head of the institution of public education can acknowledge the achievement of certain work performances, the fulfillment of surplus tasks (except for substitutes) and especially the activities aimed at pedagogical development and the quality work done in the field of extra classes assisting the educational purposes by providing a salary complement (hereinafter: wage complement for exceptional work). The wage complement for exceptional work might be defined, for any employee of the institution, on one occasion or for a fixed period. The wage complement granted for a fixed period shall be paid monthly. The wage complement paid monthly shall not be paid for a period of time longer than one educational-teaching year but might be granted on several occasions. The conditions of the wage complement granted for the accomplishment of exceptional work shall be determined in a collective agreement or in default of it in the organizational-operational rules.
- (11) The maintainer of the institution shall establish the funds for the wage complement for the accomplishment of exceptional work taking into account all of his institutions. The basis for determining of this sum corresponds to the multiplication of the sum assigned for one person in the Annual Budgetary Act to the strength of teachers employed in an educational-teaching institution in a pedagogical sphere of activity, the strength of teachers employed in institutions accomplishing pedagogical special services in the sphere of activity of pedagogical expert, pedagogical officer.
- (12) The maintainer divides the sum defined in accordance with Para. (11) proportionally to the strength of the persons concerned in the institution.

## Section 119

- (1) In the county, the county local authority and city with county rights, in Budapest district, the Budapest district local authority shall create a public association to support the local, regional and national educational tasks (approved in the development project). The incomes of this public association are based on the contribution defined in the Annual Budget Act of the central budget, on other payments defined in Acts and government decrees and on voluntary payments of natural persons, legal entities or business entities without legal personality or on other payments defined in the foundation charter of the institution. The Chamber of Commerce of Budapest, of the county shall be involved in the repartition of the sum as well as the maintainer of non-state and non-local authority institutions. *The expenses of the operation of the public association shall be covered by the public association. The public association can exclude partly or entirely a institution of public education if its maintainer has not accepted the development plan.*
- (2) The Government shall create a public association in order to provide assistance in the accomplishment of the tasks connected with the education and teaching of children with physical, sensory, mental, speech or other handicaps, with the provision of pedagogical special services, with early development and care, with the preparation for developmental nurturing and in order to provide financial support for the development and the operation of the institution network contributing to the carrying out of the educational tasks, for the acquisition of tools and vehicles necessary for children and students to make use of special care and also to provide assistance for caring classes organized for parents. The income of the public association are the following : the contribution of the central budget defined in the Annual Budget Act, the health insurance fund defined in the Act defining its budget, the payments defined in Acts or in government decrees and the voluntary payments of natural persons, legal entities or business entities without legal personality, and other payments defined in the foundation charter. The expenses of the operation of the public association shall be covered by the public association.
- (3) The extra financial support, necessary for the issue of textbooks, recommended curricula and the making of examination requirements and other programs of assessment, is to be set in the budgets of the Ministry of Education, the ministries responsible for vocational training. The sums to be used to help the development of public education and to support the maintainers of public educational institutions are to be established in the budget of the Ministry of Education. The budgetary contribution of educational-teaching institutions operated by various ministries is to be established in the budgets of those ministries. The sums of contribution to be paid under state mandates made by the Ministry of Education are to be established in the budget of that ministry. The budgetary contribution given to penitentiary institutions for the education and teaching activities carried out there and calculated on the basis of the number of students at such institutions is to be established in the budget of the Ministry of Justice.
- (4) The normative budgetary contribution for children's medical resorts and health care and rehabilitative institutions can be claimed on the basis of the number of places available so that the institution may be adapted to the students being educated there and so that the extent of the financial means aimed at education can be foreseeable. The budget of the educational institutions shall figure in the budget of the Ministry of Education.

### **Special Provisions Concerning Students Taking Private Tuition, Those Fulfilling Obligatory Education and Those Using the Pedagogical Specialized Services**

### Section 120

(1) In case a student with a physical, mental, sensory, speech or other handicap, or a student with an adaptational, behavioral and learning disorder, shall pursue

- his or her studies in the form of private tuition, or
- if the parents fulfill obligatory education within the framework of provision at home,

the costs for employing the specialist designated in the expert opinion are to be covered by the institution preparing the expert's report.

(2) The following expenses shall be covered:

a) the traveling expenses necessary for reaching an institution providing pedagogical specialized services, as well as institutions working with children and students with physical, mental, sensory speech and other handicaps *and providing early development and care, ensuring developmental nurturing for the child, student and his or her attendant, and also*

b) the costs of caring courses organized for parents of *children detailed in Point a).*

c)

(3) Cover of costs defined in Point a) of Para. (2) for traveling, for using medical services is to be given to parents under a certificate of the institution providing the services, to be paid by the Social Security Directorate or its pay-office.

(4) The covering of costs of the caring course is to be paid by the public educational institution *carrying out the examination or organizing the course. The sum of the covering costs shall be ensured from the national funds.*

(5) For the days on which they are taking part in, or attending a care course or pedagogical specialized services, the parents are to get their average salary.

## Chapter 9

### CLOSING PROVISIONS

#### Explanatory Provisions

### Section 121

(1) In the application of this Act, the following definitions shall apply:

1. *basic services*: kindergarten classes, free compulsory and non-compulsory classes provided by schools and dormitories under this Act, speech therapy and dyslexia-prevention classes, regular physical training, regular health checks, supervision before the start of classes and during meal times and also the compulsory classes and classes provided at school and dormitories together with the obligation to pay fees;
2. *employees' community*: *the community of those employed in the framework of functionary legal relationship, employment;*
3. *disproportionate burden*: *if the children, students can make use of kindergarten education, school education and teaching in difficult conditions or with important additional cost, considering the child's, student's age, handicap (for ex. because of a change the time necessary for reaching the institution increases significantly, if the educational-teaching institution can be reached by public transport with several changes),*
4. *state body*: *economic organizations in accordance with the order of the planning, administration, reporting, of budgetary organizations, in exception with local authorities, and minority local authorities,*
5. *supervision*: *the control of the operation of a public educational institution, on the basis of the prevailing laws as well as the educational and pedagogical program,*

6. first vocational qualifications: any vocational qualifications acquired in the framework of school system education which under the stipulation of the legal regulations, qualify the holder to fill a position or pursue an occupation or activity,
7. *education on raised level: the teaching with higher requirements of the teaching material of a given subject, using higher number of lessons than the average, in accordance with the skeleton curricula,*
8. *a response on the merits: it contains the opinion, decision and its argument of the asked person, organization or person or body entitled to act,*
9. *evaluation: the comparison of professional aims defined by the public educational institution, the maintainer, the branch management with the results of the public educational institution's pedagogical activity,*
10. *hierarchical system: the organizational order of school education and teaching under which changes in study and examination requirements can be introduced in the lowest form of the school,*
11. *care at educational-teaching institutions: care of the physical safety and moral protection of children and students during the time elapsing between entering the institution and leaving it legally, as well as during the time of extra mural classes and programs which are compulsory as part of the pedagogical program,*
12. *maintainer: the legal entity (local authority, state body, ecclesiastical or denominational legal entity, higher education institution, company, cooperative, foundation, social organization, interest-representing organization of a national or ethnic minority group minority local authority, association and other legal entities), or a natural person who has the licenses to carry out activities connected with providing public education and, in accordance with the stipulations of the Act, provides the conditions necessary for the operation of a public educational institution,*
13. *school form: pedagogical period of the teaching and mastering of requirements defined in the pedagogical program,*
14. *conditions necessary for the education and teaching of students with handicaps: the employment of teachers and instructors with the required special qualifications for the kindergarten and school education and teaching of children and students with handicaps and prepared for the type of handicap, special curricula, textbooks and other teaching aids necessary for education and teaching; the employment of private teachers and instructors with the necessary qualifications for integrated kindergarten education, school education and teaching, obligatory education as well as for the classes defined by the expert's committee concerned; special curricula textbooks as well as special medicinal and technical equipment required for the classes; the provision of specialized services for the above-mentioned children and students, defined by the specialists' and rehabilitation committee,*
15. *institutional unit: an organizational unit which provides the basic tasks of a public educational institution, multipurpose institution (for ex. kindergarten education, school education and teaching, education in dormitory, educational guidance, library service),*
16. *legal provision: a ministerial decree and a provision of a higher level as well as considering Point u) of Para (1) of Section 11, Para. (2) of Section 39, Para. (2) of Section 40, Para. (3) of Section 56, Para. (5) of Section 59, Point a) of Para. (3) of Section 61, Point a) of Para. (2) of Section 64, Para. (3) of Section 68, Para. (3) of Section 115 the decrees of a local authority,*
17. *subject of skill: music, dancing, drawing and arts, physical training, technical-practical classes,*

18. *provision of district tasks: in case the number of those living outside of the seat settlement and using the services of a public educational institution is at least fifty one percent, the institution provides district task,*
19. *interests of public education: in case public educational tasks the carrying out of which is not obligatory for a local authority and which serve the development aims remain unprovided because of the closing of an institution,*
20. *children and students with other handicaps: children and students who on the basis of the expert opinion of the specialists' and rehabilitation committee*
  - a) *suffer from pervasive development disorder (for ex. autism)*
  - b) *wrestle with other disorders of mental development, with disorder of an ability and school capacity, which cause permanent obstacles in learning process (for example, dyslexia, dysgraphia, dyscalculy, muteness, pathological hyperactivity, attention deficit)*
21. *second and further vocational qualifications: state-recognized vocational qualifications which entitle to fill a position or pursue activities and can be acquired with the possession of a first state-recognized vocational qualifications, state-recognized vocational qualifications acquired in extra-school system education, shall not be taken into consideration,*
22. *further care on convenient level: if the personal and material conditions of kindergarten education, school teaching and dormitory education taking place in new conditions meet the requirements of the standards, of the regulations of the Act on Public Education as defined in Appendices I. and III. and still ensure the use of appropriate pedagogical services (for ex. national, ethnic minorities kindergarten education, school education and teaching in language surroundings; the education with special curriculum, the special education and teaching of children and students with handicaps, the education and teaching of those with learning difficulties do not cease),*
23. *quality assurance: an activity in the framework of which the public educational institution shall permanently ensure the approach of professional purposes to the institution's operation, in order to satisfy the demand of students, parents, teachers and instructors as well as maintainers and that of the labor market,*
24. *educational year: in kindergartens from September 1 to August 31 of the next year,*
25. *non-public educational activity related to educational and teaching work: higher education, public and higher education research, education in children's home, provision in crèche, protection of families, career guidance, rehabilitation and habilitation,*
26. *The working order of education: the order of organizing the preparation for acquiring the curriculum defined in the school's local curriculum, which if the number of classes (in the average of a school year) from the number of compulsory school classes defined in Para. (3)-(5) of Section 52 of this Act reaches*
  - a) *ninety percent, education is in accordance with the order of work of full-time education,*
  - b) *fifty percent, education is in accordance with the order of work of evening education,*
  - c) *ten percent, education is in accordance with the order of work of distance education.*

*Education is organized according to a particular order of work, in case the student shall not take part in school classes at all or in case the number of classes does not reach the number of classes defined for distance education.*
27. *provision of national tasks: a public educational institution provides national tasks if at least fifty one percent of those using its services come from at least seven different counties (from Budapest), provided that at most three institutions are operating in the country providing the given tasks or services (for ex. provide national, ethnic minority tasks, operate as institution committed in religious, ideological aspects),*
28. *part-time teacher: a teacher who is employed in the framework of the civil relationship for less than forty percent of the compulsory lessons regulated in the sphere of activity,*

29. *clerical assistant's meeting: a community composed of the heads and employees employed in the framework of functionary legal relationship or employment established for the basic tasks defined in the foundation charter of the public educational institutions,*
30. *professional task: a pedagogical activity for which the student is to pay fees or tuition fees, especially*
  - a) *the school form in which the student follows his or her studies, or the school year in which the student benefits from placement in dormitory, provision in boarding school,*
  - b) *the examination of general knowledge, the secondary-school maturity examination, the vocational examination,*
31. *Running expenses for professional tasks: the part of expenses with operation aims in proportion with the task which can be balance accounted for the given task,*
32. *seat: the place where the workplace of the public educational institution's head entitled to exercise the right of representation is,*
33. *member institution: an institutional unit operating outside the seat, in the same or in other settlements, providing similar and different tasks, if the tasks of administration and representation can be provided partly or cannot be provided from the seat because of the distance from the seat or of the type of tasks,*
34. *section: institutional unit established for adult education, kindergarten education for children with handicaps, school education for students with handicaps, kindergarten education and school education of national, ethnic minorities, bilingual school education, conform to the basic tasks in kindergarten and school,*
35. *school year: at schools and dormitories, usually the period between September 1 and August 31 of the next year,*
36. *teaching day: the day used for holding classes and activities defined in Point e) of Para. (2) of Section 53 in the various classes, if the number of classes and activities reaches three,*
37. *classes: in the course of which the teaching material is processed. A class can be theoretical or practical. Any class in the course of which no practical training takes place is a theoretical class,*
38. *non-fulfillment of teaching requirements: in case the student shall stay in a form for a second year because he/she obtained unsatisfactory mark (1) or a record equal to it, or because he/she has been suspended from continuing the school form with a decision in force or has been expelled from school, or because the given student had more unjustified absences than it is authorized and therefore his or her students' legal relationship ceased, furthermore, if the teachers cannot evaluate the student at the end of the school year because of his/her high number of justified and unjustified absences and the teaching staff did not authorize the passing of the evaluating examination or the fulfillment of the prescribed practical requirements because of that, or if the student has been prohibited from continuing the examination, or did not go in for the examination and has no justification for that absence or leaves without authorization;*
39. *students' and children's accident: every accident which occurs to the child or student during the time or activity which is defined in Point 11 of Para. (1) of Section 121 of this Act as time or activity when the student or child is under the supervision of the educational-teaching institution, excluding the accidents occurring during the practical training;*
40. *provisions concerning the students' legal relationship: the structural and operational rules, regulations, educational or teaching program of the kindergarten, school, dormitory;*

41. *premises: a place used for the placement of a structural unit operating outside the seat (member institution, affiliated department, group, workshop, place of practice, office, day care, study room, kitchen etc.);*
42. *provision of regional tasks: a public educational institution provides regional task, if in an average of five years, it provides at least fifty one percent of its services in more than two counties, or if these services are used by those living outside the capital's borders.*
- (2) In the application of Para. (4) of Section 8 of Act LXV of 1990 on Local Authorities, primary-school education is basic education.
- (3) In the application of the Act on the Protection of Personal Data and the Publicity of Data of Public Interest, a student's status is taking part in kindergarten education, a student's legal relationship and a legal relationship under a study agreement, as well as membership in dormitory.
- (4) *When defining the right to receive child-care aid and maternity aid, the child's day provision is qualified as occupation with rehabilitative aims, if the kindergarten education, school day care, placement in dormitory are used on the basis of the expert opinion of the experts' and rehabilitation committee or the education counselor.*
- (5) *Considering the public educational institution the supervisory organ shall be the maintainer, the supervision shall be the direction by the maintainer, the professional and economical supervision shall be the professional and economical control, considering the educational-teaching institution the sphere of competence and operation shall be the operational (registering) district.*
- (6) *In the application of this Act a minority institution as defined in the Act LXXVII of 1993 on the rights of the national, ethnic minorities shall be a public educational institution with a foundation charter containing the provision of national, ethnic minority tasks in accordance with the provisions of Para. (5) of Section 37 of this Act, provided that the public educational institution provides de facto the tasks, furthermore, in case of kindergarten, school and dormitory, in an average of three years, at least twenty five percent of the students took part in national, ethnic minority kindergarten education, or national, ethnic minority school education-teaching.*
- (7) *In case the law defines the right to any allowance, grant as part of the student's legal relationship, during the compulsory school attendance, the compulsory training shall also be part of the student's legal relationship.*

**Court Resolution n° 511 of 1998:** The driving course held as a business activity shall not be considered as a basic educational task. The classification of the head of a school as public employee and the legal consequences of a not disputed dismissal [Act LXXIX of 1993, Point 30. of Para. (1), Section 121, Act of XXXIII of 1992, Point a), Para. (2), Section 33, Point a), Para. (5), Section 3, Appendix of the government decree n° 138 of October 8, 1992].

(8) In the application of this Act - regardless of the church denomination concerned formerly owning, maintaining the real estate - an educational-teaching institution is under the maintenance of a church denomination if, on the basis of the dispositions of the Act on the regularization of the property of real estates formerly belonging the Church, it operates in a real estate that the church denomination

- a) received back,
- b) got as a land offered in exchange,
- c) build on the plot of ground of a land offered in exchange,
- d) bought or built from the monetary compensation or allowance representing at least 70% of the value of the real estate.

## Miscellaneous Provisions

### Section 122

- (1) *The provisions concerning the public functionaries shall be applied for the compulsory classes, the remuneration of overtime work, the additional holidays of teachers employed in the framework of employment in educational-teaching institution run by non-state-bodies or non-local authorities. The wages and bonus of teachers may not be less than the least measure of the remuneration and bonuses of public functionaries providing similar tasks.*
- (2) *The public educational institutions maintained by higher educational institutions (practicing school, practicing kindergarten etc.) shall provide the public educational tasks defined in this Act, furthermore, shall take part in the basic and further training tasks of teachers' training. The provisions concerning the state educational-teaching institutions shall be applied for public educational institutions maintained by higher educational institutions, including the practicing kindergarten, school and dormitory, with the exception of registering and striking off the register. A public educational institution maintained by a higher educational institution may also conclude a public educational agreement. The sum ensuring the fulfillment of tasks of public educational institutions maintained by higher educational institutions, which cannot be used for other purposes, shall be included in the budget of the Ministry of Education under independent title.*
- (3) *The stipulations of this Act on the operation of educational-teaching institutions, the employment, rights and obligations, grants of teachers, including the grants defined in Paras. (2)-(6) of Section 19 of this Act, and the allowances of teachers are also to be applied in the case of teaching and education carried out at children's medicinal resort, health-care and rehabilitative institutions and penitentiary institutions. At these institutions, education and teaching can take place under a pedagogical program adjusted to the special circumstances, and the regulations on the order of the school year can occasionally be changed. The stipulations concerning the heads and teachers employed in dormitories are to be applied for the employment, rights and obligations, grants and allowances of heads and teachers of institutions for the protection of children and youth. In the institutions detailed in this paragraph the time spent in a teachers' sphere of activity shall be considered as time spent in a teachers' sphere of activity, in the educational-teaching institution in compliance with the fulfilled tasks, in case of institutions for the protection of children and youth in dormitories.*
- (4) *In the process of registering a book as schoolbook, the following aspects shall be considered*
  - a) *the book shall be appropriate for teaching the subject-matters of the curriculum in line with the requirements of the National Basic Curriculum, furthermore, it shall ensure the scientific, authentic, objective adaptation of the special branches of science on an appropriate level, the communication of knowledge with pedagogical methods appropriate to the concerned age bracket,*
  - b) *the language, clarity and style of the book,*
  - c) *the technical realization, the conformity to the aesthetic (typography, graphic design, color balance), sanitary (font size, weight of book, size of book, printing ink) requirements,*
  - d) *the book shall be appropriate for a usage during several school years,*
  - e) *other conditions and requirements of the law.*



- (5) *On the basis of the stipulations of the Act on public education, the kindergarten education, school education and teaching, provision in dormitories, pedagogical professional services ensured for children or students, cancelling or reducing any fee or tuition fee in connection with the above mentioned, subsidy for paying any fee or tuition fee, allowance in kind (textbook, book of first entry, repast, traveling) independently from the maintainer of the public educational institution, shall be a tax free service in the personal income tax.*
- (6) *Public educational institutions for military forces, law enforcement bodies may be established and maintained by the minister responsible for the sector. The minister can put in charge the bodies, organizations or institutions, belonging to the sector, of the exercise of the rights to maintenance and direction defined in Sections 102-104 of this Act, with the exception of the establishment, cessation of the public educational institution or the determination or modification of its scope of activity.*
- (7) *Schools of military forces or law enforcement bodies can establish and maintain a student's legal relationship with a Hungarian citizen or a person with an immigration visa who has a clean record, is suited for regular service and undertake regular service, unless other provisions are made by an international agreement. In these schools the structural and operational regulations can exclude the repetition of the same form because of not fulfilling the educational requirements.*
- (8) *If the specialized secondary school or specialized school prepares for fulfilling an activity, obtaining qualification necessary for providing regular service in the military forces or in law enforcement bodies, the authorization of the minister responsible for the qualification is necessary for the establishment and operation.*
- (9) *Considering the particular operation of the armed forces and law-enforcement bodies, the minister concerned together with the Minister of Education can regulate the alterations concerning the students' rights and duties (Sections 10-12) and teachers' rights and duties (Section 19), the physical requirements, the requirements of professional ability, as well as the order of determining the above mentioned and the commission for providing the maintainer's right to direction.*
- (10) *When defining the deadlines laid down in Para. (8) of Section 17 of this Act, the work fulfilled abroad shall not be taken into consideration.*
- (11) *The concerned national minority authority can establish and maintain a language school for teaching minorities in order to provide complementary minority educational tasks as defined in Para. (5) of Section 86 of this Act, or can operate a mobile teachers' network. The language school for teaching minorities shall be registered by the Minister of Education who is also to give the necessary authorization to the maintainer for starting the operation. In case the language school for teaching minorities operates in a school run by a local authority or another maintenance, the national minority local authority shall make an agreement with the school's maintainer on the cooperation-operation or the cooperation in the framework of the fulfillment of tasks with mobile teachers. The student takes part in complementary minority education as a guest student.*
- (12) *The kindergarten, the school and the dormitory shall regulate the advertising activities in the educational-teaching institution included in the structural and operational regulation, in the framework defined in the foundation charter, considering the following provisions: the advertising activity is prohibited in kindergartens, primary schools and dormitories accommodating students of primary school, with the exception of advertisements for children and students in connection with healthy lifestyle, environmental protection, social and public life activity or cultural activity.*

## Coming into Force

### Section 123

- (1) This Act comes into force on September 1, 1993, with the exception of Paras. (2)-(6).
- (2) The provisions concerning the numbering of school forms are to be applied from September 1, 1996.
- (3) Provisions concerning the system of requirements, the introduction of the teaching training time:
  - a) kindergartens shall perform the education work in kindergartens on the basis of the educational program prepared on the basis of the National Kindergarten Education Program, from September, 1 of the third year following the issue of the National Kindergarten Education Program, in newly started groups, after that in an ascending system for the other groups;
  - b) dormitories shall perform educational work in dormitories from September 1, 1998, in every groups of the dormitory, on the basis of the dormitory's pedagogical program based on the pedagogical program of the school concerned;
  - c) from September 1, 1998 schools shall apply their pedagogical program based on the National Basic Curriculum, in every forms with the exception of the local curriculum; the local curriculum shall be introduced on the school's first and seventh forms, following this it shall be introduced in an ascending system, the teaching time defined in Paras. (3) and (5)-(6) of Section 52 of this Act shall be introduced simultaneously with the local curriculum;
  - d) institutions of primary art education shall prepare and introduce their pedagogical program and their local curriculum from September, 1 following the publication of the Basic Art Requirements and of the educational program of the institutions of primary art education; from September 1 of the third year following the publication of the above mentioned, the educational and teaching work shall take place according to the pedagogical program and the local curriculum based on the Basic art Requirements and the local curriculum in all forms;
  - e) from September 1, 1996
    - educational work in kindergartens shall be organized in accordance with the frame of time defined in Section 24 of this Act,
    - educational work in dormitories shall be organized in conformity with the frame of time calculated on the basis of Para. (7) of Section 53;
  - f) the contents of Appendix I shall be applied from September 1, 1996, except for the provisions on the compulsory hours of school librarians (primary school teachers), heads and assigned teachers and the provisions on the division of classes and on individual classes;
  - g) from September 1, 1998 the school year made of one hundred and eighty five days shall be applied in all forms;
  - h) the provisions of Appendix I on the compulsory classes of heads and assigned teachers shall be applied, on the decision of the maintainer,
    - from September 1, 1996 or
    - from February 1, 1997 or
    - from September 1, 1997; the provisions on the school librarian (primary school teacher) shall be applied from September 1, 2002.
- (4) The number of students in classes and groups defined in this Act, shall be applied from September 1, 1996.

(5) The provisions of this Act concerning fees and tuition fees, are to be applied from the school year of 1996/97, with the exception defined in Point a) of Para. (11) of Section 124.

(6) The Government shall take measures, through decrees, on the coming into force of the provisions concerning the introduction of the pedagogical special examination and further training [Para. (5) of Section 17, Para. (5) of Section 19, Paras. (8)-(9) of Section 128] and on the use of the financial contribution granted to teachers for the purchasing of specialized books [Para. (3) of Section 19].

(7) From the day this Act is coming into force and until the time the list concerning compulsory tools and equipments for each school type is published, furthermore until the development plan regulated in Para. (1) of Section 88 is published, the local authority

a) shall not increase the number of forms in primary schools operating with eight forms and in secondary schools operating with four forms under its maintenance;

b) shall not create a secondary school operating with more than four forms.

(8) A permit can not be issued for starting the operation of bilingual schools, dancing schools, schools of fine arts and industrial design, schools of dramatic art and schools of puppetry, furthermore, local authorities can not create such schools until the Minister of Education publishes the directive on Bilingual school education, the requirements and local curricula on primary art education concerning the given art branches ; concerning institutions of primary art education, operation shall not be started before the Minister of Education publishes the list on compulsory tools and equipments.

(9) During the procedure of registering a book as a text book, the possibility of using that text book throughout several school years shall be analyzed from the time defined in a the law

(10) The coming into force of this Act does not affect:

a) permissions issued for the operation of educational teaching institutions that are not run by a local authority, if the permits have been issued before the coming into force of this Act,

b) the validity of basic school qualifications obtained by completing the eighth form of primary school before the date of the coming into force of this Act. A student with basic school qualifications can continue his or her studies in the ninth form of school education, or can take part in vocational training in accordance with the stipulations concerning vocational training,

c) the validity of certificates on vocational qualifications obtained at a vocational secondary school, a vocational training school or a specialized school as well as the validity of the certificate of secondary-school maturity examination,

d) the validity of the completion of secondary school with the completion of the fourth form, between 1974 and 1986.

( 11) A secondary-school vocational certificate and a secondary school maturity examination obtained before the coming into force of this Act qualify for further education at a higher education institution, in the way defined in this Act.

(12) On the day this Act is coming into force,, the following will lose their force:

a) the provisions of Act I of 1985 and Act XXIII of 1990 modifying Act I of 1985 (hereafter: "Education Act") concerning kindergarten education, primary and secondary-school education, student home and dormitory education and teaching, and primary art education

b) Sections 96-106 of Act XX of 1991 on Local Authorities and their Bodies, Republic's Commissioners and the spheres of activities and authority of certain bodies of central subordination.

## Temporary Provisions

### Section 124

(1) *Taking of an examination of general knowledge can first be made obligatory for students who started their studies on the first form of primary school education in September 1, 1998.*

(2)

(3) Within one year of the coming into force of this Act, the decisions made, in the five years preceding the coming into force, on exempting children under compulsory education from fulfilling compulsory education within the period of compulsory education in the case of students unable to be educated and taught, the exemption requested by the parents, has to be revised on the basis of Para. (6) of Section 30.

(4) In adherence with the introduction of the National Basic Curriculum

a) from September 1, 1996 until August 31, 1998 the educational-teaching institutions may freely apply the educational-teaching plans, issued (approved) by the Minister of Education, to all forms, then to the forms where the education and teaching is not performed according to the local curriculum, with the obligation that the number of compulsory classes cannot exceed the number of classes defined in the lesson-plan included in the educational-teaching plan; the frame of time defined for the organization of non-compulsory classes, extra-classes, for individual classes, class division defined in Para. (6) and Point c) of Para. (9) of Section 52, the frame of time defined in Appendix I, Part three, Chapter II, Point 7 shall be determined on the basis of the lesson-plan used by the school, in case of cyclic lesson-plans it shall be determined for one cycle with the alteration that eighty percent of the frame of time defined on the basis of lesson-plan or cyclic lesson-plan may be used, and individual classes cannot be organized in the practical training part of vocational training. Until the National Basic Curriculum is not introduced, the Ministry of Culture and Public Education can approve educational-teaching plans for the national, ethnic minority kindergarten education, school education and teaching, provided that the Minister of Culture and Public Education did not publish and approve the educational-teaching plan necessary for those belonging to the given national, ethnic minority for the kindergarten education, school education and teaching for national, ethnic minorities;

b) specialized schools shall apply the educational-teaching plan issued for the vocational training schools or the specialized schools on the ninth and tenth forms until the education on the basis of the local curriculum in an ascending system is not introduced.

*c) When preparing their pedagogical program, vocational secondary-schools and specialized schools (with the exception of parallel teaching [Point c), Para. (7), Section 27 and Para. (8), Section 29]) reorganize the education of theoretical common knowledge and vocational subjects in such a way that vocational training shall only be taught in the upper forms, from September of the second year following the publication of the skeleton curriculum in the ninth form and after that, in an ascending system.*

d)

(5)

(6) The number of members of the school board shall be completed with the appropriate number of representatives of the students' self government until December 1, 1996. After completing its composition with the appropriate number of representatives of the students' self government, the school board that started its operation before September 1, 1996 can continue its activities with an unchanged composition until August 31, 1999 if the statutes determining the operation of school boards do not stipulate otherwise.

(7) From September 1, 1998, with the exception of parallel teaching, the education taking place in vocational training shall be separated into a period laying down the foundations of general knowledge and a period preparing to the acquisition of qualifications. From that time, a first new vocational training form can only be launched after the end of compulsory education, after the end of the last secondary-school form and of the last secondary school maturity examination [Point c) of Para. (7), Section 27 and Para. (8) of Section 29].

(8) After the compulsory application of the National Basic Curriculum and that of the National Training Directory, kindergarten education, school education and teaching based on the permissions given under Section 24 of the Education Act, the application of individual solutions and the pursuing of experiments may not be launched in new kindergarten groups and school classes. Kindergarten education, school education and teaching already started under permissions issued can be completed. In this respect, the maintainer and the teaching staff seek the parents' opinion.

(9) The introduction of a school system that can be established on the basis of this Act takes place according to the decision of the maintainer.

(10) Until the school does not prepare to the qualifications defined in the National Training Directory, vocational qualifications acquired through a training enabling to fill in a higher position in the same sphere of activity as the one filled with already acquired vocational qualifications do not count as second vocational qualifications.

(11) The students who established their legal relationship in the school year of 1996 / 1997 or after that time

a) pay fees or tuition fees if this obligation was already valid when their students' relationship was established; these dispositions shall not be applied if a student repeated the same form if she or he did not fulfill the teaching requirements;

b) can continue their studies according to day teaching system until the end of the school year in which they become 25 years of age.

(12) If a non-Hungarian citizen started his/her secondary school studies according to the principles laid down in Para. (11) and did not pay fees or tuition fees, he or she shall finish his/her studies under the same conditions than those of Hungarian citizens.

(13) From September 1, 1996,

a)

b)

c) the school students' club shall continue to operate under the name of school sports club;

d) schools preparing to active life can operate further as specialized schools developing abilities.

(14) General secondary schools that operate with a thirteenth form and are not entitled to establish and operate a thirteenth form according to the amended dispositions shall not initiate the start of a new form from September 1, 1997, except if a thirteenth form is required to enable the students to complete their studies; in started forms, students can continue their studies under unchanged conditions.

(15) From December 31, 1996,

a) the notary sends the documents of the institutions of public education to the notary in chief, considering schools where registration is the task of the notary in chief;

b) the notary sends all the titles of foreign educational-teaching institutions he registered to the Ministry of Public Education;

c) foreign educational-teaching institutions that started operating before September 1, 1993 shall send their foundation charter to the Ministry of Public Education with a view to acquaintance and registration;

d) if the maintainer of the institution of public education is a business association, the notary, the notary in chief requests the maintainer to modify the foundation charter within a period of six months; if the maintainer does not satisfy the demand, the notary, the notary in chief proceeds according to the principles laid down in Section 80 of this Act;

e) the notary, the notary in chief calls on the maintainers of the non-local authority schools to check if the educational-teaching work is taking place according to the educational-teaching plan and the Central Curriculum published by the competent minister; if necessary, the notary, notary in chief calls on the maintainers to take the necessary measures. If this has no result, he shall take the measures defined in Section 80 of this Act; a new form shall only be launched on the basis of the educational-teaching plan and of the Central Curriculum that have been published, however, studies that have already been started shall be completed;

f) the maintainer shall supervise the appellation of the educational-teaching institutions. If it does not correspond to the stipulations of the legal regulations, the maintainer shall make the necessary modifications and send them to the body carrying out registration.

(16) September 1, 1997

a) from that day, a new form shall only be launched for the preparation to the acquisition of the knowledge necessary for filling a position and for starting independent life in the case defined in Para. (9) of Section 27 of this Act;

b) until that day, multipurpose institutions shall be supervised and if necessary reorganized according to the stipulations of this Act.

(17) The public associations regulated in Pares. (1)-(2) of Section 119 shall be established before December 1, 1997.

(18) Until the introduction of the new system for the secondary school maturity examination, in the procedure for admission in an institution of higher education, a written examination in the given subject can not be prescribed in the year of the examination in case of an examination being common for the secondary-school maturity examination and the entrance examination.

(19) The Budapest district and the county development plans shall be prepared the latest eight months after the coming into force of this Act. The prescriptions on the development plan defined in Pares. (5)-(7) of Section 88 of this Act shall be applied fifteen days after the publication of the above mentioned plans.

(20) *The contents of the list on compulsory tools and equipments shall be immediately applied if a new institution of public institution is established and operated according to the principles defined in the maintainer's schedule or five years after the publication of the above mentioned list in case of a preexistent institution.*

(21) Considering the educational-teaching institutions under its maintenance, the local authority shall determine the followings through decrees

a) the rules according to which the head of a kindergarten, the principal of a school, the head of a dormitory takes decisions on the further services to be free of charge, on the amount of fees and tuition fees and on the allowances that can be granted to students on the basis of their results or of their social situation, of the cancelling and cutting down of the tuition fees to be paid by non-Hungarian citizens; the local authority can make decisions in questions defined in subparagraph 14. of Para. (1), Section 121 ;

b) the further requirements for the admission to the Counsellors Directory, the rules of procedure for admission to the Counsellors Directory, the working time reductions for the counsellors employed in the educational-teaching institutions under its maintenance.

(22) The notary shall send the documents (foundation charter, permit necessary for starting operation) to the notary in chief until January 31, 1999.

## **Section 125**

(1) For five school years or five educational years following the coming into force of this Act, educational teaching institutions committed ideologically, run by a local authority or a state body, can continue their operation. Until the time indicated above, the maintainer's rights have to be settled in accordance with this Act.

2) If an educational-teaching institution indicated in

Para. (1) is taken over by a non-state and non-local authority maintainer the local authority giving over the institution or, if it does not undertake to do so and the operation of the educational-teaching institution serves the interests of public education, the *Ministry of Education* has to make a public educational agreement for a period of 20 years from the date of transfer of the institution.

## **Section 126**

The coming into force of this Act

a) does not affect the legal relationship of students, including those taking part in supplementary training, based on the Education Act, they can continue their studies at secondary school or specialized school or can complete their studies, under the professional conditions under which they started their studies. Until the introduction of the new system of examinations, certificates defined in Sections 78, 80, 82, 84-86, 134 and in section 137-139 of the Education Act have to be issued which, under the above-mentioned sections, certify secondary-school qualifications and qualify for filling positions which are in accordance with such qualifications. Until they come into force of the new examination regulations, the stipulations concerning primary and secondary-school maturity examinations (Section 72) do not have to be applied,

b) does not affect the appointment of the heads of public educational institutions.

## **Section 127**

(1) a) When employing a teacher or mandating a head

- the specificity of the qualifications certified by a tertiary-level degree shall be regarded as appropriate qualifications corresponding to the level of the training if, in the framework of his/her studies, the teacher learned methodology in the field of his/her subject; the employer decides of the existence of the conditions for employment on the basis of the certificate given by the institution of higher education issuing the degree or on the basis of the registration book of university students;

- the teacher's qualifications (for example, training school for kindergarten teacher, training school for primary school teacher, training school for subject teacher), the degree acquired in institutions of higher education or their legal predecessor shall be regarded as trainings of higher education and teachers' qualifications;

- the degree of pedagogical lecturer and tutor issued by schools of higher education shall be regarded as degrees entitling their holder to work as a teacher;

- the qualifications of physical education instructor issued before the coming into force of the legal decree n° 16 of 1975 by the Hungarian College of Physical Education shall be regarded as university training and qualification;

b) degrees obtained from an educational institution established as a higher education institution, from a training institution for kindergarten teachers, from a training institution for primary school teachers, from the state conservatoire and from a teacher's training college are to be regarded as higher educational qualifications when a person is employed in public education.

c) the degrees, certificates of teacher of technics, of technician teacher, of vocational instructor corresponding to the specificity of the subject taught and certifying a training

obtained in a college of higher education shall be regarded as an appropriate tertiary-level training when employing a teacher.

d) The certificate delivered by the National Examination Comity of Shorthand and Type Script entitles its holder to teach the above mentioned subjects (according to the stipulations concerning the filling of a teacher's position of this Act) shall be regarded as tertiary-level qualifications.

e) the certificate of vocational instructor of technics (instructor) corresponding to the specificity of the subject taught and obtained in a training course not falling under the scope of this Act shall be regarded as appropriate secondary-level qualifications when employing a teacher.

(2) Concerning practical training, at vocational secondary schools and specialized schools, with the exception of vocational training including theoretical training at vocational secondary schools, experts with secondary school qualifications and vocational qualifications required for the given vocational qualifications as well as with three years' experience can be employed for a fixed period, if the school cannot carry out the task by employing a teacher or instructor with higher educational qualifications.

(3) If there is no required higher education training in Hungary corresponding to the specificity of the training

a) at specialized schools, with the exception of the dispositions laid down in Para. (4), at specialized schools an expert with the appropriate technician's secondary school qualifications, tertiary-level qualifications acquired outside of the school system and with at least a five years' experience can be employed for the teaching of vocational theoretical subjects as well as in secondary schools for the teaching of theoretical and practical knowledge preparing to fill a position; a person with the above mentioned qualifications can also be employed and in all school types for extra classes;

b) at institutions of primary art education, art vocational secondary schools, an expert with secondary-school qualifications and with at least a five years' experience can be employed for the teaching of theoretical and practical subjects.

(4) If there is no appropriate tertiary-level training in specialized secondary schools in Hungary, a person with a secondary-school training and a MESTERVIZSGA can be employed for an unfixed period, except for vocational training requiring theoretical knowledge.

(5) In arts training, a person with a secondary-school maturity examination and at least a ten years' professional experience in the subject to be taught can be employed for an undetermined period.

(6) The school trainings and qualifications listed in Para. (1)-(5) entitle their holders to work as a teacher. The classification of the teachers shall be achieved according to the recognized training and qualification they already acquired.

(7) A person with the qualifications defined in Points b), e) and j) of Para. (1), Section 17, with primary school teacher, school teacher training and qualifications entitling to work as a teacher in schools and dormitories, with a tertiary-level or a secondary-level librarian qualifications acquired outside of the school system can be employed as a school, dormitory librarian teacher (primary-school teacher).

(8) The teacher's training and qualifications certifying studies at a SZAKKOLLEGIUM entitle one to teach in the fifth form in the given subject, with the exception of raised level education.

(9) In accordance with Paras. (2)-(3), an agreement for a fixed period can be concluded with a person who undertakes to acquire the qualifications required for the job in cases defined in Para. (3) and stipulated in Para. (1) of Section 17 - to acquire higher educational teacher's qualifications. The employment cannot be longer than the time needed



to complete the higher educational studies. The employment contract can be extended by a maximum of two years in case the teacher or instructor was unable to complete his or her studies for reasons other than his or her fault.

(10) A student in the last year of a higher educational institution can also be employed for a fixed period until he or she finishes his or her studies if he or she pursues studies by which he or she will acquire qualifications required for the sphere of activity.

(11) Those employed in a teacher's sphere of activity after the coming into force of Para. (5), Section 15 shall be expected to have a teacher's special examination, as a condition of employment when being mandated head, supervisor school teacher (supervisor kindergarten teacher, supervisor primary school teacher) and in the procedure of registration to the Special Expert's and President of Examination's Directory .

## **Section 128**

(1) If the qualifications of a teacher or instructor do not meet the requirements laid down in this Act, and at the time of the coming into force of this Act

a) the teacher or instructor has less than ten years to reach retirement age, he or she can still be employed maximum until the reaching of retirement age in the same sphere of activity,

b) if he or she has more than ten years to become entitled to an old-age pension, after five years of coming into force of this Act, he or she can be employed in a teacher's or instructor's sphere of activity if he or she has started studies at an institution of higher education providing vocational qualifications for teachers or has taken a state examination in pedagogy.

(2) At dormitories, a person with a degree obtained from a university or seminary of theology can be employed as an instructor for five years following the coming into force of this Act. In connection with his or her employment, the contents of Para. (9), Section 127 are to be applied.

(3) a) From September 1, 2002, a teacher with the appropriate teacher's training and at least a "C" category intermediary certificate in a foreign language or in the language of national, ethnic minorities; in case of a new employment, a teacher can be employed according to the stipulations of Para. (9), Section 127.

*b) For the education and teaching of national, ethnic minorities, a person with the tertiary-level training and qualifications defined in Para. (1), Section 17 of this Act, in Para. (11) of Section 30, in Points a)-b) of Para. (1), Section 127 or in Para. (8) and a "C" category intermediary certificate in a foreign language or an equivalent degree can be employed from the fifth form for the teaching of subjects in the mother tongue or be mandated as head of school.*

*c) A person having the training and qualifications defined in Point b) can be employed as a teacher for the education at boarding annexes for national, ethnic minorities and be mandated as head of the institution.*

*d) Concerning the primary school education for national and ethnic minorities,  
- a person corresponding to the conditions defined in Point a), Para. (1) of section 127 or in Point b) and having a "C" category intermediary certificate in a foreign language or an equivalent degree can be employed as a teacher or be mandated as head of an institution,*

*- a person corresponding to the conditions defined in the first Point or in Point a) of Para. (1) of this section or in Para. (5) and having at least a "C" category intermediary certificate in a foreign language or an equivalent degree can also be employed as a teacher.*

*e) A person corresponding to the conditions defined in c)-e) of Para. (1), Section 127 or in Pares (2) -(4) and having at least a "C" category intermediate certificate in a foreign*

*language or an equivalent degree can be employed for the teaching of the practical knowledge in vocational training for national, ethnic minorities.*

*f) The certificate in a foreign language and the equivalent degree regulated in Points a)-e) shall not be taken into consideration when determining the salary increase to be granted to those employed in a teacher's or instructor's sphere of activity, when carrying out the classification and when determining the salary increase due to those having other vocational classifications.*

(4) At the kindergarten teacher's faculty of a vocational secondary school,

a) education will become a faculty for educating kindergarten and boarding annex attendants, pedagogical assistants and free activity organizers from September, 1 of the year following the coming into force of this Act,

b) students can continue the studies they started before the coming into force of this Act under unchanged conditions, at their request, however, it has to be made possible for them to take a secondary-school vocational examination in special qualifications as well as in general knowledge and to acquire qualifications required for the new faculty,

c) a teacher or instructor holding an already issued secondary-school vocational certificate can be last employed as a kindergarten teacher in 1997, under conditions defined in Para. (9) of Section 127, with the exception of those meeting the requirements defined in Point a) of Para. (1) and in Para. (8) of Section 128,

d) a person holding an already-issued secondary-school vocational certificate, if he or she takes an examination between September 1, 1993 and December 31, 1998 in special teaching as well as in general knowledge, he or she will obtain the qualifications defined in Point b), the examination shall be organized by the school in line with the requirements; at request, the school helps preparation for the examination by the organization of consultations,

e) already-acquired qualifications are not regarded as first vocational qualifications in respect of financing education.

(5) Notwithstanding the dispositions laid down in Para. (1), a person with

a) a secondary-school vocational certificate obtained in a secondary school for kindergarten teachers can be employed as a kindergarten teacher,

b) a certificate entitling him or her to teach shorthand and type script can be employed for the teaching of shorthand and type script,

c) a secondary school certificate and a teacher of technics' certificate, a vocational instructor certificate and a technician teacher's certificate acquired in a qualification training, or a certificate proving technician teacher's qualifications can be employed for vocational training,

d) a degree of kindergarten teacher, primary school teacher or school teacher can work in a special teacher's sphere of activity,

e) tertiary level school training and qualifications and tertiary level teacher of technics' and vocational instructor's training and qualifications corresponding to the specificity of the given subject entitle to teach technical-practical activities,

f) tertiary level training and qualifications can be employed in boarding annexes,

g) tertiary level college teacher's training and qualifications corresponding to the specificity of the training or training and qualifications corresponding to the specificity of the training can be employed in specialized secondary schools for the teaching of the theoretical and vocational subjects and in the 11th and 13th form for the teaching of preparatory vocational knowledge if,

since the obtention of the certificate, degree, and until September 1, 1996, the teacher has acquired at least a seven years' experience in the given teacher's sphere of activity. The time of practice in company practical teaching shall be included in the practice acquired in a teacher of technics' sphere of activity and in a vocational instructor's sphere of activity. The

stipulations of Para. (5), Section 18 shall be applied when calculating the time of the practical training.

(6) If at a specialized school the teacher or instructor carrying out practical training does not have secondary school qualifications, and at the time of the coming into force of this Act

a) has a maximum of five years to reach retirement age, he or she can still be employed in the same sphere of activity until reaching retirement age,

b) has more than five years but less than ten to be entitled to old-age pension, he or she can be employed in the same sphere of activity no longer than the time for him/her to reach retirement age if he or she has at least ten years' school or company experience in practical training, in lack of experience required, he or she can be employed for five years after of the coming into force of this Act, only if he or she has acquired secondary-school qualifications,

c) he or she has more than ten but less than fifteen years to become entitled to old-age pension, after five years of the coming into force of this Act, he or she can only be employed if he or she has acquired secondary-school qualifications,

d) he or she has more than fifteen years to become entitled to old-age pension, after five years following the coming into force of this Act he or she can be employed under the conditions laid down in Para. (9) of Section 127.

(7) The trainings and qualifications listed in Pares (1)-(2) and (4)-(6) of teachers employed on the basis of this Section are trainings and qualifications entitling to work in a teacher's sphere of activity; the classification of the teachers shall be done on the basis of the training and qualifications.

*(8) Public employee teachers not having a teacher's special examination shall be classified on the basis of his or her training and qualifications. A teacher having a special examination shall be classified on the basis of the special examination from the first day of work of the year following the presentation of the degree certifying the special examination. The vocational qualifications laid down in the legal regulations and acquired in a further training in a specialized university or college is equivalent to the training and qualifications acquired for filling a position and to take a teacher's special examination. The scientific level and the title of doctor acquired on the basis of the doctor's activities corresponding to the specific field of the training and qualifications necessary for filling a position are equivalent to the teacher's special examination. One fulfilled the prescriptions of the administrative special examination when having a teacher's special examination, provided that as a civil servant he or she accomplishes directional tasks connected with public education.*

(9) A person who reached the age of fifty on the day of the coming into force of Para. (5), Section 19 can not be obliged to take part to the compulsory further training. Until the introduction of the teacher's special examination, the obligation to take part in further training is compulsory, according to the dispositions of the law.

(10) With the prescribed vocational training - on the basis of the repeated procedure of open competition -,

a) a person with an secondary-level training acquired in a training school for kindergarten teachers, in a school for kindergarten and primary school teacher can also be mandated as head of a kindergarten and head of a primary school,

b) a person with a music conservatoire training can also be mandated as head of an institution of primary art education,

provided that in the former procedure of open competition, no candidate with the appropriate vocational training and with the prescribed tertiary-level training stood for the position.

11) The student's parliament shall be called together first in 1997.

*(12) In respect of the training and qualifications delivered by a Hungarian educational-teaching institution, the stipulations of Para. (1), Section 127 can be applied if an international agreement does not stipulate otherwise. Those having the degrees, certificates*

*naturalized on the basis of these stipulations, a person can be employed as a teacher if from September 1, 2004 he or she started tertiary-level studies ensuring teacher's qualifications, with the exception laid down in Para. (13).*

*(13) Notwithstanding the principles laid down in Para. (12), a person*

*a) who has less than ten years to reach retirement age on September, 1999 can continue to be employed until reaching the age limit entitling him or her to old age pension,*

*b) who acquired at least a seven year's vocational training until September 1, 1999 can still be employed in the given teacher's position in a teacher's sphere of activity corresponding to the naturalized degree.*

#### **Section 129**

(1) Local authorities are obliged to

a) register up the educational-teaching institutions run by them and provide data in accordance with the conditions set by the Minister of Education until March 1, 1995,

b) modernize the institutions in accordance with the construction standards and depending on the financial support granted by the annual Budget Act.

(2) The local authority and the Ministry of Education shall supervise the public education agreement they made until December 31, 1996. The supervision shall not affect the children and students who have been admitted in the educational-teaching institution on the basis of the public education agreement until September 1, 1996.

(3) *If on the basis of Para. (13), Section 81 the Church denomination concluded a public education agreement between January 1, 1998 and July 3, 1999, the Minister of Education contributes to the making of a unilateral statement defined in Para. (11), Section 81 on the request of the Church denomination entitled to conclude a unilateral statement. These dispositions shall also be applied in case a public education agreement has not been concluded yet but the Church denomination and the local authority agreed on giving over the maintainer's rights of the educational-teaching institution to the Church denomination until June 30, 1999.*

#### **Section 130**

(1) The maintainer shall not deduce the savings proceeding from the cessation, the transformation of the institutional system under his maintenance, from the modification of the fulfillment of the obligation to accomplish tasks, from the increase of the teacher's compulsory classes, from the strength of kindergarten groups and that of the school classes, from the reduction of compulsory, non-compulsory and extra classes of the public education institution system under his independent or common maintenance.

(2) All teacher's who's compulsory hours have been increased on the basis of the dispositions of this Act are entitled to an extraordinary wage increase. The proportion of the extraordinary wage increase shall be determined on the basis of the proportion of the increase of the teachers' compulsory hours. The proportion of the extraordinary wage increase shall still be determined by applying the wages prevailing on September 1, 1996 if the wage increase happens after September 1, 1996.

#### **Section 131**

(1)

(2)

(3) According to *the contents of Para. (5), Section 6* the pedagogical, juridical and technical conditions of the development of compulsory education shall gradually be created by the Government and the local authorities so that the restructuration does not cause any interruption.

#### **Section 132**

(1) *From September 1, 2001, the schools shall supervise their pedagogical program taking into consideration the skeleton curriculum and section 48 of this Act. The pedagogical*

*programs supervised in such a way shall be introduced in the first, the fifth and the ninth form and then in an ascending system, applying the contents of Para. (4), Section 124 of this Act.*

*(2) Dormitories shall supervise their pedagogical program until September 1 of the second year following the publication of the National Dormitory Educational Program.*

*(3) In cases laid down in Pares (1)-(2), the dispositions of Para. (1), section 44 on the experts' opinion shall not be applied.*

*(4) The primary school*

*a) shall introduce its local curriculum in the first, seventh and second form on September 1, 1999 instead of the first and seventh form laid down in Point c) of Para. (3), Section 123 of this Act and shall as well persue its introduction in an ascending system until the time determined in Para. (1),*

*(b) shall accomplish its educational-teaching work according to the contents of Point a), Para. (4) of Section 124 in the forms in which the introduction of the local curriculum did not happen yet,*

*c) can start the educational-teaching work in a ninth forms launched on September 1, 1999 with the application of Point c), Para. (3) of Section 123 or of Point c) of this Para.*

*(5) In secondary schools operating with six and eight forms, multipurpose institutions fulfilling primary school, secondary school or specialized schools' tasks, the educational-teaching work takes place with the application of Point c), Para. (3) of Section 123.*

*(6) Until July 31, 2001 schools operating with ten forms shall be reorganized according to the dispositions of this Act. Until that time, the dispositions on primary schools with ten forms shall be applied [Point b), Para. (1), Section 52, Point d), Para. (2), Section 78, Point b), Para. (4), Section 124];*

*(7) The settlement's local authority shall prepare the local authority's proceeding plan laid down in Para. (4) of Section 85 of this Act and shall send it to the Budapest district or to the competent county local authority according to the seat of the institution. The Budapest district or county local authority shall examine the development plan until July 31, 2001 and modify it as necessary according to the regulations laid down in Pares. (1)-(2) of Section 88 of this Act.*

*(8) Until July 31, 2000, the maintainers shall examine the foundation charter, the operation of the schools under their maintenance on the basis of Para. (2) of Section 31 of this Act and ask the notary in chief to modify the permit needed for the operation of the institution as necessary.*

*(9) The notary in chief shall provide the request on legal ground in connection with the organization of an independent examination committee and the secondary-school maturity examination until the deadline defined in the dispositions in connection with the creation of the National Centre for Assessment and Examination. For his procedure, Paras. (6)-(8) of Section 83, Para. (4) of Section 84 and Para. (3) of Section 104 shall be applied with the alteration that the neglecting of the time allowed for the submission of the request on legal ground means a loss of rights, no justifications shall be accepted.*

*(10) Specialized schools and specialized secondary schools shall supervise the number of their vocational training forms according to the National Training Directory published for supervision.*

*(11) Until July 31, 2001, the maintainer of the institution prepares the schedule defined in Para. (20) of section 124 - for carrying out the provisions of the compulsory tools and equipments directory - before august 31, 2003.*

*(12) The maintainer of the institution sends the schedule to the National Centre of Public Education, Assessment and Examination within the fifteen days following the deadline. The National Centre for Public Education, Assessment and examination can supervise the carrying out of the provisions laid down in the schedule. If the maintainer does not send or*

*carry out the schedule, the National Centre of Public Education, Assessment and Examination takes the measures laid down in Pares. (4)-(5) of Section 93 of this Act. The provisions laid down in Pares. (9)-(10) of this Act shall be applied for the procedure of the National Centre for Public Education, Assessment and Examination. These provisions shall also be applied in case the application of the provisions of the tools and equipments' directory is compulsory.*

**Appendix I to Act LXXIX of 1993**

[To Para. (3), Section 15, Para. (4), Section 16, Para. (3), Section 39, and Para. (3), Section 118]

**The number of leaders and employees in educational-teaching institutions, the principles for determining the budgetary contribution, the compulsory hours of the leaders and assigned teachers in institutions of public education**

First part

*THE NUMBER OF LEADERS AND EMPLOYEES IN EDUCATIONAL-TEACHING INSTITUTIONS*

*Leaders and staff employed compulsory*

*Leaders*

1. Head, head of kindergarten at every independent institution 1
2. deputy head, deputy head of kindergarten
  - at independent institutions
    - if the strength of children, students is eighty or more 1
    - at schools if the strength of students is four hundred or more another 1**
  - head of a member institution - with the exception of dormitories - and for each member institution 1
  - head of an institutional unit - with the exception of dormitories - and for each institutional unit 1
  - head per dormitory at non-independent dormitories and for each dormitory 1
  - head of section
    - if at kindergartens, the strength of children is fifty or more, in schools if the strength of students is eighty or more 1
3. head of practical training
  - at vocational secondary schools and at specialized schools, for each school 1
4. deputy head of practical training
  - at vocational secondary schools and specialized schools in case of more than twenty classes 1
  - or in case of other professional training, if there is at least five form per specific training 1
5. financial leader
  - at institutions with an independent economical sphere of authority 1

*Teachers*

Kindergartens

1. the number of teachers and special teachers working with children with deficiencies is to be established
  - on the number of kindergarten groups,
  - on the number of compulsory classes,
  - on the tasks that can be counted as compulsory classes,

- and on the basis of the opening-time of the kindergarten  
 in such a way that during the full opening-time of the kindergarten, a kindergarten teacher is to deal with children, one group per kindergarten teacher, with a lap of time of two hours;

2. speech therapist  
 at kindergartens educating children with speech handicap, for every fifteen children 1
3. Conductor  
 per group and shift in conductive pedagogical kindergartens 3
4. mobile special teacher, speech therapist, psychologist, conductor  
 if the kindergarten educates children with handicaps along with the other children in a framework of at least five hours a week and per eight children 1

### Schools and dormitories

1. The number of primary-school teachers has to be established on the basis of
  - the strength of classes,
  - the frame of time defined for the division of classes and for individual classes,
  - the number of hours determined for the organization of compulsory and non-compulsory classes,
  - the number of hours determined for day care and study room activities,
  - the number of compulsory hours of the teachers.
2. The number of teachers employed in dormitories shall be determined on the basis of
  - the strength formerly defined per sex and per building in dormitories,
  - the number of activities in the dormitories,
  - the number of compulsory hours of the teachers.
3. School librarian  
 at primary schools with at least eight forms if the schools have at least eight classes 1  
 at secondary schools, specialized schools 1  
 at dormitories, institutions of basic art education  
     up to two thousand students 1  
     more than two thousand students 1  
     multipurpose institutions 1
4. Conductor  
 at conductive pedagogical schools per form and per shift 3
5. speech therapist  
 at schools educating students with a speech handicap, for every fifteen students 1
6. Mobile special teacher and instructor, speech therapist, psychologist, conductor  
 if the school educates the students with a handicap along with the other students in a framework of at least five hours a week, for every eight students 1

*Staff directly helping educational-teaching work*

### Kindergartens



1. Physician  
at kindergarten educating solely children with handicaps, in line with the type of handicap 0,5
2. attendant for children or special teacher assistant working with children with handicaps  
in a kindergarten group educating children with handicaps 1
3. child minder or caretaker as well as cleaning staff  
- with the exception of conductive pedagogical kindergarten - for each group 1

#### Schools and dormitories

1. Attendant for youth and children  
[a person defined in Point b)-e) and j) of Para. (1), Section 17 and in Para. (2) corresponding to the school type, or a specialist with a psychologist's, a social worker's training and qualifications] at a primary school, a secondary school, a specialized school 0,5
2. Physician  
at schools and dormitories solely educating students with handicaps, in line with the type of handicap 1
3. Attendant for children and youth or assistant working with children with deficiencies  
- at schools educating children with handicaps, for every fifteen student 1  
- at schools educating and teaching deaf, blind, middle serious mental handicap, autistic children, children who suffer from cumulative handicap, for every six students 1  
- at primary schools and dormitories operating as institutions educating and teaching students with deficiencies, for every fifteen student 1  
- at primary school dormitories 1
4. Organizer of free activities  
- in schools and dormitories if the student's strength is three hundred or more 1
5. Technical manager  
at specialized schools if the school has more than a teaching workshop with 120 places and if the teaching workshops operate in the morning and in the afternoon 1
6. Nurse  
at dormitories, up to five hundred students 1  
over five hundred students 2  
at student homes only for students with handicaps, 24 hours a day 5
7. Maintenance staff for musical instruments in vocational secondary schools and specialized schools preparing to a vocational examination in the field of musical arts, furthermore at institutions of primary art education  
up to four hundred students 1  
over four hundred students 2

	at schools for children with impaired sight, regardless of the number of students, another	0,5
8.	Swimming instructor at schools with a teaching swimming pool	1

Concerning the network of mobile specialists, employment takes place in the institution of public education indicated by the Budapest, county local authority. The number of employment in the capital, in the county shall be defined, in accordance with the register of specialists and rehabilitation committee, on the basis of the number of children and students taking part in kindergarten education and school education and teaching together with other children and students, according to the type of handicap . A specialist needed to carry out the educational tasks shall be employed for each group after the groups have been created on the basis of a division and according to the rules on rounding up a number; in case there is only one group, there shall be at least one specialist, regardless of the group's strength. At the initiative of the kindergartens and schools educating and teaching children and students, the head of the institution of public education exercising the employer's rights appoints the mobile instructor working with children with deficiencies, the speech therapist, the conductor, the physiotherapist.

*Other employment in the institutions of public education*

1. The number of those employed in economic, administrative, technical, auxiliary, maintenance, heating, garden and school yard employee, janitor, etc. position has to be established in line with the tasks to be carried out.
2. At educational-teaching institutions, in line with the tasks to be carried out, apart from the dispositions of Part I.,
  - a) further leaders' mandates might be given out,
  - b) the number of those employed in a teacher's sphere of activity might be increased,
  - c) specialists with a specific training (doctor, psychologist, social worker, social pedagogist, library technician, assistant librarian, school administration secretary (kindergarten administration secretary), organizer of free activities, pedagogical assistant, teaching technician, computer specialist, computer system programmer, laboratory assistant, management operator, employment officer, human resource officer and education officer) can be employed.

Second part

THE PRINCIPLES FOR ESTABLISHING THE BUDGETARY CONTRIBUTION

1. Apart from the sum defined for the normative budget contribution in Para. (4), Section 118 of this Act,
  - a) - the development of public education, activities aiming at its renewal, at the extension of the computer network of public education, at its development and operation,
  - the organization of pedagogical special examination, further training, retraining of teachers (within the sum of the contribution, the sum to be used for further training performed in theoretical vocational education and practical vocational education shall be indicated separately),
  - the vocational activities of national, Budapest and county associations, the organization of pedagogical specialized services, the use of pedagogical-vocational services

shall be supported by centralized estimates not to be used for other purposes, estimates divided in a normative way, or the sum assigned for these purposes in the budget of the Ministry of Education

b) The global sum of the supports laid down in Point a) shall not be less than 7% of the sum to be granted as a minimum and defined in Para. (4) of Section 118 of this Act.

2. Within the sum determined in Para. (4) of Section 118 for normative budget contribution

a) the kindergarten education, the school education and bilingual education of those belonging to national, ethnic minorities shall be supported by a complementary professional normative not to be used for other purposes,

b) when determining the sum of the normative budget contribution (as a differential factor), the following shall be taken into consideration:

- the organization of early development and of developmental nurturing (compulsory schooling),

- the kindergarten education, the school education and teaching of children, students with heavy integration troubles, learning problems and behavioral disorder,

- kindergartens, schools admitting children not going to a kindergarten or school in their place of residence,

- the maintenance of the coalition of institutions operated in accordance with the development plan,

- the provision of kindergartens, the organization of primary school education in villages where the population does not reach three thousand on January 1 of the year preceding the budgetary year,

- the operation of the seat of the school, of the parents' association, of the students' self-government, of the schools' sports clubs,

- meals for children and students in the institution,

- the organization of day care activities,

- vocational training.

3. the sum of the vocational normative laid down in Point 1-2, the main sum of the contributions and the conditions of use of the above mentioned is defined in the annual Budget Act.

*The determination of the children's and students' strength to be taken into account when defining the normative contribution*

1. When defining the normative contribution,

a) a child admitted in a kindergarten shall be considered as one child if he/she requests kindergarten provision at least thirty hours a week in an average of one school year; the number of children requesting kindergarten education less than thirty hours a week in an average of one school year (not requesting kindergarten provision after lunch) shall be divided by two;

b) in the day teaching school system, the students to be taken into account as one student are those having a legal relationship with the school; the strength of students who, on the basis of their own decision are educated through private tuition shall be divided by five; the strength of guest students and of students paying tuition fees shall be divided by three; regarding the strength of students being educated through private tuition, one shall only take into account the strength corresponding to 10% of the students taking part in day-time teaching;

c) regarding institutions of primary art education, children who reached the age of 6 but did not reach the age of 22 yet shall be taken into account as follows:

- a student whom the school ensures at least four classes a week on the basis of a school year average shall be considered as one student, even if he or she attends more than four classes and several other subject,

- the number of students whom the school ensures less than four classes a week on the basis of a school year average shall be divided by two,

- considering the strength of students going to a preparatory form, the strength of students corresponding to 120% of the strength of students going to the first basic form shall be taken into account; in this calculation, the real strength of students going to preparatory forms and to the first basic form shall be taken into account;

d) in adult education, on the basis of Para. (6), Section 78, a student educated according to the working order of day teaching shall be considered as a student, the strength of students being educated according to the working order of evening education shall be divided by two, the strength of students being educated according to the working order of distant education or of other types of education shall be divided by five;

e) considering dormitory provision, a person who has a member relationship or a boarding annex relationship with the dormitory shall be considered as one student; the strength of students paying tuition fees for dormitory provision shall be divided by two;

f) a non-Hungarian citizen, child or student, can be considered as one student if he or she can take part to public education under the same conditions than Hungarian children;

g) a student paying a tuition fee shall not be taken into account when determining the strength of students;

*h) the strength of children and students shall be determined according to Point a)-f) even if on the basis of Point d), Para. (1), Section 81 of this Act compulsory payments are prescribed and also if on the basis of Point a), Para. (1), Section 116 the student pays a tuition fee for activities overrunning six classes a week.*

2. In cases where the strength of children or students shall be divided, it is the strength defined on the basis of the rules for rounding off that shall be taken into consideration.

3. The educational-teaching institution shall attest it has admitted the children and students and has ensured them the use of the services prescribed.

### Third part

#### *THE COMPULSORY HOURS OF LEADERS AND ASSIGNED TEACHERS*

*The teachers' spheres of activity and the leaders' positions consisting of the legal working time, the number of compulsory hours and the time necessary for carrying out the tasks related to the educational-teaching work or to the providing of appropriate specialized services connected with children and students and the compulsory number of hours regarding the different spheres of activity and the leader's position.*

-----  
leader's position,  
sphere of activity  
-----

number of  
compulsory hours

## *A) LEADER'S POSITIONS*

### 1. Kindergartens, practicing kindergartens

a) Head of kindergarten		
- kindergarten with more than 4 groups, practicing kindergarten	6	
- practicing kindergarten with 1-3 groups	21	
- kindergarten with 1-3 groups	27	
b) Deputy head of kindergarten, head of a member institution, leader of an institutional unit, deputy head of a member institution, deputy head of an institutional unit		
- in kindergartens with 4 or more groups, practicing kindergarten	24	
- practicing kindergarten with 1-3 groups	23	
- kindergarten with 1-3 groups	30	

### 2. Primary schools, practicing schools

a) Head		
- in schools with 17 or more forms	4	
- in schools with 9-16 forms	8	
- in schools with 6-8 forms	12	
- in schools with 1-5 forms	16	
b) Deputy head, leader of a member institution, head of an institutional unit, leader of section, deputy leader of a member institution, deputy leader of an institutional unit	the number of compulsory hours deter- mined for the head+4, maximum 18 hours	11

### 3. Secondary-schools, specialized schools and practicing schools

a) Head		
- in schools with 12 or more forms and in all vocational secondary- schools and specialized schools preparing to an art vocational examination	2	
- schools with 9-11 forms	4	
- schools with 5-8 forms	6	
- schools with 4 or less forms	8	
b) Deputy head, leader of a member institution, head of an institutional unit, head of section, deputy head of a member institution, deputy head of an institutional unit	the number of compulsory hours determined for the head + 2 hours	11
c) practical training instructor		11
d) deputy practical training instructor		17

### 4. Institutions of primary art education, practicing schools

a) Head	
- more than 500 students	2
- 251-500 students	4
- 101-250 students	8
- up to 100 students	14
b) Deputy head, leader of a member institution, leader of an institutional unit, deputy leader head of an institutional unit	the number of compulsory member institution, deputy hours determined for the head+2 hours

#### *5. Dormitories, practicing dormitories*

a) head of a dormitory, head	
- more than 450 students	4
- 251-450 students	6
- 101-250 students	10
- up to 100 students	15
d) deputy head , deputy leader	the number of compulsory hours determined for the head + 4 hours

#### *6. Different dispositions concerning educational-teaching institutions solely carrying out the education and teaching of children and students with handicaps*

##### Kindergartens, practicing kindergartens

a) Head of kindergarten	
- kindergarten with 4 or more groups	4
- kindergarten with 2-3 groups	16
- kindergarten with 1 group	18
b) Deputy head of kindergarten, leader of a member institution, leader of an institutional unit, head of section, deputy leader of a member institution, deputy leader of an institutional unit	
- kindergarten with 3 or more groups	16
- kindergarten with 1-2 groups	18

##### Primary school, practicing primary school

a) Head	
- schools with more than 21 forms	2
- schools with 12-20 forms	4
- schools with 9-11 forms	6
- schools with 4-8 forms	10
- schools with 1-3 forms	12
b) Deputy head, leader of a member institution, leader of an institutional unit, leader of section,	the number of compulsory hours

deputy head of a member institution, deputy leader determined for the head + 2 hours  
of an institutional unit

#### Dormitories, practicing dormitories

a) Head, leader		
- 250 or more students		2
- 144-250 students	4	
- 108-143 students	6	
- 48-107 students		10
- up to 47 students	12	
b) Deputy head, deputy leader	the number of compulsory hours determined for the head + 2 hours	

#### András PETÔ handicapped children's rehabilitative and teaching institute

a) Kindergarten head, primary school head		5
b) Deputy kindergarten head, deputy primary school head	7	

#### *7. Institutions of specialized services*

a) head, leader of an institutional unit, head of a member institution		10
b) Deputy head, deputy leader of an institutional unit, deputy leader of a member institution		14

#### *8. Public education institutions of common administration, general cultural centre*

- a) Head, if the direction of the kindergarten, school, dormitory operating as an institutional unit and that of the pedagogical specialized services institutional unit is carried out by the head, the lowest number of classes shall be at most 4 for the heads and leaders positions, if the direction is carried out by the head in kindergartens, schools, dormitories operating as an institutional unit and that of the pedagogical specialized services institutional unit as well as the type of institutions, in accordance with the institution unit without taking the number of kindergarten groups, school classes and the number of students into account.
- b) Head of an institutional unit, dormitory head, according to the  
deputy head of an institutional unit, stipulations on the  
deputy head of a dormitory type of institution

#### *B) THE SPHERE OF ACTIVITY OF TEACHERS AND TEACHERS WITH A PEDAGOGICAL SPECIAL EXAMINATION*

- Kindergarten teacher		32
- Kindergarten teacher in a practicing kindergarten	24	
- Kindergarten teacher in a kindergarten for children with handicaps		19
- Kindergarten teacher in a practicing kindergarten for children with handicaps		13
- Primary school teacher not carrying out specialized teaching in a primary school	21	
- Primary school teacher not carrying out specialized teaching in a practicing primary school	12	
- Primary school teacher, teacher carrying out specialized teaching in a primary school	20	
- Primary school teacher, teacher carrying out specialized teaching in a practicing primary school	12	
- Class teacher not carrying out specialized teaching in a primary school in a full-day ( <u>iskola otthon</u> ) form	21	
- Class teacher not carrying out specialized teaching in a practicing primary school in a full-day ( <u>iskola otthon</u> ) form	12	
- Class teacher not carrying out specialized teaching in a practicing primary school for handicapped children in a full-day ( <u>iskola otthon</u> ) form	19	
- Teacher, special teacher (therapist) in a primary school for handicapped children	19	
- Teacher, special teacher (therapist) in a practicing primary school for handicapped children	13	
- Teacher in a secondary-school, a specialized school	20	
- Teacher in an institution of primary art education	20	
- Teacher in a practicing secondary-school, a specialized school, an institution of primary art education	10	
- Teacher, special teacher (therapist) in a secondary-school a specialized school for handicapped children	19	
- Primary school teacher, teacher, carrying out day care, study room activities in a primary school, a secondary-school, a specialized school	23	
- Primary school teacher, teacher, carrying out day care, study room activities in a practicing primary school, a practicing secondary-school, a practicing specialized school	18	
- Primary school teacher, teacher, special teacher (therapist) carrying out day care, study room activities in a primary school, a secondary-school, a specialized school for handicapped children, students	21	
- Vocational secondary-school and specialized school practice instructor, vocational instructor, at schools for handicapped children, workshop instructor	25	
- Dormitory instructor		30
- Dormitory instructor in a practicing dormitory	26	
- Dormitory instructor in a dormitory for handicapped students		26



- Psychologist, social teacher in educational-teaching institutions	26
- Psychologist, social teacher in practicing in educational-teaching institutions	20
- Conductor, speech therapist in educational-teaching institutions	19
- Conductor, speech therapist in practicing educational-teaching institutions	10
- School librarian (primary school teacher) in educational-teaching institutions	22
- School librarian (primary school teacher) in practicing educational-teaching institutions	12
- School librarian (primary school teacher) in educational-teaching institutions for handicapped children and in practical educational-teaching institutions for handicapped children	19
- Psychologist, social teacher, conductor, speech therapist, teacher, special teacher, physiotherapist in institutions carrying out pedagogical specialized services	19

## II.

1. The number of compulsory hours determined for teachers occupying a sphere of activity in kindergartens, schools and dormitories for handicapped children shall be applied to teachers employed in kindergartens, schools, dormitories, sections, classes, groups educating, educating and teaching handicapped children, students separately and together (if on the first teaching day of the school year, the average of handicapped children reaches 33%).

2. The number of compulsory hours of the teachers shall be applied to practical training instructor if, according to the central program (curriculum), that teacher teaches practical training in a subject requiring theoretical knowledge.

3. The number of compulsory hours determined for those working in a teacher's sphere of activity in practicing kindergartens, schools, dormitories maintained by institutions of higher education of the state shall be applied to teachers carrying out practicing teaching (to supervisory teachers, senior kindergarten and primary school teachers).

4. If a teacher is employed in several spheres of activity or is mandated in several leader's positions (consisting of compulsory hours), the number of compulsory hours he or she is obliged to ensure (proportionally to the number of activities carried out) in the different teacher's spheres of activity and the different leader's positions shall be determined in the appointment or in the leader's mandate.

5. The number of compulsory hours of teachers and leaders might be reduced with the agreement of the maintainer if the maintainer provides the financial funds necessary for this, including the remuneration of overtime work without a budget surplus support or from the own sources of the education-teaching institution. The reduction mentioned above can not last longer than an educational-teaching year, however, it can be extended on several occasions.

6. At Kindergartens, schools, dormitories, the compulsory hours of the teachers shall be used for direct occupations with the children, as well as compulsory and non-compulsory classes, dormitory classes. In the framework of his/her number of compulsory hours, the practical training instructor and the deputy practical training instructor shall carry out the practical and theoretical training of students, the supervision of the practical training taking place where the practical training is organized. Compulsory hours might be used for day care

and study room activities, for the collective program of classes and the carrying out of tasks related to individual care [Para. (7), Section 52], for class or group activities laid down in the pedagogical program that can not be carried out in the framework of the teaching hours [Point e), Para. 2, Section 53], furthermore, for extra classes organized in the frame of time of non-compulsory classes.

7. If with the agreement of the maintainer the leader of the educational-teaching institution does not define a larger frame of time, a frame of time corresponding to 5% of all the kindergarten activities at kindergartens, all the preparatory activities in dormitories and all the compulsory classes in schools (planned on the basis of Para. (3), Section 52) is available in educational-teaching institutions for one educational-teaching year for carrying out the following tasks :

a) in the charge of this frame of time,  
- one hour a week shall be counted in the fulfillment of the weekly compulsory hours of a teacher for carrying out the following tasks: class master, subject leader, section leader, specialized class leader, student group leader and professional board leader,

- If in a school the employment of a school librarian (primary school teacher) is not compulsory, at least five hours a week shall be counted in the compulsory hours of a school librarian (primary school teacher) for carrying out the tasks of the school library.

b) In a written agreement given for a fixed period, a teacher can accomplish his/her compulsory hours by

- carrying out the tasks related to the elaboration, the supervision of the education program and that of the pedagogical program of the educational-teaching institution,

- carrying out tasks assisting the students' self-government and cultural boarding school teacher's tasks,

- carrying out tasks related to the supervision of children and laid down in a collective agreement.

8. During the breaks, the teachers accomplish tasks in connection with the supervision of students, the preparation to the next classes. In the other parts of the working day, the teachers carry out tasks in connection with the educational-teaching work and the activities adapted to the specialized services he/she is to ensure, with special regard to: getting ready for the activities and classes, preparing them, evaluating the performances of children and students, carrying out the activities connected with the administration of pedagogical activities and carrying out the educational-teaching tasks requiring the teacher's professional knowledge (according to the instructions given by the employer), with special regard to: the participation to the work of the teaching staff, the organization of the school's cultural and sport life, the supervision of children and students, the prevention of students' and children's accidents, the accomplishment of the tasks related to the protection of children and youth.

9. Within the framework of his/her number of compulsory hours, the school, dormitory librarian (primary school librarian) shall ensure the opening and the opening hours of the library. As a task being part of his/her sphere of activity, the school librarian devotes the rest of his/her working time (besides the closing hours) to carry out the library work to be done at work (stock enlargement and care, library research work), connection with other libraries; the other 30% of his/her working time shall be devoted to tasks done outside of the working place: preparation, the establishment of relationships with other libraries, the stock enlargement, and activities in connection with the teacher's sphere of activity.

10. Teachers employed in institutions of pedagogical specialized services shall carry out the tasks in connection with the examination of children and students, individual or group classes, counseling, caring courses (hereinafter: direct occupations with children) within the framework of their number of compulsory hours. They shall carry out the examination necessary for the establishment of the expert's opinion, the tasks in connection with the

preparation of direct occupations with children and students, the conciliation of opinions to be done in the framework of the examinations, the preparation of the expert's opinion, furthermore, outside of the time determined for direct occupations with children and students (tasks being part of their sphere of activity), they ensure the opening of the institution, carry out the other tasks necessary for the development of children, the activities outside of the institution and go to the children' and the students' home.

11. The working time reduction due to the trade union officers (Labor Code 25.) and the members and leader of the Civil Servants' Council [Labor Code, Para. (2), Section 52] shall be given proportionally to the reduction of the teachers' compulsory hours.

12. If a teacher is taking part in a further training or prepares himself/herself to a special examination and the head of the institution makes a study contract with the teacher, the head of the school reduces the number of compulsory hours of the teachers according to the dispositions of the law.

13. The number of compulsory hours of the school principal depends on the number of groups and classes (except if the vocational secondary-school, the specialized school prepares to an art vocational examination); at institutions of primary art education and in dormitories, the number of compulsory hours of the head of the school, that of the leader depends on the number of students.

14. The head of an educational-teaching institution, of an institution of pedagogical specialized services carries out tasks related to his mandate in the time available between the compulsory hours and the full working time.

15. The number of compulsory hours of a head (for the whole school year) shall be determined in a way that is appropriate to the situation on the first day of the school year.

16. When determining the number of compulsory hours of heads, the following shall be taken into account:

a) the kindergarten groups, the school classes and in vocational training, the forms organized for the theoretical vocational training in accordance with their number,

b) the day care and study room activities, in accordance with their number,

c) in adult education, the classes of day and evening education, in vocational training, the classes organized for the theoretical vocational training in accordance with their number and in distance education the half of the number of classes,

d) concerning the students taking part in light and medical physical training, a class is made of sixteen students, in case of a smaller number of students, a class shall be considered a class up to eight students.

17. If a teacher teaches more than the number of compulsory hours determined for his/her sphere of activity or position, he/she shall get overwork wages (determined on the basis of the procedure laid down in the law). When defining the extent of the overwork wages, the number of hours determined for an assigned teacher working in a kindergarten, a primary school, a secondary-school, a specialized school, a dormitory, an institution of pedagogical specialized services shall be applied, even if the overwork wages are determined for a teacher in a leader's position in a practicing kindergarten, school, dormitory or for a teacher who's compulsory hours have been reduced on the basis of this Appendix or if an activity belonging to his/her sphere of activity is counted in.

18. If a teacher working in a leader's position carries out other tasks (tasks not belonging to his/her sphere of activity) with a lower number of compulsory hours, furthermore, if an assigned teacher carries out tasks belonging to a leader's position, and the time of these reaches five working days, the compulsory hours of that teacher shall be established on the basis of the number of compulsory hours determined for the leader's position he/she is working in.

## **Appendix II to Act LXXIX of 1993**

(to Section 40 of the Act)

### **Personal and special data registered and handled at educational-teaching institutions**

#### *Data of staff*

1. Data registered under this Act:
  - a) name, place and date of birth, citizenship,
  - b) permanent and temporary address, telephone number,
  - c) data concerning employment and public servants' legal status, with special regard to:
    - school qualifications, vocational qualifications, proof of employment conditions,
    - time spent in employment, time that can be counted in public servants' legal status, data concerning the classification,
    - decorations, awards and other acknowledgments and titles given to staff members,
    - position, appointment for carrying out tasks that do not belong to the given position, other legal statuses connected with work, disciplinary punishment, obligation to compensate for damages,
    - duration of work, duration of overwork, salary, bonuses as well as debts burdening them and the persons or institutions to whom the debts are to be paid,
    - holidays, holidays used up,
    - payments, and the grounds for them, made to staff,
    - benefits and the grounds for them, granted to staff,
    - debts and the grounds for them, of staff to the employer,
    - other data with the consent of the person concerned.
2. The data listed in Point 1) are handled by the person/body exercising the employer's rights in case of staff in leading positions.
3. The data listed in Point 1) can be sent to the maintainers, places making payments, courts, police, public prosecutor's office, local authorities, state administration bodies as well as those authorized to supervise the stipulations concerning employment, national security services.

#### *Data of children and students*

1. Data registered under this Act are the following:
  - a) name, place and date of birth, citizenship, permanent as well as temporary address, telephone number of the child or student, in case of non-Hungarian citizen, the ground for staying on the territory of the Republic of Hungary, the designation of the document entitling to stay on the Hungarian territory, its number,
  - b) names, permanent and temporary addresses and telephone number of parents,
  - c) data concerning the child's kindergarten development,
  - d) data concerning the students' legal status, with special regard to
    - data related to admission,
    - assessment and qualifications of students' behaviour, evaluation of the students' work and knowledge, data concerning examinations,
    - data connected with students' disciplinary matters and those associated with compensation for damages,

- data concerning the handicaps of a child or student with a physical, mental, sense-organ, speech or other handicap,
- data concerning the children and students adaptational disorders, learning difficulties or behavioural disorders,
- data concerning child's or student's accidents,
- *the serial number of the student's ID,*
- *the student's identification number,*
- other data with the consent of the child or student concerned.

2. The data can be sent to

- any data, to the maintainer, a court, police, a public prosecutor's office, local authorities, state administration bodies, national security services,
- data concerning physical, mental, sensory, speech and other handicaps, adaptational disorders, learning difficulties or behavioural disorders to the educational-teaching institution from the institution of pedagogical specialized services or the other way round,
- data concerning kindergarten development and development necessary for going to school to the parents, institutions of pedagogical specialized services, to the school,
- data concerning the evaluation of behaviour, work and knowledge, within the class concerned, within the teaching staff, to the parents, the examination committee, the organizer of practical training, the maker of the student's contract or, if the evaluation takes place at a location other than the school, to the school, in case of changing school, to the new school, to those carrying out professional supervision,
- *any data necessary for the issue of the student ID, to the administrator of the student ID (determined in the law).*

*Statistical use of data*

The data listed in this Appendix can be used for statistical purposes and can be handed over for statistical use in a way that identification of a person concerned be impossible.

**Appendix III to Act LXXIX of 1993**

[To Pares. (3)-(7), section 52, Pares. (2)-(4) and (7), Section 53, Para. (3), Section 65, Para(5), Section 66, Para. (2), Section 68 and Para. (4), Section 113]

**The upper limit of the size of classes and groups, the organizational rules of classes and extra classes**

*The upper limits*

	Average number	Maximum number
Kindergarten	20	25
School		

a) form 1-4	21	26
b) form 5-8	23	30
c) form 9-13	28	35
d) theoretical training at vocational secondary-schools, specialized schools in the vocational training form	28	35
e) practical training in vocational secondary-schools and specialized schools	8	12
f) theoretical vocational training practical vocational training in specialized schools of art and vocational secondary-schools of art	10	15
g) education in institutions of primary art education musical art branch other art branches	8 10	15 20
Dormitory		
Dormitory activities other times - broken down to sexes and buildings	25 100	27 120

## II.

### *The organization of classes and groups*

1. The kindergarten groups, school classes shall be organized so that the number of children, students admitted in the kindergarten group, the school class does not exceed the maximum number (except for cases defined in Points 7-8).

2. Kindergarten groups, school classes for children, students belonging to a national, ethnic minority shall be organized and maintained if the parents of eight children, students belonging to the same minority request it.

3. When calculating the size of a kindergarten group, a school class or a dormitory group, students with speech deficiencies, mild mental deficiencies as well as the group of students with other handicaps, children and students wrestling with RESZKEPESSEG KIESES, adaptational disorder, learning difficulties or behavioral disorder (regardless of the fact that these children are educated in kindergarten, educated and taught in school, educated in dormitory along with the other children or separately) have to be taken as two children, students; every child, student with physical, medium degree mental, sense organ or other handicaps not mentioned above have to be taken as three children, students. *Students being educated through closing up teaching [Para. (8), Section 27] have to be taken as three students.*

4. *Fused classes might be organized in primary school education and in closing up education [Para. (8), Section 27]. Classes shall not be fused during the school year. Fused*

*classes can be organized (with the exception of closing up education) with students from three school forms at most.*

5. Classes can be divided into groups. A group can be composed of several classes and forms. The maximum size of a group corresponds to 50% of the maximum size of a class.

6. All the compulsory classes of the school used for practical training at vocational secondary-schools and specialized schools can be devoted to the organization of groups smaller than the prescribed ones, consisting of 3-6 students, if, according to the central program (curriculum), the practical training requires small sized classes. When publishing the central vocational training program (curricula) the agreement of the Minister of Finance is required for the establishment of small sized classes. The frame of time of the compulsory classes for groups created for practical training shall be calculated separately for each group.

7. The maximum size determined for kindergarten groups, school classes can be exceeded by 20% at the beginning of the educational, educational-teaching year if for the given form, there is only one kindergarten group or one school class; the maximum size might also be exceeded by 20% during the educational, educational-teaching year if that decision is justified by the admission of new children or students.

8. In adult education, evening education, distance education and other special forms of education, the dispositions on the maximum number of classes shall not be applied.

9. When organizing groups, classes, the average number might not be taken into account.

10. If the size of a class does not reach 50% of the maximum number, the frame of time calculated on the basis of Para. (6), Section 52 shall be divided by two.