

MINISTERSTVO SPRAVEDLNOSTI

Kancelář vládního zmocněnce pro zastupování České republiky
před Evropským soudem pro lidská práva

D. H. a ostatní proti České republice (podklad k jednání Kolegia dne 14. prosince 2016)

1. ZÁVĚR SOUDU

V rozsudku ze dne 13. listopadu 2007 velký senát Soudu konstatoval, že nadměrným zařazováním romských žáků do škol pro lehce mentálně postižené došlo k porušení práva stěžovatelů, 18 romských žáků, na rovný přístup ke vzdělání (porušení článku 14 Úmluvy ve spojení s článkem 2 Protokolu č. 1).

Anotaci i překlad rozsudku naleznete [zde](#).

2. VÝKON ROZSUDKU

A. AKTUALIZOVANÝ AKČNÍ PLÁN K VÝKONU ROZSUDKU

V únoru 2016 byl Výboru ministrů předložen aktualizovaný akční plán výkonu rozsudku. Výbor ministrů v něm byl informován především o přijetí novely školského zákona č. 82/2015 Sb., která posílila inkluzivní prostředí na běžných základních školách, plánovaném vydání prováděcí vyhlášky k této novele, informačních a vzdělávacích seminářích k těmto legislativním změnám, zpracování metodického doporučení pro školy ke zřízení funkce asistenta pedagoga či zamýšleném zrušení přílohy rámcového vzdělávacího plánu upravující vzdělávání žáků s lehkým mentálním postižením.

Výbor ministrů byl zároveň informován o výsledcích posledního statistického šetření, které ukázalo, že podíl romských žáků, kteří se ve školním roce 2015/2016 vzdělávali podle zmíněné přílohy k rámcovému vzdělávacímu plánu, činil 31 %, oproti 30,5 % v předcházejícím školním roce. Podíl romských žáků, kteří se ve školním roce 2015/2016 vzdělávali podle běžného rámcového vzdělávacího plánu, se oproti předchozímu školnímu roku zvýšil o 0,6 % na 5,4 %. Konečně statistické šetření ukázalo, že počet žáků s lehkým mentálním postižením individuálně integrovaných v běžných základních školách meziročně vzrostl o 225 žáků na celkový počet 1 899 žáků.

Úplné znění aktualizovaného akčního plánu naleznete níže.

B. PROJEDNÁNÍ VÝKONU ROZSUDKU VÝBOREM MINISTRŮ RADY EVROPY

V červnu 2016 byl aktualizovaný akční plán vyhodnocen Výborem ministrů Rady Evropy, tentokrát bez jeho zařazení na ústní projednání. Výbor ministrů přijal rozhodnutí, v němž především s ohledem na absenci podstatných změn ve statistických zjištěních vyzval vnitrostátní orgány, aby legislativní reformu uvedly co nejrychleji v život, aby měla dopad již v nadcházejícím školním roce, a zajistily, aby všechny zainteresované subjekty disponovaly dostatečnými personálními i finančními prostředky a kontrolní orgány nezbytnými pravomocemi. Výbor ministrů dále úřady vyzval k úzké spolupráci s nevládními organizacemi a veřejnou ochránkyní práv. Závěrem si Výbor ministrů vyžádal v zářijovém termínu zprávu obsahující potvrzení, že reforma základního vzdělávání skutečně v září 2016 nabyla účinnosti, a v únoru 2017 dodání zprávy obsahující informace o praktickém účinku reformy.

Analýzu stavu výkonu rozsudku ze strany Výboru ministrů a text rozhodnutí naleznete [zde](#).

C. ZPRÁVA PRO VÝBOR MINISTRŮ O VÝKONU ROZSUDKU ZE ZÁŘÍ 2016

V září 2016 byla Výboru ministrů předložena vyžádaná zpráva, v níž bylo potvrzeno, že novela školského zákona i všechny nezbytné prováděcí předpisy nabyly účinnosti, byla zrušena příloha rámcového vzdělávacího plánu upravující vzdělávání žáků s lehkým mentálním postižením, bylo zřízeno revizní pracoviště v rámci Národního ústavu pro vzdělávání a uskutečnila se celá řada informačních a vzdělávacích seminářů. Výbor ministrů byl též informován o zabezpečení financování změn, a to jak ze státního rozpočtu, tak z operačních programů.

Úplné znění zprávy naleznete níže.

D. PLÁNOVANÁ ZPRÁVA PRO VÝBOR MINISTRŮ O VÝKONU ROZSUDKU NA ÚNOR 2017

Ve zprávě, kterou má Česká republika Výboru ministrů předložit počátkem února 2017, budou mj. uvedeny informace:

- o financování reformy základního vzdělávání (např. navýšení finanční rezervy krajů pro rok 2016 ze státního rozpočtu pro financování podpůrných opatření o 528 mil. Kč; navýšení částky pro rok 2016 na rozvojové programy na asistenty pedagoga o 100 mil. Kč; investiční program na pořízení kompenzačních učebních pomůcek a potřeb pro účely společného vzdělávání ve výši 275 mil. Kč; novela vyhlášky o krajských normativech zavádějící krajský normativ na podpůrná opatření v jednotné výši stanovené vyhláškou; novela § 161 školského zákona umožňující objektivnější rozdělení finančních prostředků ze státního rozpočtu mezi jednotlivé kraje; reforma regionálního financování; navýšení výdajů státního rozpočtu MŠMT na rok 2017 na společné vzdělávání);
- v oblasti diagnostiky o pokračování v pracích na testu adaptivních dovedností a školení poradenských pracovníků v nových testech a diagnostice lehkého mentálního postižení;
- o rozšíření kompetencí a inspekční činnosti České školní inspekce (ČŠI) ve vztahu k poradenským zařízením, kdy nově bude ČŠI oprávněna hodnotit kvalitu činnosti poraden. ČŠI bude ve spolupráci s odbornými útvary Národního ústavu pro vzdělávání zjišťovat a hodnotit podmínky a průběh poskytování školských poradenských služeb, včetně komunikace, spolupráce a aktivního přístupu při jednání s klienty např. o vhodných formách podpory apod. ČŠI bude hodnotit též personální, materiální, prostorové a ekonomické podmínky poraden. Za tímto účelem byla ČŠI posílena o jednoho inspekčního pracovníka v každém kraji. Zjistí-li ČŠI při inspekční činnosti nedostatky, které mohou přímo ovlivnit vzdělávání konkrétního žáka (jsou-li pochybnosti o správnosti vydaného doporučení), bude moci dát podnět reviznímu pracovišti (Národnímu ústavu pro vzdělávání), které provede revizi vydaného doporučení. Noví inspekční pracovníci budou inspekční činnost provádět též ve školách, kterých se poradenská podpora konkrétního školského poradenského zařízení týká. Budou tak získávat a analyzovat informace o účinnosti poradenské podpory či o tom, zda jsou skutečně naplňovány speciální vzdělávací potřeby znevýhodněných žáků. Řešit budou též stížnosti rodičů vztahujících se k uplatnění podpůrných opatření u jejich dětí;
- o schválení novely školského zákona vládou, která od školního roku 2017/2018 zavádí bezplatný povinný rok předškolního vzdělávání před zahájením povinné školní docházky. Povinný rok předškolního vzdělávání bude dítě moci plnit jak formou docházky do mateřské školy zapsané v rejstříku škol, tak i jinými způsoby (individuální vzdělávání s rodiči, vzdělávání v přípravných třídách základních škol a ve třídách přípravného stupně základních škol speciálních, vzdělávání v zahraniční škole na území České republiky). Rozsah povinného předškolního vzdělávání bude v rozsahu 4 hodin denně. Na zajištění kapacit pro předškolní vzdělávání byla v rámci Integrovaného regionálního operačního programu alokována částka téměř 3 mld. Kč;

- o postupu přechodu vzdělávání na nový rámcový vzdělávací plán po zrušení přílohy pro žáky s lehkým mentálním postižením (žáci na prvním stupni se budou vzdělávat podle nového rámcového vzdělávacího plánu s individuálními vzdělávacími plány; žáci druhého stupně v zásadě vzdělávání dokončí podle zrušené přílohy s tím, že rodič může požádat o přechod na nový rámcový vzdělávací plán a vypracování individuálního vzdělávacího plánu) a zajištění informovanosti o této změně prostřednictvím seminářů, spuštění metodického portálu (<http://rvp.cz/>) či zřízení konzultačních center v krajích;
- o novém systému evidence a vykazování podpůrných opatření přiznaných na základě § 16 školského zákona (vyhláška č. 202/2016 Sb.);
- o aktuálních statistických zjištěních (data prozatím nejsou k dispozici, budou v lednu 2017); a
- o spolupráci s odbornými asociacemi a nevládními organizacemi (zřízení Expertního týmu pro společné vzdělávání) a veřejnou ochránkyní práv.

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

“EQUAL OPPORTUNITIES”

5 FEBRUARY 2016

The submitted Revised Action Plan for the Execution of the Judgment in the case of *D. H. and Others v. the Czech Republic* contains an overview of measures that have been implemented to date as well as an overview of measures that will be implemented. The Revised Action Plan therefore supplements information, which was submitted to the Council of Ministers of the Council of Europe on 10 February 2015.

I. CASE DESCRIPTION

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

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

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

II. INDIVIDUAL MEASURES

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

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

III. GENERAL MEASURES

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

the pupil's recommendation expires.

Implementation date: 1 September 2011

3) Decree No. 103/2014 – amendment to the Decree on the education of children, pupils and students with special educational needs and exceptionally gifted children, pupils and students and to the Decree on the provision of counselling services at schools and in school counselling facilities

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

- a) A pupil with a social disadvantage must not be educated in a class or group for pupils with a health disability anymore;
- b) A pupil with a health disadvantage must not be placed into a class or group for pupils with a mild mental disability anymore;
- c) Beyond the existing prerequisites for the placement of a pupil with a health disadvantage into a class or group for pupils with a health disability (exceptional character of the placement; placement only for the necessary period of time; a maximum placement period of 5 months; placement solely in the pupil's interests; placement for the sake of offsetting a disadvantage; placement upon a recommendation by a school counselling facility) an additional guarantee has been introduced, namely the need to submit a medical doctor's confirmation proving the existence of a specific health disadvantage;
- d) A pupil without a health disability must not be educated pursuant to an educational programme for pupils with a health disability anymore, not even if the pupil is placed into a class designated for pupils with a health disability;
- e) School counselling facilities will regularly evaluate whether the placement of a pupil into an educational programme modified for pupils with a health disability, the mode of his/her education and the provided support measures reflect his/her special educational needs. In the case of a pupil placed into a FEP BE MMD, evaluation will be done within a year following placement at the latest; further evaluation will be done at the end of the third, fifth and last grade of compulsory school attendance;
- f) A diagnostic stay must not take place at schools and in classes established for pupils with a mild mental disability anymore.

Compliance with this new legal regulation is inspected by the CSI, which periodically once a year carries out a survey at schools with the aim of identifying the presence of pupils in inadequate programmes or classes. The first survey took place in autumn 2014.

Implementation date: 1 September 2014

Note: All three aforementioned Decrees will be partly replaced by a Decree implementing the amendment to the Education Act (see planned measure A-1). The new Decree will nevertheless also contain the already implemented abovementioned changes related to Roma pupils.

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

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

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

- a) Abandoning the categorisation of pupils (pupils with a social disadvantage, pupils with a health disadvantage and pupils with a health disability);
- b) Introducing a new definition of the notion of “pupil with special educational needs” who is seen as a pupil in need of support measures in order for him/her to fulfil his/her educational possibilities and pursue his/her right to education on an equal basis with others. The determination of a pupil’s educational needs and the provision of support measures that will help a pupil in pursuing his/her education will thus be at the forefront;
- c) Laying down the rule that pupils with special educational needs should be primarily educated by means of integration into the mainstream education;
- d) Introducing the concept of support measures necessary to guarantee the maximum achievable full-fledged education in the mainstream for all pupils. Support measures are classified into five levels depending on their organisational and financial demands. If need be, support measures of various levels may be combined so as to fulfil the requirement of high-quality education. Pupils with special educational needs will have a right to have support measures provided by their school free of charge;
- e) Setting down the rule that support measures will be selected so as to reflect a pupil’s health, cultural background and/or other living conditions;
- f) Introducing the possibility of education in preparatory classes for all pupils (until last year, education in preparatory classes had been available only for socially disadvantaged children). One of the envisaged effects of this measure is also to eliminate the risk of segregating Roma pupils in pre-school education;
- g) Introducing the possibility for clients of counselling services, schools and public authorities (especially the child protection authority) to request a

	<p>review of a recommendation for a pupil's education, which has been issued by a counselling facility. Above that, pupils and their parents will also have a possibility to request a review of the examination report;</p> <p>h) Introducing the rule that a counselling facility's recommendation proposes specific support measures and adjustments in a pupil's education. The recommendation will be delivered not only to the pupil or his/her statutory representative but also to the school that the pupil attends. In the counselling facility the parent will get acquainted with the content of the recommendation for the pupil's education together with the examination report and will grant his/her consent to pass the recommendation on to the school. The consent to passing the recommendation on to the school is necessary because the recommendation contains sensitive data about the pupil. This course of action create a communication triangle between the school counselling facility, the school and the parents as a basis for implementing support measures in practice.</p> <p>In November 2015 the MEYS implemented several large-scale information and training workshops aimed at ensuring implementation of the amendment to the Education Act in practice.</p> <p>The first one was an information workshop for regional school-establishing entities and regional authorities where the most important changes were presented, i.e. the amendment to the Education Act, the draft Decree implementing the amendment to the Education Act, support measures and changes in the FEP BE.</p> <p>Besides that, in November and December 2015 there was a training of trainers from the National Institute for Further Education (NIFE) who will subsequently participate in training teaching staff at schools. Four workshops were implemented in total.</p> <p>On the Minister of Education's initiative, a large-scale conference was held in the Chamber of Deputies of Parliament in November 2015, where objectives of the education policy were presented. A lot of attention was dedicated to inclusive education and changes in the financing of regional schooling.</p> <p>At present, the Minister of Education holds meetings in regions with representatives of schools, regional authorities and municipalities where she acquaints participants with the amendment to the Education Act and in particular with changes aimed at inclusive education. The meetings were launched in October 2015 when they took place in the Liberec and Ústí nad Labem Regions, Prague and the Central Bohemian Region. In December 2015, further meetings were held in the South Moravian Region and in the Vysočina Region.</p>
Planned measures	<p>1) Decree on the education of pupils with special educational needs</p> <p>In relation to the approved amendment to the Education Act the MEYS has prepared an implementing legal regulation to implement Section 19 of the Education Act. The changes, which will come into effect as of 1 September 2016 and which have been</p>

brought about by the amendment to the Education Act and by the implementing Decree, strive for a maximum support of the individual educational potential of each pupil.

The implementing Decree will fully replace existing Decree No. 73/2005 on the education of children, pupils and students with special educational needs and exceptionally gifted children, pupils and students, and will partly represent *lex specialis* in relation to Decree No. 72/2005 on the provision of counselling services at schools and in school counselling facilities.

The Decree includes an **overview of support measures classified into five levels** depending on their organisational, teaching and financial demands together with their detailed description. The overview describes the individual support measures and contains a list of special textbooks, aids and assistive devices. The first level of support measures is always proposed and provided by the school. The second to fifth level is proposed by the respective school counselling facility. The first to fifth level of support defines support measures in ascending order, i.e. the possibilities of support are gradually broadened in relation to the expected need for assistance. Lower levels of support are always applied first. Support measures of different levels may be combined. The Decree also lays down a classification of special textbooks and teaching and assistive devices.

Support measures represent support for a teacher's work with a pupil whose education requires adjustments. The adjustments aim primarily at offsetting the conditions for a pupil's education, which may be influenced by minor problems or by severe special educational needs, which may be caused by a lack of the pupil's preparedness for school, different living conditions, different cultural background, unfavourable state of health or disability.

Financial demands of support measures are **set by the norm**. Thus, the legislation guarantees to schools financial means for provision of support measures, in particular adjustments of the number of teaching hours, remedial teaching subjects, support for language tuition or other subjects, support in the form of a teacher's assistant, another teacher, a Czech sign language interpreter, transcriber and a possibility of supporting pupils not only at school but also in school facilities such as the after-school care centre. A pupil's education may also be supported by a school psychologist and a remedial teacher. Support measures also include adjustments of the methods and forms of education including evaluation, focus on the atmosphere at school and social competences, motivation and adaptability. An inseparable part includes special textbooks, aids and assistive devices. The financial demands set by the norm determine a contribution that will be sent to the school where the respective pupil is educated. The school is bound to use the contribution on the provision of support measures for the pupil concerned.

The **parent's (statutory representative's) choice** will play a more important role in selecting a school. If a parent decides to place his/her child into a mainstream school in line with a recommendation made by the school counselling facility, the school will be obliged to provide maximum support for the child in the form of a broad range of support measures that include assistance of other expert staff (including a teacher's

assistant), an adjustment of the organisation and methods of instruction and/or provision of necessary assistive devices. Strengthening of the parent's role is reflected in the Decree in several respects. Parents provide their informed consent to the provision of a counselling service and to the conclusions of the examination report. Furthermore, when they get acquainted with the recommendation, in presence of the headmaster of the school, they grant their consent to the implementation of support measures at school.

The Decree strengthens the importance of support of the education of pupils with special educational needs provided by the school: the school itself will adjust educational measures in the pupil's instruction, in particular in the case of pupils, the nature of whose educational needs does not necessitate frequenting a school counselling facility. Should selected intervention procedures not suffice, the school will recommend the pupil or his/her statutory representative to contact a school counselling facility without undue delay.

The Decree also specifies **rules for granting support measures**, with a focus on high-quality diagnostics, cooperation between parents, counselling facilities and schools and availability of review procedures.

The Decree describes the way a school should proceed if a pupil's statutory representative fails to cooperate with the respective school counselling facility or with the school in spite of the fact that the child needs the use of support measures in order to fulfil his/her educational needs.

The first measure a school should take is an attempt at explanation and agreement between the parents, school and school counselling facility. If there is no response to the attempts to reach an agreement and since this is a situation when the parent prevents the fulfilment of the child's rights, the school should then use standard child protection mechanisms. Pursuant to the Act on Social and Legal Protection of Children a school may notify the child protection authority of a breach of obligations or misuse of rights that follow from parental responsibility. The child protection authority will subsequently provide counselling assistance to the parents or will issue a warning. If the above activities of the child protection authority do not result in the fulfilment of the pupil's educational needs, the child protection authority may ask the court to designate a guardian for the child who will then negotiate with the school instead of the parent, or may even suspend or limit parental responsibility. The Civil Code anticipates that the court appoints a guardian for a child if the child's statutory representative fails to sufficiently defend the child's interests, or it may suspend or limit the exercise of parental responsibility or appoint a legal guardian for a child, who will subsequently act in a given matter instead of the parents.

The quality and accuracy of provided school counselling services are guaranteed also through a possibility for the pupil or his/her statutory representative to request a **review** of the conclusions of an examination performed in a school counselling facility and of a recommendation for the education of a pupil with special educational needs if they consider that the report or the recommendation do not reflect the pupil's best interest. The school or a public authority may also request a review. More about the review can be found in measure C below.

From March to December 2015 the Decree was **consulted** with NGO representatives (e.g. *Czech Professional Society of Inclusive Education, Open Society Fund, META*), professional associations, Ministry of Justice, Czech National Disability Council, trade unions, Office of the Government, Public Defender of Rights, CSI and others, both in the phase when the text was being drafted in a working group and subsequently in several phases of the consultation procedure. In November and December 2015 the interdepartmental consultation procedure took place.

The Decree was approved by a commission of the Government Legislative Council in January 2016. After the Decree will have been signed by the Minister it will be published in the Collection of Laws and come into effect as of 1 September 2016.

Implementation date: 1 September 2016

2) Planned information and training workshops dedicated to the amended Section 16 of the Education Act

Planned measure	Description (implementing entities – MEYS, NIFE, NIE)	Implementation date
Information workshops for representatives of regional authorities and school-establishing entities	MEYS and NIE Topic: inclusive education (amended Section 16 of the Education Act, implementing Decree, FEP BE), support from Operational Programme Research, Development and Education (OP RDE)	December 2015 –2016
Information workshops for headmasters of schools and school facilities in regions	Topic: inclusive education (amended Section 16 of the Education Act, implementing Decree, FEP BE), support from OP RDE	February 2016
Initial training of teachers of kindergartens and schools and staff of school facilities dedicated to joint education (within the frame of further continuous education of teaching staff)	Accredited courses for headmasters teachers	February 2016–December 2018
Initial training of headmasters of kindergartens and	Training in areas focused on understanding support	March–June

schools	measures and their introduction into practice	2016
Further education of teaching staff in line with OP RDE templates	Based on approved and announced OP RDE templates dedicated to the issue of inclusive education, the NIFE will prepare a series of support packages for schools and school facilities. Besides, the NIFE will create “turn-key” training programmes, i.e. as requested and commissioned by individual schools and school facilities. The respective training programme will then be implemented directly in the respective school for all teaching staff.	2016

With regard to the comprehensiveness and scope of changes brought about by the amendment to the Education Act and the new Decree implementing the Education Act, the Government believes it is indispensable to supplement the above mentioned information with comments as to **the way the adopted legislative changes should manifest in practice as of 1 September 2016.**

Already from 1 September 2016 onwards the rule that pupils shall be primarily educated in mainstream schools will come into effect.

An exemption from this rule will be possible only under terms and conditions defined in new Section 16 § 9 of the Education Act:

According to this provision it will be possible to establish schools or classes for pupils with a mental, physical, visual or auditory disability, severe speech impediments, severe developmental learning disorders, severe developmental behavioural disorders, concurrent multiple disabilities and/or autism. Nonetheless, the above pupil may be placed in such school or class only if a school counselling facility ascertains that due to the nature of the pupil’s educational needs or due to the course and outcomes of the provision of support measures to date, support measures alone would not suffice to fulfil his/her educational possibilities and pursue his/her right to education. The precondition of placement is a written application by a pupil or his/her statutory representative, a recommendation by a school counselling facility and compliance of this procedure with the pupil’s interest.

If the statutory representative of a pupil with special educational needs defined in Section 16 § 9 of the Education Act decides that s/he wants his/her child to be educated in a mainstream school in line with a recommendation made by a school coun-

selling facility, the school will be obliged to provide the child with maximum support in the form of a broad range of support measures that include assistance of other expert staff including the teacher's assistant, adjustment of the organisation and methods of instruction and/or provision of necessary assistive devices. "Tailor-made" support measures will be provided to each pupil on an individual basis so that it best reflects his/her specific educational needs and allow the pupil to achieve maximum development of his/her educational potential.

In accordance with transitional provisions of the Decree, if as of the date when the Decree comes into effect a pupil with a health disability has a recommendation issued by a school counselling facility for placement into a school or class for pupils with a health disability, this recommendation will be considered as a recommendation to place the pupil into a school established pursuant to Section 16 § 9 of the Act for the duration adequate to the purpose of the recommendation, with the maximum period being two years from the day when the Decree comes into effect.

The establishing entities of "practical" schools will have to decide how their primary school will continue in educating pupils with MMD:

First and foremost, all these primary school pupils will be educated according to the FEP BE with the use of support measures and an individual educational plan.

Further, schools will have to address the issue of a number of pupils who will be integrated into mainstream classes and potentially also into classes where there will be pupils, the nature of whose ailments does not make it possible to integrate them into and educate them in a mainstream primary school, for instance because of another health disability.

It needs to be highlighted in this context that pupils without a mental disability cannot be educated in schools or classes established pursuant to Section 16 § 9 of the Education Act. Besides, the Decree defines the number of children in classes and schools established pursuant to Section 16 § 9 of the Act.

In essence, the establishing entities of the above schools may pursue three models of education. The decision is in the hands of the establishing entities, reflecting the specific situation in their region.

- 1) The establishing entity may decide that the school will be a mainstream primary school where pupils will be educated in the same way as in other mainstream school and pupils with MMD will be integrated with the support of support measures.
- 2) The establishing entity may decide that the school will be a mainstream school but there will be classes that will educate pupils listed in Section 16 § 9 of the Education Act. They have to take into consideration that these classes are designated only for pupils for whom support measures did not suffice to ensure their high-quality education and pursuit of their right to

education. If a decision is taken to establish such class, only pupils with MMD and no other pupils may be educated there.

- 3) The establishing entity may decide that the school will be a school established pursuant to Section 16 § 9 of the Education Act. It must take into account that the school has to have the corresponding number of pupils with MMD for whom education in a mainstream school with the use of support measures is not sufficient.

The procedure of placing and keeping pupils in schools and classes pursuant to Section 16 § 9 of the Education Act will be as follows: **if the establishing entity of a practical school decides that the practical school will continue to educate in a class pursuant to Section 16 § 9 of the Education Act**, as of 1 September 2016 the headmaster has to ensure:

- **Compliance of keeping the current pupils in these schools with Section 16 § 9 of the Education Act.**

The pupil's parents have to ask the school headmaster to have their child educated in a school or class pursuant to Section 16 § 9 of the Education Act. Further, this mode of education has to be recommended by a school counselling facility and at the same time in compliance with the pupil's interest. A pupil may be admitted to such school only if a school counselling facility ascertains that due to the nature of the pupil's educational needs or due to the course and outcomes of the provision of support measures to date, support measures alone would not suffice to fulfil his/her educational possibilities and pursue his/her right to education. In the case of existing recommendations issued by school counselling facilities for placement into a school or class for pupils with a health disability, the transitional provision of the Decree stipulates that this recommendation will be considered as a recommendation to place the pupil into a school established pursuant to Section 16 § 9 of the Act for the duration adequate to the purpose of the recommendation, with the maximum period being two years from the day when the Decree comes into effect.

In each case the pupil may contact a school counselling facility and have his/her education path reviewed (see below).

- **Individual integration of current pupils of these schools in a mainstream class or school with the support of support measures.**

The Decree stipulates that pupils shall be primarily educated in a mainstream school. By May 2016 at the latest the school headmaster will inform the parents of pupils with MMD or other special educational needs that as of 1 September 2016 the pupils may be transferred to a mainstream class or school. Their education will subsequently take place with the use of support measures of the second to fifth level. In these cases, the parent's informed decision is decisive. If a parent considers this option, his/her child has to

attend a school counselling facility in order to have his/her educational path reviewed. If a school counselling facility recommends using support measures in mainstream education, the pupil will be placed and integrated in a mainstream class or a mainstream school. If transfer to a mainstream class is not possible within the pupil's current school, by 31 May 2016 at the latest the school headmaster has to notify the pupil's statutory representatives in writing and has to provide cooperation and methodological guidance to them in order to ensure the most suitable form of education. When a pupil is transferred to a mainstream school, the respective school counselling facility will liaise with the school so as to ensure that support measures for the pupil are implemented.

- **Admission only of such new pupils into these classes or schools who meet all conditions laid down in Section 16 § 9 of the Education Act.**
- **Education of pupils with MMD pursuant to the amended Framework Educational Programme for Basic Education (FEP BE).**

If schools and classes pursuant to Section 16 § 9 of the Education Act specialise in educating pupils with MMD, they will educate pupils according to the newly amended FEP BE. When pupils with MMD are educated, they will make use of an individual educational programme and support measures listed in the new Decree. The amended FEP BE will be introduced gradually, initially in the first stage of primary school (grades 1 to 5) and then in the second (grades 6 to 9). For further details see measure E.

In relation to **mainstream schools** it has to be added that if the statutory representative of a pupil with special educational needs decides to place the pupil into a mainstream school in accordance with a recommendation by a school counselling facility, the school will be obliged to provide maximum support to the pupil through a broad range of measures that include both expert staff and adjustment of the organisation and methods of tuition and/or provision of necessary assistive devices. The entitlement to tailor-made support measures will be provided to everyone on an individual basis so that these measures best reflect the specific needs of each pupil so as to ensure the maximum development of his/her education potential.

Reduction in the number of children educated outside of mainstream schools will take place gradually:

In line with these changes a number of systemic changes will continue so as to strengthen the quality of work performed by school counselling facilities. As of **1 September 2016** amended Decree No. 72/2005 on the provision of counselling services at schools and in school counselling facilities will come into effect and will specify regular activities in school counselling facilities in more details (see measure B). The staffing of counselling facilities will be increased by 10% already in 2016. The Standard Governing Unified Rules for Providing Counselling Services will be implemented and will contain a procedural, staffing and diagnostic part (see planned measure B-3).

	<p>Parents' informed decision and request for their child's placement into a mainstream school will be gradually strengthened too. The number of pupils with special educational needs who will be transferred to mainstream primary schools will depend on the parent's will, a recommendation issued by a school counselling facility and last but not least on the possibilities of the respective school. More information will be available in the first half of 2016 since by 31 May 2016 school headmasters are to inform all parents (see above) and ascertain the number of them who would like to have their child with special educational needs placed into a mainstream school and who are thus going to ask a school counselling facility for a recommendation.</p> <p>This option is linked also to the establishment of conditions for high-quality education at schools (see planned measure A-1), teacher training dedicated to the education of children from different living and cultural conditions and support of positive climate at school (see planned measure A-2).</p> <p>The changes that are under preparation in pre-school education will gradually also have an impact (see measure D) since all children will be better prepared for school attendance. The preparatory grade will be intended in particular for children with postponed school attendance.</p>
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B. INCREASING THE EFFICIENCY OF SCHOOL COUNSELLING FACILITIES AND SCHOOL COUNSELLING SECTIONS (former measure C)	
Adopted measures	<p>1) Introduction of new standardised diagnostic instruments into practice</p> <p>In December 2012 an expert group was established on diagnostic instruments in the education system, which came up with a study that provided a systematic description of instruments available in the field of MMD. The MEYS subsequently launched a development programme in the amount of EUR 80,000 for supporting the introduction of new or less available diagnostic instruments including training necessary for their use in practice.</p> <p>In 2013 the Czech adaptation of the IDS test was published and put into practice, containing 21 subtests. The IDS (Intelligence and Development Scales) diagnostic instrument, which is greatly influenced by the Binet-Simon test, has been designed to diagnose intelligence of children and their general developmental level. Its subtests focus on establishing cognitive prerequisites, motor skills, social and emotional competencies, mathematical and language skills and performance motivation. The IDS tries to capture the interaction of these individual areas and thus establish a comprehensive profile of a child. It aims at identifying the strengths and weaknesses of the analysed child and also determines the basis from which further intervention and therapeutic methods are derived.</p>

Standardisation of the CFT 20-R test was also completed in 2013. The CFT 20-R is a method aimed at measuring fluid intelligence, which is presumed to be innate to a certain extent. The stimuli are based on a similar principle as Raven's matrices. Among other things, this test has been thoroughly standardised for a population of socio-culturally disadvantaged children (both locally and on an international scale to an extent unmatched by numerous other tests) and its results will be interpreted accordingly. As part of the standardisation 1,682 children were tested, of whom 276 Roma and a total of 579 socially disadvantaged children. In 2014 the data underwent a more thorough analysis and a detailed test manual was prepared for publication. The test is now (February 2016) available to counselling centres.

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

Furthermore, in the course of 2015 the preparation of a **test of adaptive skills** started. Adaptive skills are defined as the aggregate of conceptual, social and practical skills that all people learn in order to function in their daily lives. The purpose of the test is to verify a diagnosis of intellectual disability or related developmental disability. *Intellectual disability* is a disability characterized by significant limitations in both **intellectual functioning** and in **adaptive behaviour**. Therefore, intelligence tests cannot be the sole basis for determining special education needs. A diagnosis of intellectual disability must always be based on deficits in intellectual functioning and deficits or impairments in adaptive functioning. At the same time, ascertained limitations must have occurred during the developmental period, i.e. problems with intellectual or adaptive functioning must have been evident during childhood or adolescence.

This approach fits also better the needs of children with low socio-economic status or from minorities. Inclusion of adaptive behaviour as a necessary criterion for the diagnosis of mental retardation makes diagnostic procedures more sensitive to racial and ethnic differences in children.

In 2015 the concept of adaptive skills was analysed and an expert group dedicated to the method and processing of outputs from its meetings was established and started working. At present, comments can be submitted on a database for piloting the method. Furthermore, a meeting of Roma studies experts, experts from NGOs and academics took place pertaining to the suitability of items of the method and its administration.

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

Besides, efforts to intensify the utilisation and application of dynamic diagnostics in practice continue. An expert meeting on this issue will take place and dynamic approaches in the education system should be broadened also as part of NIE projects, which are currently under preparation.

Implementation date: 2012–2016

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

As part of the above development programme a total of 149 experts were trained in the Woodcock-Johnson (WJ-IE) test administration between 2013 and 2014. In the previous period, 335 experts were trained, i.e. 484 psychologists in total.

Training of counselling experts continued in 2015 as well. A total of 108 counselling experts took part in 5 courses dedicated to the MaTeRS test and 73 counselling experts with a psychology background participated in a training dedicated to the IDS test. Besides, two workshops on the Woodcock-Johnson test took place, in which 53 counselling experts with a psychology background took part, and also two workshops on the SON-R test, in which 34 counselling experts with a psychology background participated.

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

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

Thanks to support provided by the MEYS in 2015 the needs of counselling facilities were met very evenly in the territory of the whole Czech Republic and as a result each centre now has relevant tests at its disposal as well as staff trained in administration of these tests.

Implementation date: 2013–2015

3) Methodological guidance of counselling staff

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

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

In 2014 the NIE in collaboration with an expert group for MMD diagnostics came up with a standard (methodology) for diagnosing cognitive skills of pupils with special educational needs who come from a socially different background. Work on

the methodology started in April 2014 and at the end of the year the methodology underwent thorough external examination with the presence of both Czech and foreign experts. Ideas submitted by NGOs and other experts on diagnosing mental disability, which were presented at roundtables organised by the MEYS, were also made use of. In January 2015 the comments made by experts were incorporated and the standard was ready to be submitted to the MEYS to undergo the approval procedure.

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

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

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

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

The aim of the issued **methodology for diagnosing MMD** is to specify and unify the procedure of diagnosing cognitive skills. The methodology is a summary of relevant technical information about the diagnostics of cognitive skills, bringing specific recommendations vital for improving the diagnostics of children with MMD and for the selection of adequate support measures in education. The methodology is designed especially for psychologists and remedial teachers who work in school counselling facilities or at schools.

In the course of autumn 2015 the NIE held two workshops for senior counselling experts regarding its application, in which 44 experts from school counselling facilities took part (both psychologists and remedial teachers). Besides, counselling experts were acquainted with the issue of testing in a multicultural society and information from the methodology at a conference that was held in October 2015 in which approximately 100 staff of school counselling facilities participated. The methodology is on the NIE website (www.nuv.cz/t/diagnostika/studie) so that it is available for all

<p>counselling experts.</p> <p>Further, the following workshops were held in 2015 in the area of methodological guidance of counselling experts:</p>	
<p>Methodological guidance of headmasters of school counselling facilities in the form of workshops dedicated to diagnostics and determination of support in education for pupils from a socio-culturally disadvantaged background.</p>	<p>Three workshops for pedagogical and psychological counselling experts held in March, April and November 2015.</p> <p>Three workshops for the staff of RTC held in March, May and November 2015.</p> <p>A total of 180 persons were trained.</p>
<p>Three workshops on the issue of diagnostics and interventions for pupils from a socio-culturally disadvantaged background, with a possibility of consultations about the selection of diagnostic and intervention procedures.</p>	<p>2015, in line with the offer of further education and training.</p>
<p>Workshops with the establishing entities of school counselling facilities focused on the issue of counselling services in regions (drafting examination reports, recommendations for education, staffing of the facilities, related legislative steps) held in cooperation with the MEYS.</p>	<p>Three workshops in March, October and November 2015.</p>
<p>A workshop dedicated to the Diagnostics standard for the staff of PPC and RTC. The standard focuses on key principles that ensure a correct diagnostic procedure and prevent incorrect diagnostic conclusions.</p>	<p>December 2015.</p>
<p>Legislation for the school counselling system: a workshop designated for psychologists and remedial teachers and staff of counselling facilities.</p>	<p>November 2015.</p>
<p>Further education of teaching staff:</p>	
<p>Initial workshop for new school psychologists – the concept of counselling services at school (pro-</p>	<p>One workshop in January 2015.</p>

	vided for the MEYS by the NIE).	
	Organisation of cooperation provided by a school remedial teacher, cooperation within the school team (provided for the MEYS by the NIE).	One Workshop in April 2015.
	Course for new staff of PPC and new school psychologists/school remedial teachers (provided for the MEYS by the NIE).	A one-week course in September 2015.
	Course for new staff of RTC (provided for the MEYS by the NIE).	A one-week course in October 2015.
	Changes in the position of school psychologists and school remedial teachers – amended Section 16 of the Education Act and other provisions including the implementing Decree on the provision of counselling services.	One workshop in November 2015.

Implementation date: 2014–2015

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

Each year (for the first time in March 2014; during 2015 in January and November) a survey is carried out in school counselling facilities with the aim to obtain detailed data on the process of issuing a recommendation for the placement of pupils into pertinent educational programmes on the basis of diagnostics. This survey is done by the CSI in collaboration with the NIE (for the results see below, measure F).

Implementation date: March 2014, January and November 2015

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

The MEYS in cooperation with the NIE prepared a methodological recommendation for the establishment of the position of a teacher's assistant whose use is one of the support measures pursuant to the amended Section 16 of the Education Act. The methodological recommendation is designated for the staff of school counselling facilities and for school headmasters and possibly also for school teachers, teacher's assistants and staff of regional authorities.

The methodological recommendation provides an overview of suitable procedures for establishing the position of a teacher's assistant, starting with procedures of how to assess the need for him/her in a given class, discussing also how the school head-

	<p>master should proceed in requesting funds, concluding contracts and determining the job description, up to the involvement of the teacher’s assistant in the running of the school. It also contains a recommendation for the cooperation between the teacher’s assistant and teacher(s) and for methodological guidance and support by the teacher’s assistant. The methodology was issued at the beginning of 2015. In the first half of 2016 it will be amended against the backdrop of the prepared legislative changes.</p> <p>Implementation date: 2015</p>
<p>Planned measures</p>	<p>1) Development of new standardised diagnostic instruments and introducing them into practice</p> <p>The work on the development of the test of adaptive skills will continue. After the first item pool was created, a pilot and standardisation of the scale is envisaged. Part of the standardisation process will include a representative group of children with low socio-economic status or children belonging to minorities.</p> <p>Besides, efforts continue to introduce dynamic approaches in the diagnostic practice of school counselling facilities, in particular by training staff in this field. Dynamic assessment is an interactive approach to psychological or psychoeducational assessment that embeds intervention within the assessment procedure. Most typically, there is a pre-test, then an intervention and then a post-test. This allows the assessor to determine the response of the pupil to the intervention. There are a number of different dynamic assessment procedures that have a wide variety of content domains. Dynamic assessment is recommended to be used for children with a low socio-economic status or culturally different background or children having language difficulties.</p> <p>Implementation date: 2016</p> <p>2) Training of counselling staff in the use of diagnostic and intervention instruments and in drawing conclusions from examinations</p> <p>Training of counselling staff in administration of diagnostic tests will continue as well as providing information about the specifics in the diagnostics of children belonging to minorities.</p> <p>Counselling staff will also be trained in the principles of dynamic diagnostics (see above).</p> <p>Counselling staff will also be acquainted with a methodological guidance for diagnosing children with special educational needs from a socio-culturally different background (more about the methodology above).</p> <p>Implementation date: 2016</p>

3) Methodological guidance of counselling staff

In particular, the following workshops focusing on methodological guidance of counselling staff have been planned for 2016:

- a) Methodological guidance for directors of school counselling facilities in the form of workshops on diagnosing and determining educational support for pupils from a socio-culturally disadvantaged background.
- b) Three workshops with authorities establishing school counselling facilities, focusing on counselling services in regions (drafting reports from examinations, recommendations about education, staffing of facilities, related legislative steps) in cooperation with the MEYS.

Further methodological support will be provided within the **project “Support of Quality Counselling Services in Schools and School Counselling Facilities Aimed at Promoting Inclusion: Quality-Inclusion-Counselling-Development”**, which will be implemented in 2016–2019.

Main goals of the project are:

- Improving the quality, interconnection, comparability and efficiency of counselling services and support measures in the conditions of pro-inclusive education;
- Raising the level of counselling and intervention care provided by school counselling facilities in cooperation with schools and other stakeholders in the education system and beyond it, especially in relation to pupils at risk of discrimination and unequal access to education;
- Implementing documents that introduce common rules and unify the practice of school counselling centres in all aspects (staffing, work procedures, assessment);
- Describing best practices of intervention methods and aligning counselling services to European standards (EuroPsy);
- Assessing the extent to which the existing network of counselling services corresponds to the defined rules;
- Drawing up recommendations for the authorities and administrators of school counselling facilities resulting from the findings of the project;
- Creating a tool that school counselling facilities could use to assess quality parameters.

Implementation date: 2016–2019

**C. SUPERVISORY MECHANISMS IN THE AREA OF DIAGNOSTICS AND COUNSELLING FACILITIES
(former measure D)**

Adopted
measures

Establishment of a review body in the field of diagnostics

At present there is no review centre in the Czech Republic. In case of disagreement with the procedure or outcomes of an examination carried out by a school counselling facility, each pupil (or his/her statutory representative) has an opportunity to approach a different facility where the pupil will be re-examined.

The amendment to the Education Act stipulates that the NIE, a legal entity established and entrusted by the MEYS, shall serve as a review body. The outputs of activities of school counselling facilities, namely reports and recommendations, will be subject to review from now on. A review may be requested either by the pupil, his/her statutory representative, school, public authority body and the CSI. If need be, the review procedure may include a new examination of the pupil's educational needs, which may be done only with the consent of the pupil (or his/her statutory representative).

The amendment to the Education Act will also provide other mechanisms for dealing with a recommendation made by a school counselling facility: it will make it possible to select an alternative support measure than the one proposed in the recommendation if it is not contrary to the pupil's interest. Potential disputes about the fulfilment of a recommendation will be settled through negotiation. Subsequently, the statutory representative will have an opportunity to resort to the Regional Authority.

The NIE will retain the role of conceptual management and development of the field of counselling. The CSI will have the principal task of reviewing whether recommendations made by a counselling facility have been fulfilled in accordance with the Education Act.

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

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

	<p>the MEYS.</p> <p>Implementation date: 1 September 2016</p>
Planned measures	<p>Broadening of inspection powers of the Czech School Inspectorate in relation to counselling facilities</p> <p>In 2015 the MEYS prepared an amendment to the Education Act, which will among other things broaden the powers and inspection activities of the CSI in relation to counselling facilities. In cooperation with expert departments of the NIE, the CSI will determine and evaluate the conditions and course of the provision of school counselling services. Up to the present, the CSI has been entitled to carry out only an inspection in counselling facilities. According to the amendment it will be entitled to evaluate also the quality of the activity performed by counselling facilities. At present, the amendment is being discussed in the Chamber of Deputies of Parliament.</p> <p>Implementation date: 1 September 2016</p>

D. PRE-SCHOOL EDUCATION AND PREPARATORY CLASSES (former measure F)

Adopted measures	<p>Opening of preparatory classes at primary schools for all pupils</p> <p>Education in preparatory classes is currently available only for socially disadvantaged children. The amendment to the Education Act, which is being passed, will make it possible for all pupils to be educated in preparatory classes. One of the envisaged effects of this measure is to eliminate the risk of segregating Roma pupils in pre-school education. Preparatory classes will continue to be included in the regime of support measures.</p> <p>Implementation date: 1 September 2015</p>
Planned measures	<p>1) Introduction of mandatory attendance of the last grade of pre-school education in nursery schools</p> <p>In 2015 the MEYS prepared an amendment to the Education Act that will lead towards the introduction of mandatory attendance of the last grade of nursery school for all pupils. At the same time, the rule that the last year of nursery school is free of charge will remain valid. The aim is to ensure that all children successfully commence basic education.</p> <p>Related to this intention are other measures, which pertain to increasing the overall capacity of pre-school education, monitoring and intervention aimed at children who do not attend a nursery school, improvement of cooperation with parents, enforceability of the fulfilment of parental duties and improvement of financial support of</p>

	<p>schools.</p> <p>The mandatory attendance of the last grade of pre-school education should be introduced as of 1 September 2017. However, a prerequisite is to build sufficient capacities to implement this measure. This step was therefore preceded by expanding the capacity of nursery schools and making the preparatory classes of primary schools available so that all children would be able to enter pre-school education as soon as possible. In 2014 the MEYS established a Fund for the Development of Nursery and Primary School Capacities, from which municipalities that establish nursery and primary schools may request a subsidy. In 2014 a total of 10 projects were approved in the aggregate amount of EUR 2.8 million and in 2015 another 40 projects in the aggregate amount of EUR 12 million. By 2021 the MEYS chapter of the state budget is envisaged to participate in the amount of EUR 55.6 million.</p> <p>At present, the MEYS and the Ministry for Regional Development have jointly prepared calls from the “Integrated Regional Operational Programme, specific objective 2.4 Increasing the Quality and Availability of Infrastructure for Education and Lifelong Learning”. The calls were announced in November 2015 and applications will be accepted until March 2016. Activities with a focus on ensuring the availability of pre-school education facilities in areas where there is a lack of those capacities, in particular building of new pre-school education facilities or refurbishment of the existing facilities, provided that their capacity is increased, will be supported. The overall planned allocation stands at EUR 107 million. One call targets municipalities where there are socially excluded areas (60% of the overall allocation), whereas the other one targets municipalities without socially excluded areas (40% of the allocation).</p> <p>Implementation date: 2015–2017 (depending, however, on sufficient capacity-building for the implementation of this measure)</p>
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E. POSITION OF THE FEP BE MMD (former measure G)	
Planned measures	<p>Abolishment of the FEP BE MMD</p> <p>At present, all pupils with MMD, i.e. not only those placed into “practical” schools but also those who are individually integrated in mainstream primary schools are educated pursuant to the FEP BE MMD.</p> <p>In July 2015 the MEYS, having made a choice between two solutions prepared by the NIE, decided that Annex No. 2 that governs the education of pupils with MMD be abolished (i.e. the FEP BE MMD).</p> <p>At the same time, amendment to a part of Chapter 8 of the FEP BE that governs the education of pupils with special educational needs has been prepared and aligned with the legislation that has newly come into force. Other parts of the FEP BE have also been amended so as to take into account the specific features of all pupils in-</p>

cluding those who have been educated pursuant to the FEP BE MMD to date. The abolished Annex to the FEB BE MMD was used in drafting of the unifying curriculum (Chapter 5 of the FEP BE).

The existing outputs of the individual areas of education, which are contained in Chapter 5, have been supplemented with a minimum recommended level of adjustments of expected outputs as part of support measures of the third and higher level of support (pupils with MMD). Chapter 6 of the FEP BE (Cross-cutting Topics) has been supplemented with a text directed at implementing the cross-cutting topics in case of pupils with MMD.

The Framework Curriculum of the existing FEP BE (Chapter 7) has remained almost unchanged; only the number of hours of the course of *Czech Language and Literature* has been reduced by 2 hours in the first stage of primary school. These hours have been shifted to disposable hours.

Based on the unifying curriculum, the unification of conditions of education for all primary school pupils will be supported. Individualised education of pupils with special educational needs, who use support measures, including a possibility of adjustment of the content of education from the third level of support onwards as part of individual educational plans, will also be supported.

The above change of the educational programme will presumably necessitate changes in the organisation of education of pupils with MMD. These changes, which pertain mostly to ensuring adequate educational support through support measures, are being prepared by the MEYS in cooperation with the NIE and representatives of the expert public.

The abolishment of the FEP BE MMD, which is a fundamental measure, will necessitate a certain transitional period in relation to pupils who are currently educated pursuant to this educational programme, especially in relation to those who have followed this programme for a number of years. The essential point is that the change must not have a negative impact on the quality of a pupil's education and that it has to reflect his/her best interest. Transfer from various systems of education should therefore not be dramatic as it could be very difficult for pupils to transfer to the new FEP BE in the course of their education.

The MEYS will therefore address the transfer to a new educational programme as follows.

As of 1 September 2016, the education of pupils with MMD will take place in the first stage of primary school (grades 1 to 5) pursuant to the new adjusted FEP BE using individual educational plan. It is likely that there are fewer pupils in the first stage of primary school who have been educated pursuant to the FEP BE MMD for a longer period of time. If pupils have been educated pursuant to the FEP BE MMD for more than one year, it will be possible to make their transfer into another educational programme easier for them by allowing them to have one grade spread into two years. The possibility to spread a grade into two years will be supported especially in the

fifth grade.

Pupils with MMD will complete the second stage of primary school (grades 6 to 9) pursuant to the FEP BE MMD. However, if the pupil's statutory representative disagrees, the pupil will be provided with an individual educational plan and follow the new amended FEP BE. The use of an individual educational plan will be preconditioned by an application, a written informed consent of the pupil's statutory representative and a recommendation issued by a school counselling facility.

The MEYS will support the implementation of this fundamental change in practice in the following way:

- Preparing methodological support for the preparation of school educational programmes and individual educational plans;
- Establishing a point of contact (a telephone line and an e-mail address) where information can be provided and frequent questions can be answered;
- Establishing a new section “Joint Education” on the Ministry's website where all fundamental relevant documents are published (<http://www.msmt.cz/o-webu-msmt/spolecne-vzdelavani>);
- Publishing an e-bulletin about joint education (<http://www.msmt.cz/ministerstvo/novinar/msmt-vydava-druhe-cislo-zpravodaje-na-tema-spolecne>);
- Drafting an amended individual educational plan;
- Drafting an interactive commented amended FEP BE;
- Promoting a methodological Internet portal <http://rvp.cz/>;
- Communicating a strategy to reallocate resources with the establishing entities and headmasters of “practical” and neighbouring primary schools, to address the capacity issues and to use material, staffing and expert capacities of “practical” primary schools;
- Holding information workshops about the FEP BE amendments and about the need to amend school educational programmes.

At the same time, the NIE will provide methodological support for school teachers by:

- Establishing a telephone advice line for the public;
- Preparing a comprehensive guide through the amended FEP BE with an interpretation and explanation of the amended parts, which will be

	<p>available on the methodological portal http://rvp.cz/;</p> <ul style="list-style-type: none"> – Issuing a methodological guidance pertaining to work with support measures; – Preparing more detailed methodological recommendations about the education of pupils with MMD in particular educational fields, which will be available on the portal http://rvp.cz/; – Publishing best practice examples in the area of school individual educational plans or teaching support plans; – Answering questions submitted by teachers in the NIE Consultation Centre on an ongoing basis. <p>The first draft of the amended FEP BE was first introduced to the public in August 2015 and subsequently in September 2015 following new amendments. The expert public received the amended FEP BE for comments, which are currently being incorporated. The final wording will be published on a methodological portal http://rvp.cz/ in February 2016.</p> <p>Implementation date: 1 September 2016</p>
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F. MONITORING, RECORD-KEEPING AND STATISTICS IN THE AREA OF ROMA PUPIL EDUCATION (former measure E)	
Adopted measures	<p>1) Amendment to Decree No. 364/2005</p> <p>An amendment to Decree No. 364/2005 on the Documentation of Schools and School Facilities, which introduced the duty for schools to keep records about the number of children educated in FEP BE MMD including information whether these pupils are integrated in groups or individually, and to transmit both pieces of information to the MEYS, have been adopted. The Decree was published in the Collection of Laws under No. 131/2013.</p> <p>Implementation date: 1 July 2013</p> <p>2) Surveys to establish the number of Roma pupils educated pursuant to the FEP BE MMD</p> <p>Starting in 2013 the CSI carries an annual survey that aims at monitoring long-term trends in the education of pupils pursuant to the FEP BE MMD, with a special focus on Roma pupils. In 2013 the surveyed sample included schools that educated five or more pupils with diagnosed MMD.</p>

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

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

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

In the 2014/2015 school year an electronic survey was carried out at primary schools attended by at least one pupil with diagnosed MMD. A total of 1,351 schools were addressed, of which 1,349 responded. Out of this sample, 444 schools were benchmarked, i.e. those that had been surveyed in the 2013/2014 school year.

In the 2015/2016 school year an electronic survey was carried out for the first time at all primary schools entered in the schools register. Thus, a total of 4,098 schools were involved in the survey.

The subsequent analyses aimed at comparing the number of pupils with data obtained from a similarly devised inspectional electronic survey carried out last school year had to take into consideration the differences between the two sets of data: in the 2014/2015 school year the sample comprised only those primary schools that were attended by at least one pupil with diagnosed MMD, whereas the survey in the 2015/2016 school year involved all primary schools entered in the schools register. Only those schools that were involved in the surveys in both years were selected for further comparisons (1,325 schools).

Table 1 – Schools and pupils in educational programmes in the 2015/2016 school year (4,098 schools)

Number of pupils in educational programmes	Number	Share (in %)
Total number of pupils in primary schools	878,649	-
– Of whom Roma pupils	34,191	3.9
Total number of pupils educated pursuant	857,369	-

to the FEP BE		
– Of whom Roma pupils	29,024	3.4
Total number of pupils educated pursuant to the FEP BE MMD	14,810	-
– Of whom Roma pupils	4,539	30.6
Number of schools where there is at least one Roma pupil	2,096	51.1
Number of schools where there is at least one Roma pupil educated pursuant to the FEP BE	1,893	46.2
Number of schools where there is at least one Roma pupil educated pursuant to the FEP BE MMD	422	10.3

The following key was used for the comparison of the 2014/2015 and the 2015/2016 school years: The trend was compared in those schools that educated at least one pupil with diagnosed MMD in the 2014/2015 school year and that took part in the survey in both years. The criterion was met by 1,325 schools. Because of the need to expand the surveyed sample of schools, the compared data sets differ by their size and the individual analysed phenomena differ by their values from data sets and values compared last year, when only 444 schools were involved (those that educated at least five pupils with diagnosed MMD in the 2013/2014 school year).

Table 2 – Sample of 1,325 schools in the 2015/2016 school year

	Number	Share (in %)
Number of pupils educated pursuant to the FEP BE	262,442	–
<i>Of whom Roma pupils</i>	14,293	5.4
Number of pupils educated pursuant to the FEP BE MMD	14,240	–
<i>Of whom Roma pupils</i>	4,409	31

Table 3 – Year-on-year comparison of the number of Roma pupils in a comparable sample of 1,325 schools

A comparison of the results of the CSI survey from previous years is difficult because the sample of schools differs (the report dated 10 February 2015 compared data only from 444 schools whereas this report compares data from 1,325 schools).

Only those primary schools that were involved in the surveys in both years were selected (1,325 schools, namely those where at least one pupil with diagnosed MMD was educated in the 2014/2015 school year). It may be said that the situation is moderately improving. We may see a trend of an increasing number of Roma pupils educated pursuant to the FEP BE and a decreasing number of Roma pupils educated pursuant to the FEP BE MMD.

Y-o-y comparison	2014/2015		2015/2016		Y-o-y difference
Number of pupils educated pursuant to the FEP BE	257,789		262,442		
Of whom Roma pupils educated pursuant to the FEP BE	12,289	4.8%	14,293	5.4%	Increase by 0.6 percentage points
Number of pupils educated pursuant to the FEP BE MMD	11,568		14,240		
Of whom Roma pupils educated pursuant to the FEP BE MMD	3,639	31.5%	4,409	31.0%	Decrease by 0.5 percentage points

The year-on-year comparison of the assessed sample of 1,325 schools shows the following:

The number of Roma pupils educated pursuant to the FEP BE is on the rise: the year-on-year increase stands at **0.6 percentage points**.

The number of Roma pupils educated pursuant to the FEP BE MMD is falling: the year-on-year decrease stands at **0.5 percentage points**.

Data interpretation and its causes:

a. Data collection methodology

It needs to be highlighted again that the above trends were noted at schools where at least one pupil with diagnosed MMD was educated in the previous school year (i.e. 2014/2015). The overall trend established on the basis of surveying all primary schools will be available next year when the data collection methodology will be changed so as to allow a comprehensive year-on-year comparison.

b. Data interpretation

If we look at the total number of Roma pupils educated at primary schools and analyse the share of Roma pupils educated pursuant to the FEP BE MMD, we see that only 13.3% out of all Roma pupils are educated pursuant to the FEP BE MMD.

Data from Table 1 shows the following (data for the 2015/16 school year):

Total number of Roma pupils: 34,191;

Number of Roma pupils educated pursuant to the FEP BE: 29,024 (84.9% share);

Number of Roma pupils educated pursuant to the FEP BE MMD: 4,539 (13.3%).

This means that nearly 85% of Roma pupils are educated pursuant to the FEP BE.

To present the overall context, the number of all pupils (as shown in Table 1) should be taken into account as well:

Total number of all pupils: 878,649;

Total number of all pupils educated pursuant to the FEP BE: 857,369 (97.6%);

Total number of all pupils educated pursuant to the FEP BE MMD: 14,810 (1.69%).

c. Support at school

Besides, the support Roma pupils receive at school was also analysed.

Schools support Roma pupils most often in the form of individualised tuition (72.9%) and they often closely cooperate with the child protection authority (65.2%) and with school counselling facilities (52.2%). Nearly half of all schools make it possible for pupils to prepare for their lessons at school or in the after-school care centre and use an individual educational plan. As for the use of specialists, approximately a quarter of schools have a remedial teacher employed in a school counselling facility, which the school cooperates with. A school psychologist is available in 29.6% of schools. A teacher's assistant is available in a class in 34.9% schools and an assistant shared by multiple classes is present in a quarter of all schools.

Individual support for Roma pupils will be strengthened even further as of 1 September 2016 when the amendment to the Education Act comes into effect.

Individual integration

Going beyond the CSI survey, it may also be noted on the basis of the available statistical data set about primary school pupils that on a long-term basis, the Czech Republic **is succeeding in increasing the number of pupils with a MMD who are educated in the form of individual integration in mainstream classes.**

Since 2009 this number has increased by more than 143% (see Table 4). This data shows that disadvantaged pupils in the Czech education system get integrated into mainstream schools and classes on a continuous basis.

Table 4: Primary schools – pupils with MMD in the 2008/2009 to 2015/2016 school years

Primary schools	08/09	09/10	10/11	11/12	12/13	13/14	14/15	15/16
Pupils with MMD individually integrated into mainstream classes of primary schools	782	794	877	1,070	1,191	1,299	1,674	1,899

3) Surveys in school counselling facilities

Starting from 2014, the MEYS in cooperation with the CSI carry out regular annual surveys in school counselling facilities. The aim of the surveys is to establish the level of implementation of systemic measures in the field of diagnostics and to examine the practice of issuing recommendations for the placement of pupils into respective educational programmes by school counselling facilities so as to be able to subsequently compare the data with the actual situation at schools.

So far the survey was carried out in March 2014 (data for the 2012/2013 school year were gathered), in January 2015 (data for the 2013/2014 school year were gathered and additional information for the 2012/2013 school year was requested) and in November 2015 (data for the 2014/2015 school year were gathered).

Main conclusions of the last survey:

Counselling facilities use newer and more up-to-date instruments for diagnosis more often than in the previous school year.

In the 2013/2014 school year a total of 41 PPC and 96 RTS that have clients with MMD participated in the survey. In the 2014/2015 school year a total of 42 PPC and 98 RTC took part.

The survey aimed at determination what **three instruments** (tests) school counselling facilities use as **the most preferable** to ascertain the cognitive skills of clients and to make a diagnosis of MMD.

The replies have revealed an increase in the use of newly introduced instruments, in particular of the **IDS** test. IDS as one of the three most frequently used methods was quoted by 38.1% PPC and by 18.4% RTC, i.e. 23.6% of facilities in total. In the previous survey it was 8%; which means an increase by 15.6%.

More than 40% of facilities include **Woodcock Johnson IE** among the three major instruments. In the 2014/2015 school year the instrument was used by a total of 41.7% of facilities; in the 2013/2014 school year it was 43.1%.

Approximately one third of facilities use the **Stanford-Binet test**, which is suitable rather as a supplementary test due to the age and origin of standards. However, in comparison to last year, the use of the Stanford-Binet test has gone down by 14.8%.

This marks a positive move when older methods containing less suitable standards are replaced by more up-to-date tests.

WISC III regularly appears among the three most often used methods. Its application in practice is falling slightly and many facilities no longer quote it as the method of their first choice. In spite of that, 93.8% of school counselling facilities state it as one of the three main tests for diagnosing cognitive functions. The test may be used for counselling work in the **majority population**. In the latter area Wechsler tests belong among the most widely used and accepted methods. However, without further adjustments the test is not suitable for diagnosing pupils who come from a socio-culturally different background or who have different living conditions since it is tied to traditional cognitive concepts of school education. Courses dedicated to the MMD methodology describe in greater detail how to interpret the WISC test and so does the methodology itself. However, the age of the test standards and the construction of certain items is also beginning to be problematic and that is why going forward, it should be used as a supplementary test at the most. It is presumed that after some time the counselling staff will have gained clinical experience with newer methods and will thus move away from the use of the WISC test even more.

As for changes of diagnostic procedures when establishing MMD in clients who have different living conditions or come from a different socio-cultural background (a significantly non-stimulating family background, cultural differences, limited Czech language knowledge), the finding is that most school counselling facilities approach diagnostics in such a way that they take the clients' special testing needs into account one way or the other. Only 1.5% of school counselling facilities state that they use a standard approach when diagnosing these pupils. School counselling facilities **most often** use **non-verbal testing** methods to diagnose MMD in these clients or other suitable specific tests and methods including those that are less dependent on the pupil's language and cultural background (56.9% of facilities). The facilities often use an **individual approach** (that takes the form of question modification, a more detailed explanation, verification whether the examinee has understood the assignment, etc.), which is employed by 29.2% of facilities. Approximately one in five of facilities takes into account **different cultural conditions** or socio-cultural background in interpreting test results or in carrying out a **qualitative analysis of results**. Besides, school counselling facilities do re-diagnostics more often, work with interpreters, make use of consultations with experts, observations (in a lesson, in the family), use dynamic diagnostics, etc. School counselling facilities pay a lot of attention to comprehensive diagnostics of this group of pupils and do not neglect the issue. These approaches will be developed further based on the provided methodological support.

Planned measures	<p>1) Survey to establish the number of Roma pupils with diagnosed MMD, ways of their education and use of support measures.</p> <p>In 2016 a survey will be carried out in autumn on the basis of school records sent by headmasters to the MEYS at the beginning of the school year and on the basis of a CSI survey so as to ensure that the data is up-to-date. Following the survey, the data will be available at the latest in January 2017.</p> <p>Date of the next survey: December 2016</p> <p>2) Survey in school counselling facilities</p> <p>The survey will deal with data pertaining to the 2015/2016 school year. New questions will again be added in relation to the introduction of legislative changes, which will specify the issue even further.</p> <p>Date of the next survey: December 2016</p>
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G. CONSULTATIONS WITH STAKEHOLDERS (former measure H)

Adopted measures	<p>The MEYS considers it to be of utmost importance to have permanent feedback from relevant stakeholders. Therefore, the following meetings or events have been organised:</p> <p>1) Forum of Non-governmental Organisations</p> <p>The Forum was established in 2012. The Government Representative for Human Rights, representatives from the Office of the Ombudsman, Ministry of Labour and Social Affairs, CSI, Social Inclusion Agency, Government Council for Roma Minority Affairs, professional associations (Association of the Staff of PPC, Association of the Staff of RTF, Association of Primary School Teachers, Association of Remedial Teachers of the Czech Republic, Association of Primary School Headmasters, Czech-Moravian Trade Union of Education Staff) and non-governmental organisations (European Roma Rights Centre, Amnesty International, Czech Society of Inclusive Education, Romodrom, Open Society fond, Word 21, LUMOS, League of Human Rights, Roma Education Fund) got involved in its activities.</p> <p>In 2013 the Forum met three times. The main discussion topics included the envisaged amendment to Section 16 of the Education Act, amendments to Decrees Nos. 72/2005 and 73/2005, amendment to Decree No. 364/2005, state of execution of the Consolidated Action Plan for the execution of the judgment, introduction of new diagnostic instruments and familiarisation with the results of the CSI survey.</p>
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	<p>Implementation date: 2012–2013</p> <p>2) Roundtable on inclusive education</p> <p>In 2014 national roundtables dedicated to debating key topics of education in the Czech Republic were established by the MEYS. The aim of the roundtables is to open discussion about priority topics of the MEYS with the participation of stakeholders from the school environment and professional organisations as well as associations. Permanent roundtable members include representatives of professional organisations, public administration, local administration, the academia, schools and school counselling facilities, experts on the given topics, non-governmental organisations and the ombudsman. A separate roundtable was established for the field of inclusive education, which directly follows up on the activities of the Forum of Non-governmental Organisations.</p> <p>The roundtable on inclusive education started its activities by a meeting held in April 2014, which aimed at introducing and debating the proposed amendment to Section 16 of the Education Act, proposed amendments to Decrees Nos. 72/2005 and 73/2005, as well as providing information about the fulfilment of the Consolidated Action Plan on the execution of the judgment.</p> <p>In 2015 the MEYS held three roundtables focusing on the preparation and subsequently settlement of comments to the Action Plan on Inclusive Education for 2016–2018. Representatives of NGOs, professional associations, Office of the Government, CSI, NIE, etc. took part in the deliberations.</p> <p>In 2015 the MEYS also held three roundtables where the draft Decree pertaining to the amended Section 16 of the Education Act was presented, together with the objectives of the newly amended FEP BE. Representatives of NGOs, professional associations, Office of the Government, Public Defender of Rights, CSI, NIE, etc. participated in the deliberations. The document was also submitted to external experts for comments.</p> <p>Implementation date: 2014–2015</p>
<p>Planned measures</p>	<p>In 2016 the MEYS plans to implement roundtables with external experts.</p> <p>In 2016 the MEYS is also planning to establish an expert platform on inclusive education, which will be dedicated to discussions, recommendations and evaluations of all changes introduced in the education system in the Czech Republic.</p> <p>Platform on inclusive education will include representatives of professional organisations dedicated to inclusive education such as e.g. Czech Professional Society of Inclusive Education, Roma Education Fund, professional associations, etc. The platform should meet once every two months.</p> <p>Implementation date: 2016</p>

ANNEX – VOCABULARY AND ACRONYMS

FEP BE = Framework Educational Programme for Basic Education

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

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

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

Ombudsman = Public Defender of Rights

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

MEYS = Ministry of Education, Youth and Sports

CSI = Czech School Inspectorate

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

MMD = Mild Mental Disability

NIE = National Institute for Education

NIFE = National Institute for Further Education

PPC = Pedagogical and Psychological Counselling Facility

RTF = Remedial Teaching Facility

**Complementary Report of the Government of the Czech Republic
on the execution of the judgment in *D. H. and others v. the Czech Republic*,
submitted on 7 September 2016**

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

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

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

1. LEGISLATIVE CHANGES AS OF 1 SEPTEMBER 2016

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

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

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

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

possibilities to the school), the inclusive education model is based on the effort to provide a greater adjustment of the educational environment to the child.

Primarily, the legislative changes bring about an improvement in funding for ensuring the education of pupils with special educational needs and give pupils and their statutory representatives a possibility to choose where their child will be educated. Such requests are always accompanied by an opinion of a school counselling facility, which together with pupils and their statutory representatives considers what is in the pupil's interest and recommends a suitable composition of support measures.

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

2. FRAMEWORK EDUCATIONAL PROGRAMME FOR BASIC EDUCATION

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

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

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

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

3. REVIEW BODY

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

A pupil or his/her statutory representative (or the Czech School Inspectorate or the child protection authority) now have the possibility to approach the NIE with a request to review a report and a recommendation regarding the education of the above pupil with special educational needs. A new inspection element has hereby been introduced in the system of school counselling services, complementing the right of the service recipient to voice reservations about the conclusions of an examination, which contributes to enhancing the quality of counselling services.

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

4. INFORMATION AND EDUCATIONAL ACTIVITIES

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

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

Besides, information has been published for kindergartens “Basic Information about Changes in Kindergarten Organisation, Changes Related to the Promotion of Inclusive Education and Recommended Steps” and also for secondary schools “Secondary School or Conservatoire

Headmasters and the Education of Pupils with Special Educational Needs: Basic Information about Changes in School Organisation When Pursuing Inclusive Education”.

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

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

Last but not least, in 2016 the MEYS established an expert team for inclusive education. The expert team assembles representatives of school associations, non-profit organisations and other stakeholders, pedagogical and psychological counselling facilities, Faculties of Education of various universities as well as experts from the field. The activities of the team are centred especially on technical aspects of inclusive education and also on legal and economic aspects. Its mission is to independently contribute to a broad debate related to inclusive education with the aim of creating a pupil-, parent- and teacher-friendly environment. The work of the expert team focuses on the assistance provided by the MEYS in particular in promoting inclusive education in the Czech learning environment, optimising inclusive education in response to current problems and coming up with specific proposals for the application of inclusive education in schools in practice as well as proposals for improving communication in the field of inclusive education towards the general public, mainly towards teachers and parents.

5. FUNDING OF INCLUSIVE EDUCATION FROM THE STATE BUDGET

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

Since 1 September 2016 support measures granted pursuant to Section 16 of the Education Act will be funded from a reserve that is mandatorily generated by Regional Authorities. For this purpose, Regional Authorities have the possibility to increase the reserve they generate by 0.6% compared to

2015. In order to fulfil this objective, at the beginning of January 2016 the amount of approximately CZK 528 million (more than EUR 19.5 million) was allocated to regions for the sake of funding inclusive education.

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

Further funds for the purposes of inclusive education have been released by the MEYS through a Development Programme for Teachers' Assistants for Pupils with a Health Disability for Private and Church Schools (CZK 150 million, i.e. more than EUR 5.5 million), a Development Programme for Teachers' Assistants for Children and Pupils with a Social Disadvantage (CZK 119 million, i.e. EUR 4.4 million) and a Development Programme for Supporting an Increase in the Capacity of School Counselling Facilities in 2016 (CZK 80 million, i.e. nearly EUR 3 million).

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

6. RESEARCH, DEVELOPMENT AND EDUCATION OPERATIONAL PROGRAMME

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

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

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

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

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

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

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

- In September 2016 a call *“Inclusive Education for a Coordinated Approach to Socially Excluded Areas II”* will be announced, which is designated for non-governmental non-profit organisations, schools and school facilities operating in the territory of municipalities involved in the Coordinated Approach to Socially Excluded Areas project. This call strives to promote inclusive education in socially excluded areas. Up to CZK 450 million (approximately EUR 16.7 million) will be allocated as part of this call.

- A call entitled *“Implementation of Regional Action Planning”* is scheduled to be announced at the beginning of 2017, focusing on the promotion of activities and cooperation envisaged as part of the approved Regional Action Planning. A mandatory activity for each region will include drawing up of its School Inclusion Policy in the field of education and subsequent implementation of activities. Up to CZK 700 million (approximately EUR 26 million) will be allocated as part of this call.