

**Aktuálně Výborem ministrů Rady Evropy
projednávané rozsudky proti České republice**

Příloha podkladového materiálu k bodu 3 programu

Věc D. H. a ostatní proti České republice:

- **anotace rozsudku**
- **revidovaný akční plán výkonu rozsudku z 10/02/2015**
- **rozhodnutí Výboru ministrů Rady Evropy z 12/03/2015**
- **zpráva o implementaci schválené novely školského zákona z 01/09/2015**

Anotace rozsudku velkého senátu Soudu ze dne 13. listopadu 2007 ve věci č. 57325/00 – D. H. a ostatní proti České republice

Velký senát poměrem třinácti hlasů proti čtyřem zvrátil původní rozsudek senátu druhé sekce Soudu ze dne 7. února 2006 a rozhodl, že v případě stěžovatelů, romských dětí zařazených do ostravských zvláštních škol, byl porušen zákaz diskriminace v právu na vzdělání zaručený v článku 14 Úmluvy ve spojení se článkem 2 Protokolu č. 1. Soud všem osmnácti stěžovatelům přiznal náhradu nákladů řízení ve výši 10 000 eur a každému z nich i částku 4 000 eur jako náhradu utrpěné nemajetkové újmy.

(i) Okolnosti případu

Stížnost podalo osmnáct romských dětí z Ostravska nespokojených s tím, že byly v letech 1996 až 1999 buď přímo zařazeny do zvláštních škol, nebo po určité době strávené na základní škole přeřazeny do zvláštních škol. Rodiče se zařazením do zvláštní školy souhlasili či o něj dokonce požádali, o zařazení bylo vydáno písemné rozhodnutí ředitele školy, které obsahovalo poučení o možnosti podat odvolání; žádný z rodičů se však neodvolal. Stěžovatelům bylo též nabídnuto přeřazení do základních škol po složení rozdílových zkoušek; někteří následně začali chodit do základní školy.

Někteří stěžovatelé v červnu 1999 požádali ostravský školský úřad o přezkoumání rozhodnutí o zařazení do zvláštní školy mimo odvolací řízení; školský úřad však žádost odmítl. Dvanáct z osmnácti stěžovatelů následně podalo ústavní stížnost, kterou však Ústavní soud v říjnu 1999 odmítl, zčásti pro zjevnou neopodstatněnost, zčásti pro nepřislusnost, poté, co vyzval příslušné orgány, aby se návrhy stěžovatelů skutečně zabývaly. Ústavní soud zejména nepřijal argumenty stěžovatelů vycházející jen z celkového sociálního kontextu, bez předložení konkrétních důkazů.

(ii) Odůvodnění rozhodnutí Soudu

Velký senát předně zamítl předběžnou námitku vlády spočívající v nevyčerpání vnitrostátních prostředků nápravy. Třetina stěžovatelů vůbec nepodala ústavní stížnost, žádný ze stěžovatelů nepodal žalobu na ochranu osobnosti. Velký senát v podstatě vyšel ze samotného rozhodnutí Ústavního soudu o ústavní stížnosti dvanácti stěžovatelů. Ústavní soud na stěžovatelích nepožadoval čerpání jiných prostředků nápravy a připustil, že stížnost přesahuje vlastní zájmy stěžovatelů, čímž svému rozhodnutí přiznal obecnější význam. Námitku založenou na rasové diskriminaci ovšem Ústavní soud neakceptoval s tím, že mu nepřísluší hodnotit celkový sociální kontext.

V meritu velký senát nejprve zrekapituloval rozsudek senátu druhé sekce, tvrzení účastníků a vedlejších účastníků (různých intervenujících lidskoprávních organizací). Dále připomenul svůj ustálený výklad pojmu diskriminace obsaženého v článku 14 Úmluvy, včetně skutečnosti, že diskriminace může být dána bez ohledu na zaměření neutrálního opatření na konkrétní skupinu. Rozdílné zacházení zakládající se na etnickému původu, jež je formou rasové diskriminace, v podmínkách současného vývoje nemůže být objektivně odůvodněné. U důkazního břemene stran odlišného zacházení v řízení před ním Soud uvedl, že neexistují procesní překážky pro přípustnost důkazů a že sám hodnotí důkazy volně. Při prokazování rozdílného zacházení se skupinami osob Soud do značné míry vychází ze statistik předložených účastníky řízení. Konečně velký senát uvedl, že zranitelná pozice Romů vyžaduje, aby byla věnována zvláštní pozornost jejich potřebám a způsobu života.

Podle stěžovatelů s nimi bylo zacházeno méně příznivě než s neromskými dětmi nacházejícími se v obdobné situaci a toto odlišné zacházení představovalo nepřímou diskriminaci. Velký senát se inspiroval antidiskriminačními směnicemi Evropských společenství a dospěl k závěru, že při předložení přiměřeně spolehlivých a relevantních statistických údajů je na státu, aby vyvrátil domněnku nepřímé diskriminace. Česká vláda nebyla s to zpochybnit údaje, které od ředitelů ostravských základních a zvláštních škol získali stěžovatelé a podle nichž mj. v roce 1999 tvořili Romové 56 % všech žáků ostravských zvláštních škol, ale jen 2,26 % žáků základních škol. Navíc vláda v různých zprávách předkládaných mezinárodním kontrolním orgánům více či méně konkrétně sama

připouštěla, že romské děti bývají často zařazovány do zvláštních škol. Tato praxe byla konstatována i mezinárodními kontrolními orgány. Jsou-li prokázány diskriminační účinky určité praxe, není nepřítomnost diskriminačního úmyslu na straně příslušných orgánů podstatná.

Vláda ve své obhajobě poukazovala především na to, že každé dítě bylo před zařazením do zvláštní školy odborně testováno a že se zařazením do zvláštní školy rodiče dítěte souhlasili (nebo o ně dokonce požádali). Velký senát nicméně uvěřil kritice údajné neobjektivnosti používaných testů a jejich neadaptovanosti na romskou populaci. Pokud jde o souhlas rodičů, nezdálo se velkému senátu, že by tento souhlas byl, s ohledem na nízký stupeň vzdělání a jiná znevýhodnění romských rodičů, dostatečně informovaný; podle velkého senátu ovšem každopádně nelze připustit vzdání se práva na ochranu před rasovou diskriminací, neboť takový krok by byl v rozporu s důležitým obecným zájmem.

Na závěr svých meritorních úvah velký senát ocenil, že se Česká republika pokouší řešit problém vzdělávání romských žáků. Proces přijímání romských žáků do zvláštních škol však nebyl doplněn o potřebné záruky, které by zajistily, že stát přihledne ke specifickým potřebám romských dětí daným jejich znevýhodněným postavením, jinými slovy, že stát dokáže vzít v potaz jejich možnou rasovou diskriminaci, kterou Ústavní soud ve svém rozhodnutí pominul. Stěžovatelům se nedostalo vzdělání srovnatelného se vzděláním poskytovaným na základních školách, což jejich situaci ještě zhoršilo. Mezi použitými prostředky (zařazením do zvláštních škol) a sledovaným cílem (zajištěním vzdělání) tedy neexistoval vztah přiměřenosti. Uplatňování příslušných předpisů mělo v rozhodné době nepřiměřeně škodlivý dopad na romskou komunitu a tedy i na stěžovatele jako její příslušníky, v důsledku čehož „se již Soud nemusí zabývat jejich individuálními případy“. Došlo tedy k porušení článku 14 Úmluvy ve spojení se článkem 2 Protokolu č. 1 k Úmluvě.

K rozsudku byla připojena čtyři nesouhlasná stanoviska soudců zvolených za Českou republiku, Slovensko, Slovinsko a Španělsko.

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

“EQUAL OPPORTUNITIES”

10 FEBRUARY 2015

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 for the execution of the judgment that have been implemented to date as well as an overview of measures that will be implemented for the execution of the judgment. The Revised Action Plan therefore replaces the Consolidated Action Plan, which was submitted to the Council of Ministers of the Council of Europe on 16 November 2012.

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) Auxiliary 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 Sb. – amendment to the Decree on the provision of counselling services at schools and in school counselling facilities</p> <p>The most important changes relevant for the execution of the judgment:</p> <ul style="list-style-type: none">a) A rule is set that the validity of a recommendation given to a pupil to be placed into a school or educational programme for pupils with a health disability will be for a maximum period of one year;b) A duty is set for school counselling facilities to notify a pupil or his/her statutory representative about the need for new diagnostics before the validity of the pupil’s recommendation expires. <p>Implementation date: 1 September 2011</p>

	<p>3) Decree No. 103/2014 – amendment to the Decree on the education of children, pupils and students with special educational needs and exceptionally gifted children, pupils and students and to the Decree on the provision of counselling services at schools and in school counselling facilities</p> <p>The most important changes relevant for the execution of the judgment:</p> <ul style="list-style-type: none"> 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 auxiliary 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. <p>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.</p> <p>Implementation date: 1 September 2014</p>
<p>Planned measures</p>	<p>None.</p> <p>Related measures that go beyond the execution of the judgment:</p> <p>As the Government already informed the Council of Ministers in April 2014, the above amendments to the Decrees are only a temporary arrangement necessitated by the</p>

need to speed up the execution of the judgment in the case of *D. H. and Others*. At the same time, the MEYS prepared an extensive amendment to the Education Act, the purpose of which is a comprehensive change of the education of pupils with special educational needs as well as strengthening of inclusive environment at primary schools.

In the first place, categorisation of pupils (pupils with a social disadvantage, pupils with a health disadvantage and pupils with a health disability) will be waived. Instead, the Act will declare equal access to education for all pupils and list auxiliary measures necessary to guarantee the maximum achievable full-fledged education in the mainstream for all pupils. Classification of auxiliary measures will thus be at the forefront and classification of special educational needs will then be derived from it.

The amendment to the Education Act will introduce a new definition of a “pupil with special educational needs” who will now be seen as a pupil who needs auxiliary measures in order to fulfil his/her educational possibilities and pursue his/her right to education on an equal footing with others. Auxiliary measures will be selected so as to reflect a pupil’s state of health, cultural and social environment and/or different living conditions. It does not aim to define obstacles on the part of the pupil but to provide the necessary support whilst recognising the pupil as a full-fledged person.

The starting point of the new wording is that pupils have the right to be guaranteed that the environment removes or overcomes implied obstacles, often stemming from a one-sided view that the majority has about educational needs or social stereotypes. Pupils with special educational needs are thus perceived from a perspective contained e.g. in the Convention on the Rights of Persons with Disabilities.

In September 2014 the amendment to the Education Act was submitted to the Chamber of Deputies of the Parliament where it is currently in the third reading. The effect of the amendment to the Education Act is envisaged as of 1 September 2016 (the originally scheduled date of 1 January 2016 has been changed to the beginning of a new school year so that schools and school counselling facilities are able to prepare for the change and so that the process does not disrupt the school year).

Amendments to Decrees Nos. 72/2005 and 73/2005 will immediately follow up on the amendment to the Education Act, with the primary purpose of specifying individual auxiliary measures. Nevertheless, the Decrees will still contain the above mentioned changes that have already been made in relation to Roma pupils.

Implementation date: 1 September 2016

B. INCREASING THE EFFICIENCY OF SCHOOL COUNSELLING FACILITIES AND SCHOOL COUNSELLING DEPARTMENTS (former measure C)

Adopted measures

1) Introduction of new standardised diagnostic instruments into practice

In December 2012 an expert group was established on diagnostic instruments in the education system, which came up with a study that provided a systematic description of instruments available in the field of MMD. The MEYS subsequently launched a development programme in the amount of EUR 80,000 for supporting the introduction of new or less available diagnostic instruments including training necessary for their use in practice.

In 2013 the Czech adaptation of the IDS test was published and put into practice, containing 21 subtests. The IDS (Intelligence and Development Scales) diagnostic instrument, which is greatly influenced by the Binet-Simon test, has been designed to diagnose intelligence of children and their general developmental level. Its subtests focus on establishing cognitive prerequisites, motor skills, social and emotional competencies, mathematical and language skills and performance motivation. The IDS tries to capture the interaction of these individual areas and thus establish a comprehensive profile of a child. It aims at identifying the strengths and weaknesses of the analysed child and also determines the basis from which further intervention and therapeutic methods are derived.

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

Implementation date: 2012 – 2014

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.

A total of 314 experts were trained in the use of the IDS test between 2013 and 2014.

Besides, between 2013 and 2014, 205 experts were trained in the use of the MaTeRS test (that maps a child's readiness for school).

Thanks to support provided by the MEYS in 2014 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 – 2014

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

	<p>conclusion has been arrived at.</p> <p>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).</p> <p>In parallel to the above standard the NIE prepared also general standards for diagnostic methods of school counselling facilities. These standards are to a certain extent complementary and should govern other more general aspects of diagnostics in school counselling facilities. The document is currently in the consultation procedure and will be finalised by April 2015 at the latest.</p> <p>Implementation date: 2014 – January 2015</p> <p>4) Survey of activities of school counselling facilities and school counselling departments</p> <p>Each year (for the first time in March 2014 and for the second time in January 2015) 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).</p> <p>Implementation date: March 2014, January 2015</p>
<p>Planned measures</p>	<p>1) Introduction of new standardised diagnostic instruments into practice</p> <p>In 2015 psychologists will have a complete set of the CFT 20-R test at their disposal (currently the test is being prepared for publication). Details about this test can be found above. Since this is a single-dimensional test with a detailed type of tasks and since the manual includes all important information, its administration in practice is possible even without accompanying training of psychologists in school counselling facilities. Nevertheless, training about this instrument will be available for interested experts.</p> <p>Besides, a test of adaptive skills will be prepared (involving tests focusing on social and communication skills, a child’s response to a specific situation and his/her ability to socialise) and the principles of dynamic diagnostics that interconnect psychological, remedial teaching and pedagogical diagnostics will be added into diagnostic methods. These steps are linked with introducing of the above mentioned methodological guidance for diagnosing children with special educational needs from a socio-culturally different background into practice.</p> <p>Implementation date: 2015 – 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 IDS and MaTeRS tests will continue.</p> <p>Besides, workshops presenting case studies about the tests used by experts (WJ-IE,</p>

IDS, MaTeRS) will take place.

Counselling staff will also be trained in the principles of dynamic diagnostics (this procedure of working with a pupil is based on evaluating the pupil's progress following provided intervention and it helps to specify the pupil's learning potential).

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).

Implementation date: 2015 – 2016

3) Methodological guidance of counselling staff

In particular the following workshops focusing on methodological guidance of counselling staff have been planned for 2015:

- a) Methodological guidance of 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 on diagnostics and interventions for these pupils, with the possibility of consultations on the selection of diagnostic and intervention methods;
- c) Four workshops with authorities establishing school counselling facilities, focusing on counselling services in regions (writing reports from examinations, recommendations about education, staffing of facilities, related legislative steps) in cooperation with the MEYS.

The standard for diagnosing cognitive skills of pupils with special educational needs that has been described above will be published at the beginning of 2015 and it will be subsequently introduced into practice, with support provided by the NIE.

The general standards for diagnostic methods of school counselling facilities that have been described above will be completed, published and introduced into practice in 2015 as well.

Implementation date: 2015

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

The CSI will carry out a regular annual survey that will pertain to the 2014/2015 school year (for more details see below, measure F).

Implementation date: January 2016

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

Planned
measures

1) 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, which is at present debated by the Chamber of Deputies, 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 auxiliary 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.

Implementation date: 1 September 2016

2) Modification of data collection and reporting in school counselling facilities

In relation to the amendment to the Education Act, unified record-keeping and reporting of performed counselling services and recommended auxiliary measures will be established and introduced in school counselling facilities. More precise record-keeping will make it possible to better monitor activities of school counselling facilities and fulfilment of auxiliary measures.

Implementation date: 1 September 2016

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

Planned measures	<p>1) Opening of preparatory classes at primary schools for all pupils</p> <p>Education in preparatory classes is currently available only for socially disadvantaged children. The amendment to the Education Act, which is being passed, will make it possible for all pupils to be educated in preparatory classes. One of the envisaged effects of this measure is to eliminate the risk of segregating Roma pupils in pre-school education. Preparatory classes will continue to be included in the regime of auxiliary measures.</p> <p>Implementation date: 1 September 2016</p> <p>2) Introduction of mandatory attendance of the last grade of pre-school education in nursery schools</p> <p>In 2015 the MEYS will prepare another amendment to the Education Act that will lead towards the introduction of mandatory attendance of the last grade of nursery school for all pupils. At the same time, the rule that the last year of nursery school is free of charge will remain valid. The aim is to ensure that all children successfully commence basic education.</p> <p>Related to this intention are other measures, which pertain to increasing the overall capacity of pre-school education, monitoring and intervention aimed at children who do not attend a nursery school, improvement of cooperation with parents, enforceability of the fulfilment of parental duties and improvement of financial support of schools.</p> <p>Implementation date: 1 September 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>At present all pupils with MMD, i.e. not only those placed into “practical primary schools” but also those who are individually integrated in mainstream primary schools are educated pursuant to the FEP BE MMD. The MEYS is planning to repeal this Annex that governs the education of pupils with 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 will be prepared and possibly also other parts of the FEP BE so as to take into account the specific features of all pupils including those who have been educated pursuant to the FEP BE MMD to date.</p> <p>The above change of the educational programme will presumably necessitate</p>
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	<p>changes in the organisation of education of pupils with MMD. These changes, which pertain mostly to ensuring adequate educational support through auxiliary measures, are being prepared by the MEYS in cooperation with the NIE and representatives of the expert public.</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)	
<p>Adopted measures</p>	<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 follows up on the Consolidated Action Plan for the execution of the judgment and that aims at monitoring long-term trends in the education of pupils pursuant to the FEP BE MMD, with a special focus on Roma pupils. The surveyed sample includes schools that educate five or more pupils with diagnosed MMD in a given school year. Thus, the sample of surveyed schools may differ year-on-year.</p> <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).</p> <p>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</p>

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 autumn 2013 the assessed sample included 478 schools for which complete data were available. The following table gives the results of the survey:

Table No. 1

The 2013/2014 school year	Number	Share (in %)
Number of pupils educated pursuant to the FEP BE	41,643	–
<i>Of whom Roma pupils</i>	4,278	10.3
Number of pupils educated pursuant to the FEP BE MMD	14,908	–
<i>Of whom Roma pupils</i>	4,198	28.2

In the 2014/2015 school year the surveyed sample comprised 444 schools, which had already been surveyed in 2013. The results of the survey are presented in the following table:

Table No. 2

The 2014/2015 school year	Number	Share (in %)
Number of pupils educated pursuant to the FEP BE	44,500	–
<i>Of whom Roma pupils</i>	4,209	9.5
Number of pupils educated pursuant to the FEP BE MMD	10,695	–
<i>Of whom Roma pupils</i>	3,468	32.4

Table No. 3: Year-on-year comparison of the number of Roma pupils

Year-on-year comparison	2013/2014*	2014/2015	Year-on-year difference	Year-on-year difference in %
Number of pupils educated pursuant to the FEP BE	37,417	44,500	7,083	+ 19%
Of whom Roma pupils educated pursuant to the FEP BE	3,764	4,209	445	+ 12%
Number of pupils educated pursuant to the FEP BE MMD	14,333	10,695	- 3,638	- 25%
Of whom Roma pupils educated pursuant to the FEP BE MMD	3,908	3,468	- 440	- 11%

*Data for the 2013/2014 school year are lower than in table No. 1: the reason is that only identical schools have been compared from the 2013/2014 and 2014/2015 surveys (i.e. a total of 444 schools).

The year-on-year comparison of the assessed sample of 444 schools shows the following:

1. **The number of Roma pupils educated pursuant to the FEP BE is on the rise:** the year-on-year increase amounts to 12% (445 pupils).
2. **The number of Roma pupils educated pursuant to the FEP BE MMD is falling:** the year-on-year decrease amounts to 11%(440 pupils).

The above data clearly show that the Czech Republic is succeeding in reducing the number of Roma pupils educated pursuant to the FEP BE MMD.

Going beyond the survey carried out by the CSI, it may also be said on the basis of available statistical data on primary school pupils that **the number of pupils with MMD educated in the form of individual integration into mainstream classes has been increasing long-term.**

Since 2009 this number has increased by more than 110 % (see Table No. 4). These data show that disadvantaged pupils in the Czech education system are continuously integrated into mainstream schools and classes.

Table No. 4: Primary schools – pupils with MMD in the 2008/2009 to 2013/2014 school years

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

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 (e.g. measures required by Decrees Nos. 72/2005 and 73/2005) 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) and in January 2015 (data for the 2013/2014 school year were gathered and additional information for the 2012/2013 school year was requested).

Main conclusions of the surveys:

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

Many more school counselling facilities state that they use the Woodcock-Johnson International test (70.7% of PPC and 32.3% RTF instead of 57.5% PPC and 9.9% RTF), the SON R test (34.1% of PPC and 46.9% RTF instead of 20% of PPC and 31.9% RTF).

Use of the IDS test is also getting more widespread in school counselling facilities: this instrument, which was published only at the end of 2013, is used for diagnosing MMD already by 12.2% PPC and 6.3% RTF.

2. Mechanisms of re-examinations of clients which enable to change a pupil's placement into an educational programme have been set. Counselling facilities proceed in accordance with legislation in force and pursue re-

	<p>diagnostics as stipulated by Decree No. 116/2011 (see measure A above). A high percentage of statutory representatives respond to the call, undergo re-diagnostics with their children and show interest in it.</p> <p>3. A child's statutory representative has a crucial influence on deciding on the way the child will be educated; it is the statutory representative who makes the final decision whether the recommendation made by a school counselling facility will be used or not.</p> <p>It happens that even though a Roma pupil is recommended for transfer from the FEP BE MMD into the FEP BE, the transfer does not take place due to the decision made by the child's statutory representatives. So as to minimize the occurrence of these situations, the amendment to the Education Act lays down the duty of school counselling facilities to submit issued recommendations not only to statutory representatives but also to the schools themselves. The aim is to prevent pupils from staying in educational programmes with a reduced curriculum if there is no objective reason for that.</p> <p>Implementation date: March 2014, January 2015</p>
Planned measures	<p>1) Surveys to establish the number of Roma pupils educated pursuant to the FEP BE MMD</p> <p>Date of the next survey: December 2015</p> <p>In 2015 the survey will be carried out in autumn on the basis of data the schools have from the new school year so as to make sure that the information is up to date. Data from this survey will be available in January 2016 at the latest.</p> <p>2) Surveys in school counselling facilities</p> <p>Date of the next survey: March 2016</p> <p>The survey will concern the 2014/2015 school year. Again, further questions will be added that will specify the issues even more.</p>

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</p>

	<p>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> <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>Implementation date: 2014</p>
<p>Planned measures</p>	<p>Roundtable on inclusive education</p> <p>Another roundtable meeting has been scheduled for April 2015. It will be dedicated primarily to providing information about the fulfilment of the Consolidated Action Plan for the execution of the judgment as well as information about the state of legislative process concerning the amendment to Section 16 of the Education Act. The roundtable will then meet again in the second half of 2015.</p> <p>Implementation date: 2015</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

PPC = Pedagogical and Psychological Counselling Facility

RTF = Remedial Teaching Facility

CASE No. 5

1222nd meeting – 12 March 2015

Case against the Czech Republic

Application	Case	Judgment of	Final on
57325/00	D.H. AND OTHERS	13/11/2007	Grand Chamber

[CM/Inf/DH\(2010\)47](#), [DH-DD\(2015\)161](#), [DH-DD\(2014\)1145](#), [DH-DD\(2014\)541](#), [DH-DD\(2014\)117](#), [DH-DD\(2013\)1133](#), [DH-DD\(2013\)718](#), [DH-DD\(2013\)1284](#), [DH-DD\(2012\)1074](#), [DH-DD\(2015\)151](#), [DH-DD\(2012\)1137](#), [DH-DD\(2012\)1089](#), [DH-DD\(2014\)569](#), [DH-DD\(2014\)631](#), [DH-DD\(2015\)178](#), [DH-DD\(2015\)248](#), [DH-DD\(2015\)243](#), [DH-DD\(2015\)261](#)

Decisions

The Deputies

1. noted that the new legislative framework and diagnostic tools envisaged under the consolidated action plan of 2012 have been put in place; however, expressed concern that, according to the most recent statistics, the percentage of Roma pupils in classes or groups for children with “mild mental disabilities” remains disproportionate;
2. noting the problems identified with the functioning of the testing system and the follow-up for pupils recommended for transfer to mainstream education, underlined the importance of ensuring effective supervision of the use of diagnostic tools and of follow-up to recommendations, and urged the authorities to ensure the necessary support to pupils entering or transferred to mainstream education;
3. welcomed the changes to the legislative framework envisaged under the Education Act for September 2016 and invited the authorities to indicate the measures to be taken to implement effectively this new legislative framework; strongly encouraged the authorities to enhance their ongoing co-operation with civil society in this area, to ensure that future measures adopted have the necessary impact in practice;
4. invited the authorities to provide, no later than by 1 September 2015, information on the strategy they envisage to implement the new legislative framework, as well as, by the 5 February 2016, an update with the most recent statistics concerning the education of Roma pupils in groups/classes for pupils with “mild mental disability” and information responding to the other concerns raised;
5. decided to resume consideration of this case, in the light of the information expected from the Czech authorities at the latest, at their DH meeting of June 2016.

AFFAIRE N° 5

1222e réunion – 12 mars 2015

Affaire contre la République tchèque

Requête	Affaire	Arrêt du	Définitif le
57325/00	D.H. ET AUTRES	13/11/2007	Grande Chambre

[CM/Inf/DH\(2010\)47](#), [DH-DD\(2015\)161](#), [DH-DD\(2014\)1145](#), [DH-DD\(2014\)541](#), [DH-DD\(2014\)117](#), [DH-DD\(2013\)1133](#), [DH-DD\(2013\)718](#), [DH-DD\(2013\)1284](#), [DH-DD\(2012\)1074](#), [DH-DD\(2015\)151](#), [DH-DD\(2012\)1137](#), [DH-DD\(2012\)1089](#), [DH-DD\(2014\)569](#), [DH-DD\(2014\)631](#), [DH-DD\(2015\)178](#), [DH-DD\(2015\)248](#), [DH-DD\(2015\)243](#), [DH-DD\(2015\)261](#)

Décisions

Les Délégués

1. relèvent que le nouveau cadre législatif et les outils de diagnostic envisagés dans le cadre du plan d'action consolidé de 2012 ont été mises en place ; expriment toutefois leur préoccupation du fait que, selon les statistiques les plus récentes, le pourcentage d'élèves roms dans des classes ou des groupes pour enfants avec des « handicaps mentaux légers » reste disproportionné ;
2. notant les problèmes identifiés dans le fonctionnement du système de diagnostic et du suivi des élèves recommandés pour le transfert vers l'enseignement ordinaire, soulignent l'importance d'assurer une surveillance effective de l'utilisation des outils de diagnostic et un suivi des recommandations, et demandent instamment aux autorités d'assurer le soutien nécessaire aux élèves entrant dans ou transférés vers l'enseignement ordinaire ;
3. se félicitent des modifications du cadre législatif prévues par la loi sur l'éducation pour septembre 2016 et invitent les autorités à indiquer les mesures à prendre afin de mettre en œuvre ce nouveau cadre législatif de façon effective ; encouragent vivement les autorités à renforcer leur coopération avec la société civile dans ce domaine, afin d'assurer que les futures mesures qui seront adoptées auront l'impact nécessaire sur le terrain ;
4. invitent les autorités à fournir, pour le 1er septembre 2015 au plus tard, des informations sur la stratégie envisagée pour mettre en œuvre le nouveau cadre législatif, et, pour le 5 février 2016, une mise à jour avec les statistiques les plus récentes concernant l'éducation des élèves roms dans des groupes/classes pour élèves souffrant de « handicap mental léger », ainsi que des informations en réponse aux autres préoccupations exprimées ;
5. décident de reprendre l'examen de cette affaire, à la lumière des informations attendues de la part des autorités tchèques, au plus tard lors de leur réunion DH de juin 2016.

**IMPLEMENTATION OF THE APPROVED
AMENDMENT TO THE EDUCATION ACT**

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PLANNED AND IMPLEMENTED MEASURES FOLLOWING UP ON THE AMENDMENT TO THE EDUCATION ACT FOR THE EXECUTION OF THE JUDGMENT OF THE EUROPEAN COURT OF HUMAN RIGHTS IN THE CASE OF *D. H. AND OTHERS V. THE CZECH REPUBLIC*

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

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

1. Amendment to the Education Act

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

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

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

possibilities and pursue his/her right to education on an equal basis with others. Classification of auxiliary measures will thus be at the forefront and classification of special educational needs will be subsequently derived from it;

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

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

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

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

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

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

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

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

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

The large working group includes experts from the following entities:

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

Timeframe of work on the Decree:

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

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

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

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

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

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

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

2.3 Further training of counselling and teaching staff

Further training of counselling staff

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

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

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

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

2.4 Control mechanisms in the field of diagnostics and counselling facilities

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

request a review.

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

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

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

2.5 Change of record-keeping and statistics

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

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

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

2.6 Introduction of new diagnostic and intervention instruments

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

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

2.7 Introduction of quality standards of counselling services

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

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

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

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

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

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

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

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

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

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

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

