

## **Act CXC of 2011**

### **on National Public Education**

Parliament, allying the noble traditions of Hungarian education with the possibilities of the future, being the pledge of the rising of the nation, for the purposes of the patriotic instruction and quality education of the future generations, to enforce the right to education as laid down in the Fundamental Law, to realise the right of the nationalities for education in their mother tongue, to determine the rights and obligations of those participating in public education and to control and operate a public education system which provides contemporary knowledge, hereby adopts the following act:

#### **1. Purpose and Principles of the Act**

##### **Section 1**

(1) The purpose of the Act is to create a public education system which contributes to the harmonic mental, physical and intellectual development of children and young people through the conscious development of their skills, abilities, knowledge, proficiencies, emotional and volitional characteristics and cultural education corresponding to their age characteristics, thus educating people and responsible citizens who are virtuous and capable of independent life as well as achieving their objectives, while harmonising private interests with the interests of the public. Its prioritised objective is to prevent the widening of the social gap and promote talent through the tools of education.

(2) Public education is a public service which establishes the conditions for the long-term development of the Hungarian society for the sake of the rising generation, and whose general framework and guarantees shall be provided by the State. The whole of public education is determined by knowledge, justice, order, freedom, fairness, the moral and intellectual values of solidarity, equal treatment and education for sustainable development and healthy lifestyle. Public education shall universally serve the common good as well as private objectives respecting the rights of others.

(3) The educational culture of educational institutions shall be characterised by the pursuit for individual treatment, acceptance of children / students, trust, kindness, empathy, formulating requirements corresponding to the age, the surveillance of the fulfilment of duties as well as comprehensive evaluation adjusted to the requirements and ensuring the development of children / students.

##### **Section 2**

(1) It shall be the public service duty of the Hungarian state to ensure, as laid down in the Fundamental Law, the right for free and compulsory primary education, free and generally accessible secondary education, until the obtaining of the secondary school-leaving certificate as well as the training for the first vocational qualification.

(2) Pre-school education in the institutions operated by the state and the local governments as well as by nationality self-governments, church and private institutions taking part in the performance of the duties of the state, and the use of pedagogical assistance services complementing pre-school and school education, as well as the provision of hall of residence to children / students who participate in free education and complying with the conditions laid down in this Act, shall be free.

(3) Public education institutions may be established and operated by the State, nationality self-governments and, within the framework of this Act, church legal persons registered in Hungary as well as other organisations or persons on condition that they have obtained the right for conducting such activity as laid down by statutory provisions. Pre-schools may also be established and operated by local governments.

##### **Section 3**

(1) Public education shall have in its focus the children / students, the teacher and the parent whose rights and obligations shall form an integrated unit.

(2) Within public education, the duties of education shall be shared by the parents, the legal representatives of the child and the public education institutions and the teachers. Such joint activity shall be based on trust and the professional credit of the institutions and the teachers.

(3) In the educational institutions of the state and local governments, the knowledge and religious and ideological information shall be communicated comprehensively and in an objective manner, respecting the religious and ideological belief of children / students, the parent and the teacher throughout the educational process, while simultaneously allowing children / students to attend the religion and ethics courses organised by

the church legal person.

(4) Public education shall promote the educational interests corresponding to the cultural autonomy of nationalities.

(5) The language of education shall be Hungarian while in nationality pre-schools and schools it shall be the language of the nationalities, whether in whole or in part, respectively, and in bilingual schools, the target language according to the legislation.

(6) It shall be the prioritised duty of public education to provide for early childhood development before school and to account for the special needs of children / students with special education needs or facing difficulties in integration, learning or behaviour and to support their most remarkable development adjusted to their individual needs as well as to establish possibilities for their most complete social integration.

(7) Primary education, secondary education comprising vocational training in the school system and higher education shall be interdependent, integral parts of the education system. Public education may be conducted as adult education at any school level.

(8) Operators and schools may take part in achieving the goals of vocational training subject to the conditions set out in the Act on Vocational Education and Training. Pre-schools, schools, halls of residence and pedagogical assistance service institutions may participate in the training and in-service training of teachers as set forth in this Act.

(9) The fundamental units of the public education system shall be the institutions vested with professional independence. The quality of their work and their democratic and lawful operation are ensured by legal regulation and state control.

(10) The school system shall be interoperable, allowing joining any other school or school type even during the school year based on the requirements of the receiving institutions established within the framework of this Act.

## 2. Explanatory Provisions

### Section 4

For the purposes of this Act

1. "basic task" means the public education duty laid down in the deed of foundation of the public education institution which may be:

- a) pre-school education,
- b) pre-school education of those belonging to a nationality,
- c) primary school education,
- d) primary school education of those belonging to a nationality,
- e) hall of residence education,
- f) hall of residence education for nationalities,
- g) grammar school education,
- h) vocational secondary school education,
- i) vocational education,
- j) grammar school education of nationalities,
- k) vocational secondary school education of nationalities,
- l) vocational education of nationalities,
- m) education within the framework of the Köznevelési Hídprogram (hereinafter: Public Education Bridge Programme),
- n) adult education,
- o) primary art education,
- p) developmental education / developmental teaching,
- q) pedagogical assistance service duties,
- r) pre-school and school education of children / students with special education needs who may be educated together with the other children / students,
- s) pre-school, school education of and hall of residence education for children / students with special education needs who cannot be educated together with other children / students,
- t) education required for children under permanent medical treatment in health resorts for children, healthcare institutions and rehabilitation institutions to fulfil their compulsory school attendance,
- u) pedagogical professional service,

2. "children / students with difficulties in integration, learning or behaviour" means children / students who require special attendance and significantly underperform compared to their age based on the basis of the expert opinion of the committee of experts, or face social relationship problems or suffer from deficiencies in learning or the control of their behaviour, or their integration into the community or personal development is impeded or

shows special tendencies but do not qualify as students with special education needs,

3. "all-day school" means the form of school organisation where lessons and other activities are organised evenly distributed over the morning and the afternoon periods. Its operation and system of requirements shall be determined in law by the Government,

4. "other activity" means an individual session or group activity with educational contents for the development of the students outside the traditional school day,

5. "advanced education" means the education of certain subject with higher requirements according to the general curriculum,

6. "location" means the address where the tasks defined in the deed of foundation of the public education institution are performed,

7. "ascending system" means the gradual introduction of educational and examination requirements, pursuant to which the change may be introduced starting at the lowest teaching year affected,

8. "operator" means the natural or legal person who or which has obtained or has the right to perform public education tasks and meets the requirements necessary for operating the public education institution according to the provisions of this Act,

9. "supervision of children / students in educational institution" means the provision of protection of the physical integrity and morality of children / students during the period from their entering the educational institution until the lawful leaving of the educational institution as well as during the time of the activities and programmes which are the mandatory part of the pedagogical programme and are held outside the educational institution,

10. "institutional reorganisation" means all decisions of the operator amending the deed of foundation according to any of the terms listed in paragraphs c)-k) of Section 21 (3), except for decisions concerning property which is no longer required for the performance of the task,

11. "institutional unit" means the organisational unit which performs any of the basic tasks of the public education institution or multi-purpose institution,

12. "children / students requiring special attention" means

a) children / students requiring special treatment:

aa) children / students with special education needs,

ab) children / students with difficulties in integration, learning or behaviour,

ac) particularly gifted or talented children / students,

b) children / students with disadvantages or multiple disadvantages according to the Act on Child Protection and Guardianship Administration,

13. "particularly gifted or talented children / students" means children / students requiring special treatment, who are highly creative and possess above-average general or special skills, and strong motivation and commitment may be generated in them towards the task,

14. "community service" means social and environmental protection activity, as well as its educational processing, carried out individually or in group for the advantage of the local community of the student, which is carried out within organised framework and is independent of financial interests,

15. "private institution" means any institution which is operated by other than the state, local government or church,

16. "evaluation procedure" means the procedure for the evaluation of the teacher's performance which is necessary for promotion,

17. "pre-school year" means, in the pre-school, the period from 1 September to 31 August of the next following year,

18. "teaching staff" means the group of persons employed by the educational institution in the position of a teacher as a public employee or employment relationship as well as the staff with higher qualification who are employed in positions directly assisting the pedagogical and educational work,

19. "part-time teacher" means a teacher who is employed under a general agreement for teaching not more than ten lessons or activities a week,

20. "performance of national task" means that a public education institution performs a national task if not less than fifty-one per cent of the persons using its services, calculated separately for each location except for the county (Budapest) where the location is situated, is constituted of persons living in no less than five different counties (Budapest) provided that no more than three public education institutions performing the task or providing the service concerned exist in the country, respectively where the institution fulfils the task of nationality education or is engaged in education committed to a religion or ideology, and there is only one such institution operating in one locality or in one district of Budapest,

21. "pre-school group, school class or hall of residence group" means an education organisation unit organised for not less than one pre-school or school year which is created for the performance of defined, common educational tasks from children / students admitted to the pre-school, school or hall of residence and who go to the same location,

22. "merged class" means, in the first four years of the primary school, in the primary art school and in the adapted physical and conductive educational institution, the class made from the students of not less than two and not more than four teaching years. Schools operating based on an alternative programme may organise merged classes according to the conditions set out in their licence,

23. "children / students with special education needs" means children / students requiring special treatment who, based on the expert opinion of the committee of experts, are handicapped or have perceptual, mental deficiency or speech disorder, or have multiple disabilities in case of the simultaneous occurrence of several deficiencies or have autism spectrum disorder or any other psychic disorder (serious disorder concerning learning or the control of attention or behaviour),

24. "professional staff meeting " means the group comprising the heads and the employees employed as a public employee or employment relationship in positions established for the basic tasks laid down in the deed of foundation of the public education institution,

25. "seat" means the location defined in the deed of foundation of the educational institution performing the basic tasks where the working place of its head authorised for exercising his/her right of representation is located,

26. "member institution" means the institutional unit where the duties of control or representation cannot be attended or may be attended in part only owing to its distance from the seat or the nature of the duties,

27. "grades" means an institutional unit established for the educational work carried out in the first to fourth and fifth to eighth classes of the primary school, respectively,

28. "school year" means, in schools and halls of residence, the period from 1 September to 31 August of the next year,

29. "teaching year" means, unless otherwise provided by law, the term time from the first working day of September of each year until the last working day before 16 June of the next year, except for the year of school-leaving or vocational examination; in the vocational training years of vocational secondary schools and vocational schools where no subjects in cultural domains are educated in the cases regulated by the Act on Vocational Education and Training, the teaching year may also be commenced in February as defined in the ministerial decree on the order of the school year,

30. "school day" means in each class any day used for educational lessons or class or group sessions being a part of the educational programme of the school which may not be carried out within the framework of school lessons including but not limited to school excursions, environmental educational events or cultural or sports events provided that the number of activity hours reaches three,

31. "children / students accident" means any accident which involves children / students during the time or the activity when they are under the supervision of the educational institution or the person conducting the practical training including accidents occurring during practical training outside the institution,

32. "site" means a location other than the seat,

33. "performance of regional task": a public education institutions performs regional tasks if, in the average of five years, not less than fifty-one per cent of the persons living in more than two counties other than the count where the seat of the educational institution is located or outside the boundaries of Budapest, use its services.

### **3. Phases of Pedagogical Work**

#### **Section 5**

(1) The phases of the pedagogical work conducted in public education institutions shall be as follows:

*a)* pre-school education phase which starts when the child turns three years old and lasts until the child commences compulsory education,

*b)* phase of primary education which starts with the first class, lasts until the eighth class and is divided into two parts:

*ba)* the lower grades starting with the first class and ending with the fourth class, and

*bb)* the upper grades starting with the fifth class and ending with the eighth class,

*c)* phase of secondary education which starts with the ninth class, except for the secondary schools operating with six or eight years, and ends, in the vocational schools at the end of the eleventh year and in the secondary schools at the end of the twelfth year respectively (paragraphs *b)-c)* hereinafter together: phase of school education),

*d)* phase of school education preparing for vocational qualification which, unless otherwise provided by law, starts after the phase of primary education and ends in the vocational training school with the vocational training year set forth in the National Register of Vocational Qualifications.

(2) The principles of pre-school education shall be laid down in the National Master Programme for Pre-School Education. The pre-schools shall prepare their local educational programmes based on the National Master Programme for Pre-School Education.

(3) The curriculum and requirements of each teaching year are interdependent. Secondary education and the phase of school education preparing for vocational qualification may be conducted parallel at vocational schools and vocational secondary schools.

(4) The uniform contents of school education and the interoperability of schools shall be ensured by the National Core Curriculum (hereinafter: NCC) which shall determine the cultural contents to be acquired and lay down mandatory provisions regarding the organisation of education including, particularly the restrictions on the weekly and daily workload of the students. The detailed rules concerning the content requirements of subjects in cultural domains in vocational schools shall be determined by separate legal regulation while observing the NCC.

(5) The implementation of the provisions of the NCC shall be ensured by general curricula. In each school type, the objectives of education, the system of subjects, the topics and contents of each subject, the requirements of each subject applicable for one or two years, as well as the tasks of the development of intra-subject areas of knowledge and capability shall be laid down in the general curricula, which shall also define the mandatory and recommended time frame available for the fulfilment of the requirements.

(6) The operator of the school and the churches, religious denominations and religious communities acknowledged by Parliament pursuant to the Act on the freedom of belief and religion and the legal status of churches, religious denominations and religious communities, may submit curricula, prepared within the framework of this Act and the NCC, for approval. The costs of the procedures regulated in this Section shall be borne by the entity which initiated the procedure.

(7) The general curriculum to be implemented in the phase of school education preparing for the acquisition of vocational qualification shall be included in the general curricula to be prepared on the basis of the Act on Vocational Education and Training and ministerial decrees laying down the professional and examination requirements. The general curricula shall be published by the minister responsible for vocational training and adult education in agreement with the minister responsible for education.

(8) The pre-school education of nationalities, school education in bilingual schools, the pre-school education of children with special education needs, education in halls of residence and primary art education are based on the special provisions laid down in the decrees issued by the minister responsible for education.

(9) The consent of the nationality self-government with nation-wide competence shall be obtained in regards to matters concerning nationality education of the general curricula and the national master programme of hall of residence education as well as the publication of the guideline for the pre-school education of nationalities and the guideline for the school education of nationalities.

#### **4. System of State Examinations**

##### **Section 6**

(1) The secondary-school leaving examination is a state examination which shall be held applying uniform examination requirements in the entire country (hereinafter: central examination requirements). The central examination requirements of the secondary-school leaving examination shall be defined based on the examination regulations and the legal regulation on the detailed examination requirements of school-leaving. A secondary-school leaving certificate shall prove secondary qualification and entitles the holder to seek admission to any institution of higher education or vocational training course, and to seek employment and pursue activities. Furthermore, the vocational secondary school certificate entitles the holder to seek employment according to the statutory requirements.

(2) At the secondary-school leaving examination, students shall give account of their knowledge in the following subjects:

- a) Hungarian language and literature,*
- b) history,*
- c) mathematics,*
- d) foreign language - for those taking part in nationality education, mother tongue and literature,*
- e) mandatory optional examination subject; in vocational secondary schools, vocational examination subject corresponding to the sector of the vocational secondary school.*

(3) In addition to the mandatory and mandatory optional examination subjects, secondary-school leaving examination may also be taken from additional examination subjects.

(4) The issue of the secondary-school leaving certificate shall also be subject to proving the performance of fifty hours of community service. As regards secondary-school leaving examination organised within the framework of adult education, the secondary-school leaving examination may be started also in absence of proving community service. Community service may be omitted in case of students with special education needs based on the proposal of the committee of experts to that end.

(5) The vocational examination organised in vocational schools for acquiring the vocational qualifications

listed in the National Register of Vocational Qualifications shall qualify as state examination. Students may take a vocational examination after satisfying the requirements of the last year of vocational training.

(6) The vocational and examination requirements of the vocational qualifications defined in the National Register of Vocational Qualifications shall be determined and issued by and the organisation of vocational examinations and the issue of certificates proving vocational qualification shall be regulated by the legal regulations governing vocational qualification.

(7) At the primary art schools, basic examination in art shall be organised and final examination in art may be organised. The primary examination in art shall authorise for further education in post-secondary courses. The examination requirements and examination tasks of basic and final examinations in art shall be defined by the primary art school within the framework of the decree of the minister responsible for education.

## **5. Institutions of the Public Education System**

### **Section 7**

1) The institutions of the public education system shall be the following:

- a)* pre-school,
- b)* primary school,
- c)* grammar school,
- d)* vocational secondary school (paragraphs *c)* and *d)* hereinafter together: secondary school),
- e)* vocational school (paragraphs *d)* and *e)* hereinafter together: vocational training school; paragraphs *c)-e)* hereinafter together: secondary school)
- f)* primary art school (paragraphs *b)-f)* hereinafter together: school),
- g)* adapted physical and conductive educational institution,
- h)* hall of residence (paragraphs *a)-h)* hereinafter together: educational institution),
- i)* pedagogical assistance services institution,
- j)* institution providing pedagogical professional services (paragraphs *a)-j)* hereinafter together: public education institution).

(2) A public education institution may perform the tasks of various different public education institutions and may be merged with an institution which does not perform public education tasks, in the case, form and by maintaining the procedure laid down in this Act, (hereinafter: multi-purpose institution).

(3) The educational institution / pedagogical assistance services institution is authorized to take part in the tasks of the training and in-service training of teachers as an educational institution for pre-school teacher training practice, educational institution for school teacher training practice, educational institution for hall of residence teacher training practice or pedagogical assistance service training institutions. The professional work of the trainee teachers in the educational institutions for teacher training practice / pedagogical assistance service training institutions shall be controlled by the lead teacher.

(4) The minister responsible for education may establish public education institutions other than those listed in subsections (1)-(3) and may authorise their establishment with proviso that it complies with the provisions of this Act and the Act on Vocational Education and Training. The minister may also authorise the establishment of primary and secondary schools educating on the basis of a specific pedagogical programme as well as the establishment of secondary schools which do not include among their objectives the preparation of students for the secondary-school leaving examination. The application shall be accompanied by the documents required by law for the establishment of the public education institution and, in case of pre-schools and schools, the programme of the knowledge planned to be transferred. The extra costs related to the licence shall be borne by the operator.

(5) As regards the vocational qualifications part of the agricultural sector, as defined by separate provisions, vocational training in the school system may only be provided in vocational training schools established and operated by the minister responsible for rural development or, in case of any other operator, on the basis of public education agreement and vocational training agreement concluded with the consent of the minister responsible for rural development.

(6) The schools listed in paragraphs *b)-e)* and *g)* of subsection (1) may also perform the tasks of a sports school pursuant to separate legal regulations.

## **6. Pre-school**

### **Section 8**

(1) A pre-school is an institution educating the child from the age of three until the start of compulsory education. A pre-school may also admit children who will turn three within six months of their admission on condition that the application for admission of all children of three years or older having their residence or, in its absence, temporary address in the locality, district of Budapest or, if the admission regions extend over several localities, the localities concerned, may be fulfilled.

(2) Children shall participate in pre-school activities in not less than four hours a day as from the starting date of the pre-school year in the year in which they turn three before 31 August. The municipal clerk or, in case of church or privately operated institutions, the operator may grant exemption from participation in compulsory pre-school education until the child turns five upon the application of the parent and with the consent of the head of the pre-school and the community nurse, also observing the lawful interests of the child, if it is justified by the family conditions of the child, the putting forth of his/her capabilities or his/her special situation.

(3) The time frame of pre-school education financed according to Annex 6 shall also include the time necessary for the duties related to the daytime care of the child.

## **7. Common Provisions of School Education**

### **Section 9**

(1) The general education of students and their preparation for the secondary-school leaving examination and, with the exceptions defined in the Act on Vocational Education and Training, vocational examination (hereinafter together: examination) and for the basic art examination shall be the duties of the school.

(2) Students shall be prepared for the examination within the framework of activities in compulsory lessons. The school shall assist the preparation for the examination within the framework of activities in optional lessons.

(3) The school shall inform the parents at the end of the previous teaching year of the schoolbooks, educational assistance and appliances, clothing and other equipment as well as additional accessories which shall be required for the educational work during the next teaching year, of the schoolbooks and other equipment which may be rented from the school as well as of the assistance the school may offer to mitigate the expenses of the parents.

(4) The primary and secondary schools shall organise the cross-border excursion in any year between the seventh and twelfth, based on the parliamentary decree on the introduction of the National Togetherness Day at schools, the development and strengthening in public education of relationships among the young people living in Hungary and young Hungarian people living outside Hungary as well as the introduction of the Hungarians living outside the borders of Hungary. The cross-border excursions shall be subsidised from the central budget. At the allocation of subsidy, Hungarian schools with documented exchange relationship with the foreign school shall be given priority.

(5) Irrespective of the school type, the certificate issued on the successful completion of the eighth year shall certify primary school qualification.

(6) The certificate issued on the successful completion of the final year of the secondary school shall certify secondary qualification. The vocational school qualifications defined in the Act on Vocational Education and Training shall also certify as secondary qualification.

(7) In grammar schools and vocational secondary schools the ninth year may be preceded by a preparatory language year provided that the grammar school or the vocational secondary school meets the requirements laid down in separate legal regulation.

(8) Alternative pre-schools and schools shall prepare their pedagogical programme according to the pre-school educational programme or general curriculum prepared and approved by them. The pre-school pedagogical programme or general curriculum may stipulate the specific requirements of the institution which deviate from the general rules:

- a)* the principles for the designing of pre-school education and pre-school life, the forms of educational activities and the duties of the pre-school teacher,
- b)* the curriculum and requirements in the school,
- c)* the preparation for state examinations,
- d)* the weekly number of compulsory lessons prescribed for students,
- e)* the rules for the bound and flexible working time of teachers,
- f)* the construction requirements, equipment and devices applied, the system, methods and means of the quality policy,
- g)* the governance model and education organisation applied,
- h)* the pedagogical qualifications and specialist qualifications accepted.

(9) Within the framework set forth in subsection (8), the pre-school pedagogical programme and the general curriculum may depart from the provisions of this Act and the legal regulations issued for the implementation of this Act provided that the basis for the budget subsidy of the alternative institutions shall be the compulsory

performance of tasks included in their pre-school pedagogical programme and general curriculum respectively, with further proviso that no additional budget subsidy may be claimed to cover the extra costs associated with their operation.

(10) For the purposes of subsection (8), “alternative pre-school and alternative school” means the pre-school and school which performs its educational work applying methods other than the traditional pedagogical methods. The application for the licence shall be submitted by the network or organisation which represents the pre-school or school or, in the absence of such network or organisation, the operator of the institution.

## **8. Primary School**

### **Section 10**

Primary education shall be conducted in the primary schools in eight years according to nationally uniform requirements. Primary schools shall prepare the students for the continuation of studies in the secondary school in line with their interest, capabilities and talent.

## **9. Grammar School**

### **Section 11**

(1) A grammar school is an educational institution operating with four, six or eight years respectively, if a preparatory language year is included, with five, seven or nine years, where education founding general knowledge and preparing for the secondary-school leaving examination and commencing higher education studies is carried out.

(2) A grammar school may operate with six or eight years for the purposes of performing the special tasks of talent promotion if the education conducted there complies with the advanced requirements set forth by separate legal regulation.

## **10. Vocational Secondary School**

### **Section 12**

(1) A vocational secondary school shall have four secondary teaching years which prepare for vocational secondary school certificate, the continuation of studies in institutions of vocational higher education or for seeking employment and pursue activities as well as establishing general knowledge, where vocational theoretical and practical education is also conducted. Vocational secondary schools, following the twelfth year, shall be engaged in preparation for the vocational examination of the vocational qualification related to the sector of the vocational secondary school examination subject to the completion of the last secondary teaching year or secondary school-leaving certificate, as defined in the National Register of Vocational Qualifications.

(2) In the vocational secondary schools, vocational secondary school-leaving examinations may be taken to seek employment and pursue activities in the sectors defined in the Government Decree on the National Register of Vocational Qualifications and vocational qualification related to the sector of the vocational secondary school-leaving examination, as defined in the National Register of Vocational Qualifications, may be obtained.

(3) From the ninth to the twelfth years, vocational theoretical and practical education shall be performed which shall comprise the common elements of the vocational qualification subject to secondary school-leaving certificate within the sector, in addition to the subjects in cultural domains according to the single general curriculum.

(4) Where the vocational art secondary school prepares for the vocational art examination within the framework of talent promotion, the fulfilment of the requirements of vocational training and the phase of school education may run independently of each other (hereinafter: parallel education).

(5) In case of parallel education, the students may fulfil the requirements of the vocational training and the phase of school education in different years in the same school. Subject to the provisions of the vocational training general curriculum, the educational work may be commenced in the fifth, seventh or ninth year and the weekly number of lessons of the students shall not exceed forty.

## **11. Vocational School**

### **Section 13**



(1) Except for the special and skills development vocational schools and except for the vocational school training forms defined in the Act on Vocational Education and Training, vocational schools shall have three vocational training years comprising education of subjects in cultural domains and vocational theoretical and practical training necessary for obtaining the vocational qualification concerned.

(2) In the vocations schools, vocational training may be conducted within the scope of the vocational qualifications defined in the National Register of Vocational Qualifications and issued in the general curriculum. In vocational schools, the education of subjects in cultural domains shall be conducted based on the general curriculum for subjects in cultural domains in vocational schools. Further provisions regarding the preparation for the vocational examination in the vocational schools are laid down in the Act on Vocational Education and Training. Parallel education may be conducted in a vocational school if it prepares for vocational art examination.

(3) After passing the vocational examination, the student may get prepared for the secondary school-leaving examination in a secondary school during a period of two years.

(4) In the absence of primary school qualification, the following shall be the prerequisites for admission to a vocational school:

*a)* the student has turned sixteen, and

*b)* completed the school year organised in a vocational school in accordance with the Public Education Bridge Programme.

(5) For the purposes of the school education of students with special education needs, a vocational school

*a)* shall operate as a special vocational school in the event that it prepares for the vocational examination those students who are unable to keep the pace with the other students owing to their specific education needs or provides them the knowledge necessary for getting employment or commencing independent life. The number of years shall be determined in the special general curriculum,

*b)* shall operate as a special skills development vocational school if it provides preparation for the students with moderate mental retardation for commencing independent life or the learning of work processes requiring simple training, which enable employment. The number of years shall be determined in the special general curriculum.

(6) A vocational school developing the skills of mentally handicapped students shall operate as a preparatory vocational school if education is conducted in the ninth and tenth years only. During the ninth and tenth years, the students may get prepared for the continuation of studies in a special vocational school or the vocational training year of a skills development vocational school.

## **12. Public Education Bridge Programmes**

### **Section 14**

(1) By performing complex educational, social, cultural, pedagogical tasks for developing the skills and the personality, the Public Education Bridge Programmes shall assist the students in joining secondary education or vocational training or the obtaining of knowledge necessary for getting employed and starting independent life.

(2) School-age students who have primary school qualification but have not been admitted to a secondary school may continue their studies in the Bridge I programme upon the initiative of the primary school. The education organised in the Bridge I programme complements the knowledge and competences required but missing for the continuation of studies by providing differentiated development paths building on individual abilities and needs. The education organised in the Bridge I programme prepares the students for the acquisition of learning methods adjusted to their individual abilities and within the framework of the career orientation function introduces to the students the knowledge necessary to entering the labour market. Within the framework of the Bridge I programme, students shall take entrance examination to a secondary school. Upon the completion of the programme, the organising school shall issue a certificate on the fulfilment of the study requirements. The Bridge I programme shall be organised so as to provide hall of residence to the students concerned if necessary.

(3) If the school-age student does not have primary school qualification, in the school year in which he/she turns fifteen, provided that he/she has successfully completed six years in the primary school, the school shall initiate admission of the student to the Bridge II programme. The education provided in the Bridge II programme motivates for learning and develops the skills required for the acquisition of certain professions set out by law; performs career orientation duties within the group of occupations and may prepare for the acquisition of partial vocational qualification. The Bridge II programme shall close with a final examination, of which the organising school shall issue a certificate. The successful final examination certifies partial vocational qualification and entitles the holder for continuing studies in a secondary school. Within the framework of the Bridge II programme, students acquire all the knowledge necessary for commencing vocational training and also acquire the theoretical and practical knowledge elements required for joining vocational training. Following the

successful completion of the Bridge II programme, the students shall be prepared for the vocational examination in the vocational training year or years.

(4) Within the framework of Public Education Bridge Programmes the activities, courses and programmes for the complex development of the students shall be organised evenly distributed over the morning and afternoon periods. The teachers participating in the implementation of educational activities adjusted to the individual capabilities of the students concerned shall be eligible for salary supplement in case not less than seventy per cent of their students involved in their educational activity in the school year concerned successfully pass a written secondary school entrance examination or, in case of the Bridge II programme, has advanced to the second year.

(5) Within the framework of the Public Education Bridge Programmes, classes may also be organised which prepare the students, who were unable to complete their primary school studies by the end of their compulsory education and have successfully completed less than six primary teaching years, for commencing vocational school training within the framework of the vocational qualification defined by the Government Decree on the National Register of Vocational Qualifications.

(6) The educational programmes of the Public Education Bridge Programmes shall be regulated in a decree by the minister responsible for education and such programmes shall include the group organisation principles, the system of development tools, and the framework regulations on the assessment / evaluation and supervision of the students and the pedagogical activity applied.

(7) Public Education Bridge Programmes may be organised in primary and secondary schools within the framework determined by the Government. The institutions participating in the programmes shall be appointed by the government office.

### **13. Adapted Physical Educational Institutions and Conductive Educational Institutions**

#### **Section 15**

(1) Adapted physical educational institutions and conductive educational institutions shall be institutions exclusively providing for children / students with special education needs and may be used based on the opinion of the committee of experts.

(2) If a child with special education needs has severe and multiple disabilities, he/she shall take part in developmental education or developmental teaching from the year in which he/she turns five. The developmental education and teaching shall be provided by the adapted physical educational institution or conductive educational institution either individually or in groups

- a) in the group established for this purpose within its own institution,*
- b) within the framework of homeschooling,*
- c) in the institution where the nursing and care of the child is provided for.*

(3) Students with severe or multiple disabilities shall fulfil their compulsory education within the framework of developmental education and teaching from the first day of the teaching year in which they turn six. Developmental education and teaching shall be organised applying the stipulations in the decree of the minister responsible for education, observing the demand of the parents, the status of the child and the proposal of the committee of experts concerning the weekly number of developmental activities. The weekly number of developmental activities shall not be less than twenty. In justified cases upon the request of the parent, more or less sessions may also be determined if required or allowed by the status of the child. In the course of its organization, the provisions of this Act concerning compulsory education, the phases of pedagogical work, the National Core Curriculum and the general curricula, the institution types, the order of the teaching year, the order of educational and training time, the establishment of student status, the fulfilment of the obligations of the children / students, and adult education shall not be applied.

(4) Students shall participate in the developmental education and teaching until the last day of the teaching year in which they turn sixteen and may participate in the same until the last day of the teaching year in which they turn twenty-three, respectively. In developmental education and teaching, the students shall be divided into developmental groups according to their special education needs, level of development and age.

(5) If, based on the expert opinion of the committee of experts, the student cannot participate in developmental education and teaching by attending a school, he/she shall fulfil his/her compulsory education within the framework of individual developmental sessions organised by the school providing developmental education and teaching. Individual developmental sessions may be organised

- a) within the framework of homeschooling,*
- b) in the institution where the nursing and care of the child is provided for.*

### **14. Primary Art School**

## **Section 16**

(1) It shall be the duty of primary art schools to develop art skills, promote art talents and, if required, prepare for the continuation of art studies.

(2) A primary art school shall have not less than six and not more than twelve years, within the framework of which education may be conducted in preliminary training, primary and post-secondary years and in the areas of musical art, fine and applied arts, puppet and drama art and the art of dance. Students may take basic art examination after the completion of the last primary year and take final art examination after the completion of the last post-secondary year, respectively.

(3) In primary art schools operated by the state or participating in performing the tasks of the state, activity comprising six lessons a week and one audition and one art performance per school year as well as the use of the facilities and equipment of the school within the framework of such services shall be provided for a fee for the purposes of acquiring the practice and theory of the major subject.

## **15. Hall of Residence**

### **Section 17**

(1) A hall of residence is an educational institution which provides for the requirements necessary for conducting school studies where it is necessary

*a)* for the students who study far from their residence to exercise their freedom to choose the school or study in a nationality language or in an adapted physical educational institution,

*b)* owing to circumstances at home which jeopardise the physical integrity and mental health or the learning of the student.

(2) Hall of residence education and services other than accommodation may also be provided to students who cannot be provided hall of residence due to the lack of hall of residence capacity (hereinafter: external service). Hall of residence education may be used from the age of ten, in case of children / students with special education needs owing to their physical, perceptual or mental disability as well as children and students participating in nationality education, from the commencement of pre-school education.

(3) A hall of residence may also function as a specialised hall of residence, whether in whole or in part. It shall be the objective of a specialised hall of residence to conduct personalized talent promotion through the elaboration of its own educational programme.

(4) Education in halls of residence shall be conducted according to the local educational programme observing the national core programme of hall of residence education.

(5) The work order of the hall of residence shall be so determined as to comply with the work order of the schools of its students.

## **16. Pedagogical Assistance Services**

### **Section 18**

(1) The educational work of the parents and the teachers as well as the performance of the duties of the educational institutions shall be assisted by pedagogical assistance services.

(2) Pedagogical assistance services are:

*a)* adapted physical education consulting, early development, education and care,

*b)* developmental education,

*c)* the expert and rehabilitation activity examining learning ability, and the national expert and rehabilitation activity,

*d)* educational guidance,

*e)* speech therapeutic care,

*f)* further study and career counselling,

*g)* conductive educational service,

*h)* adapted physical education,

*i)* school psychology and pre-school psychology service,

*j)* promotion of particularly talented children / student.

(3) The detailed regulations of the tasks, operating conditions and performance of duties of pedagogical assistance services shall be defined in a decree by the minister responsible for education.

## **17. Pedagogical Professional Services**

## Section 19

(1) The work of educational institutions, pedagogical professional service institutions and their operators and that of teachers, as well as the activity related to the protection of the interest of students shall be assisted by pedagogical professional services.

(2) Pedagogical professional services are:

- a)* pedagogical evaluation,
- b)* professional counselling and special subject-related tasks,
- c)* provision of educational information,
- d)* public education administration services,
- e)* supporting and organisation of the training, in-service training and self-education of the teachers,
- f)* organisation and harmonisation of study, sports and talent promotion competitions,
- g)* information and counselling service for students.

(3) Operating under nationally uniform professional control, pedagogical professional services may be provided

- a)* within the framework of the performance of the public duty of public education by the state, and
- b)* in educational institutions operated by the church and other operators of educational institutions other than the state or local governments.

(4) Pedagogical professional services may be provided under the professional control of the minister responsible for education. The institutions designated by the minister responsible for education shall organise the pedagogical professional services assisting nationality pre-school education, school education and hall of residence education as well as the services which cannot be efficiently organised on the local level or support the functions of sectoral control.

(5) Within the framework of the performance of the public duty of public education by the state, the pedagogical professional services shall be provided by the institution designated by the minister responsible for education. Educational institutions operated by the state shall be offered pedagogical professional services by the institution designated by the minister responsible for education.

(6) The detailed regulations of the provision of the pedagogical professional services shall be regulated in a decree by the minister responsible for education.

## 18. Multi-purpose Institutions

### Section 20

(1) The following may be multi-purpose institutions

- a)* uniform pre-school and crèche,
- b)* uniform school or complex school,
- c)* public education institution under joint management,
- d)* general community centre,
- e)* uniform adapted physical and conductive education methodological institution (hereinafter: APEMI).

(2) A multi-purpose institution may be established if the financial, material, technical and personnel requirements are provided for the performance of all duties.

(3) A uniform school and a complex school are organizationally uniform institutions in terms of organisation from the perspective of the performance of educational tasks.

(4) From the organisational and professional aspects, a public education institution under joint management shall perform the tasks of different types of educational institutions within the framework of independent institutional units.

(5) From the organisational and professional aspects, a general community centre shall perform the duties of an educational institution and at least one of the functions of culture, arts, public education or sport.

(6) Public education institutions under joint management and general community centres may operate institutional units performing non-public education tasks linked to the educational work.

(7) The following shall be non-public education activities linked to the educational work:

- a)* higher education, public and higher education research, general education, culture, art, library, institutional tasks of museums, and sport,
- b)* all types of child protection, child welfare, social and healthcare services which may be provided to school-age students.

(8) In public education institutions under joint management and general community centres, the performance and control of tasks outside the scope of public education services, the relevant provisions concerning the establishment of the institutional units performing such tasks and the licensing of their activity shall be applicable for the activity provided, with the deviation that the provisions of Sections 21 and 22, Section 25 (1)

and Section 25 (4), Section 67 (6) and Section 67 (7), Section 69 (1), Section 83 (3) and Section 83 (4) shall apply to all institutional units during the establishment and operation of general community centres.

(9) An APEMI may be established for assisting the education of children / students with special education needs together with other children / students. In addition to the duties of the committee of experts, an APEMI may also perform pedagogical assistance services in compliance with its objectives. It may also fulfil the tasks of family support services and school healthcare services. In addition, there shall be an institutional unit operating within the framework of the institution which performs the duties of a pre-school, primary school or secondary school. Within the APEMI, separate institutional units independent from the organisational and professional aspects shall be created for each function.

(10) Where the local government is not obliged to operate a crèche and the number of children does not allow for the establishment of separate pre-school and crèche groups, a uniform pre-school and crèche may be founded for the joint education of children who have turned two and children who may be provided pre-school education. A uniform pre-school and crèche shall accept the application for admission of all children having their residence or, in its absence, temporary residence in the locality. From the organisational and professional aspects, a uniform pre-school and crèche may operate as an independent institutional unit in any multi-purpose institution which may perform the tasks of a pre-school as defined in this Section.

(11) The management of public education institution under joint management and general community centres and the harmonisation of the work of the institutions units shall be assisted by a board of directors, comprising of an identical number of representatives from each institutional unit, which shall take part in exercising the employer's rights, as determined by law.

## **19. Establishing and Termination of Public Education Institutions**

### **Section 21**

(1) A public education institution is an institution founded for fulfilling the public education duties defined in this Act. A public education institution shall be a legal person separated of its operator with an independent budget, and created upon registration, effective of the date of registration.

(2) The establishment of a public education institution shall be reported for registration by submitting the deed of foundation and, where the operator performs the activity not under the authorisation of law, the public deed licensing the performance of public education as public duty, the document proving the name and right of representation of the person entitled to represent the public education institution and the instrument proving the existence of the permanent seat. In regards to budgetary organs, the application for registration shall be made at the body administering the registry records while in all other cases at the government office competent for the registered seat of the public education institution. An institution founded other than by a state organ may only be registered if its operation complies with provisions defined in the plan for the task-performance, the operation of institutional network and the development of public education of Budapest and the counties (hereinafter: public education development plan).

(3) The deed of foundation of public education institutions shall include

- a)* the name and seat of the founder and the operator;
- b)* the official name of the institution as determined by separate legal regulation,
- c)* the type of the institution,
- d)* the location where the institution performs its duties,
- da)* its registered seat,
- db)* its member institution,
- dc)* its site,
- e)* the statutory definition of its basic task and special task,
- f)* the maximum number of children / students who may be admitted to each location fulfilling educational tasks,
- g)* the number of years for each school type,
- h)* in case of primary art education, the branches of art and, within the same, the name of the divisions,
- i)* in case of vocational training, the groups of professions and the name and identification number of the vocational qualification and for vocational secondary schools, the sectors, respectively as defined in the National Register of Vocational Qualifications,
- j)* the assets serving for the performance of tasks and the right to dispose with the assets,
- k)* the rights linked to management.

(4) The costs associated with registration shall be borne by the entity filing the application. The registered data shall be authentic. Any change in the registered data shall be reported within eight days as set forth in subsection (2). The existing and deregistered data of the registry and the deeds of foundation shall be public and accessible to all, notes may be made thereof. Such data shall be accessible electronically, as well.

- (5) The registry shall include
- a)* in terms of the public education institution
    - aa)* the dates of its deed of foundation and its amendment,
    - ab)* its name, the designation of its basic task and special task according to law, and all its locations,
    - ac)* the name of the person entitled for its representation,
    - ad)* its tax number,
    - ae)* all its bank account numbers,
  - b)* the date of registration and foundation,
  - c)* the name of the person entitled to represent the operator,
  - d)* the number of the resolutions of the founder and operator concerning legal succession, transformation, change of operator or institutional reorganisation, and the resolutions comprising decisions,
  - e)* the resolution of the founder or operator on the termination, the deed of termination, the date and method of termination and the place where the documents of the terminated institution are kept in custody.
- (6) If the registered seat of a public education institution changes, it shall be registered once again in accordance with subsection (2) provided that the jurisdiction of the government office also changes. The repeated registration shall not affect the date of the establishment of the public education institution.
- (7) Subject to the final decision on registration, the representative of the public education institution shall request the tax number of the institution and open a bank account within eight days. The tax number and the bank account number shall be reported pursuant to subsection (2) within eight days of their receipt.
- (8) The public education institution shall be cancelled from the registry if
- a)* the operator of the institution resolved to terminate the institution,
  - b)* the operator ceases without a legal successor,
  - c)* the private entrepreneur dies and there is no other rightholder who would continue the operator's activity,
  - d)* the right of the operator for organising public education service ceases or the operator stops to exercise such right,
  - e)* the operator announces that it does not wish to exercise its operator's right any more, except if the operator's right devolves to a new operator as laid down in this Act,
  - f)* the operator does not operate the institution for a period exceeding one pre-school or teaching year,
  - g)* the authority orders that the institution be cancelled from the registry due to a material breach of law or a professional breach of law established in course of the national pedagogical professional audit.
- (9) The government office competent for the registered seat of the terminated institution shall provide for the emplacement of the children / students with the involvement of the government office competent for the registered seat of the terminated institution.
- (10) For the purposes of this Section, "material breach of law" means
- a)* if the public debt of the public education institution exceeds half of the annual budget of the institution and the operator fails to pay the same within one month or, if partial payment is requested, the outstanding debt become due on one month because of non-payment,
  - b)* if the public education institution has an outstanding debt exceeding six months and the operator has not taken measures for its settlement,
  - c)* if the public education institution has failed to remedy, within the time limit set out in the resolution, the breach of law established within the framework of an official audit after the first notification and, subsequently, after supervisory penalty was imposed because of the same breach of law,
  - d)* if the educational work carried out in the public education institution violates public safety, public order, and public health or public morals or is aimed against the rights or liberties of others or if the educational institution fails to meet the requirements necessary for the performance of its duties.
- (11) It shall be a professional infringement if, irrespective of the tasks fulfilled by the institution, the operation of the institution violates the provisions of the National Master Programme for Pre-School Education, the National Core Curriculum, the general curriculum applicable for the institution concerned, or any other educational programme prepared and approved under the authorisation of this Act, or secondary school-leaving examination regulations, the legal regulation on the detailed examination requirements of the secondary school-leaving examination, the national core programme of residence hall education, the guideline on the pre-school education of nationalities, the guideline on the school education of nationalities, the guideline on the school education in bilingual schools, the guideline on the pre-school education of children with special education needs, the guideline on the school education of children with special education needs, or the requirements and curricular programme of primary art education.
- (12) The government office shall notify the organ paying the budget contribution of the deregistration of the educational institution.

## Section 22

(1) Public education institutions shall meet the minimum requirements to fulfil their tasks. A public education institution shall meet the minimum requirements to perform its duties if

- a)* it has a permanent seat or, in case of a site, a permanent site, and rooms necessary for performing its tasks,
- b)* it has its own permanent staff, and
- c)* it has the equipment, documents and policies defined by law and the financial assets necessary for its operations.

(2) A public education institution has a own permanent seat or site if the rooms defined by law, except for those set out in Section 23 (10), are available for its exclusive use for an indefinite term. A public education institution has its own permanent staff if it employs no less than seventy per cent of the number of employees calculated as necessary for performing its basic tasks in employment for indefinite term or under public service employment relationship. As regards multi-purpose institutions, the existence of the own permanent number of employees shall be examined separately for each institutional unit which is independent from the organisational and professional aspects. Public education institutions shall perform their duties using the financial assets provided by the founder or operator and their other income. The maintenance and operation expenses of public education institutions shall be appropriated in the budget drawn up annually and determined by the operator.

(3) Public education institutions may also pursue an activity aimed at making profits it is without prejudice to the performance of their basic tasks. The profit from such activities shall be disregarded when establishing the budget for fulfilling the basic tasks of the public education institution and shall not be abstracted from the institution provided that such profit is used for the performance of basic duties of the public education institution or the remuneration of the students participating in the activity.

### **Section 23**

(1) If the public education institution is founded by other than the government office, commencing its operation shall be subject to licence.

(2) The licence may be issued if the public education institution meets the minimum requirements necessary to its operation as set forth in Sections 22 (1) and 22 (2) and less than six months have passed since its registration. The costs related to the issue of the licence shall be borne by the entity filing the application.

(3) In case of a newly launched form of education, it is sufficient to meet the requirements set forth in Sections 22 (1) and 22 (2) gradually in an ascending system in relation to the years, classes or groups corresponding to the type of the school which do not start in the year concerned. The gradual provision of the conditions shall be audited by the government office annually within the framework of legal control. The operation licence shall be revoked if it is established within the framework of such audit that the conditions undertaken in the schedule according to subsection (5) shall not prevail.

(4) The following shall be attached to the licence application:

- a)* the deed of foundation of the public education institution,
- b)* in case of educational institutions, the educational programme, and in case of other public education institutions, the mid-term and annual work schedules, respectively and
- c)* documents to prove that the personnel and material conditions necessary for the public education institution to perform its duties are available.

(5) In case of a newly launched form of education, by the schedule for the establishment of the personnel and material conditions required for the educational work as defined by separate legal regulation shall be attached to the application. The application and its annexes shall be submitted with the data contents as stipulated by law.

(6) The government office competent for the registered seat of the institution shall have competence for deciding on the issue of the licence. The government office shall obtain an expert opinion in relation to paragraph *a)* of Section (7) and paragraph *b)* of Section (8). The expert opinion shall be issued by a public education expert in case of educational institutions and pedagogical assistance service institutions while in case of pedagogical professional institutions by the background institution appointed by the minister responsible for education.

(7) The government office may refuse issuing the licence if

- a)* the educational programme of the educational institution fails to comply with the stipulations of this Act or its vocational programme fails to comply with the statutory provisions of the Act on Vocational Education and Training,
- b)* the educational institution does not have the personnel and material conditions required for its operation as laid down in this Act,
- c)* in case of a newly launched form of education, the schedule for establishing the minimum requirements are not well-founded or the sources used for covering the expenses necessary for the performance of tasks may not be ascertained from the budget,
- d)* the operation of the institution is not in compliance with the public education development plan.

(8) As regards pedagogical assistance service institutions, pedagogical professional service institutions, the government office may refuse issuing the licence if

a) the institution does not have the personnel and material conditions required for its operation as stipulated in this Act and in a separate legal regulation,

b) the work plan of the institution does not comply with the conditions laid down in separate legal regulations and does not comply with the vocational guideline of the background institution designated by the minister responsible for education.

(9) The licence for the operation of the educational institution may be issued if the educational institution has its own permanent seat and has been founded to operate at least one pre-school group or hall of residence group with maximum capacity, and at least one school class in each year corresponding to the given type of school, and the personnel and material requirements necessary and prescribed by law are met or, in case of a newly launched form of education, the institution gradually creates the same in an ascending system.

(10) The educational institution operated by the church and other than the state or a local government has its own permanent seat if its operator certifies that the right to dispose of the rooms prescribed by law as necessary for performing its tasks is guaranteed for not less than five pre-school years or teaching years. If the seat of the educational institution is situated in a property also used by another educational institution, it also has to be examined in the licensing procedure whether the undisturbed operation of all the educational institutions, the reception of the maximum number of children / students indicated in the deed of foundation and the work of the teaching staffs may be guaranteed in the building.

(11) If the educational institution has other sites besides its seat, it has to apply for a permit for the sites pursuant to this Section. The government office competent for the sites shall conduct the procedure as prescribed in this Section with regard to the member institution operating on the site and shall exercise the powers related to the legal control and official supervision of the operator and the institution with the difference that the government office competent for the seat takes measures to cancel the institution from the register upon request.

(12) If the activities or the seat of the educational institution changes, the operator shall repeatedly apply for the permit with regard to the change.

## **20. The Operating Procedure of Public Education Institutions**

### **Section 24**

(1) Public education institutions are professionally independent. Concerning their organisation and operation, they shall decide upon each matter not referred by law to the competence of another entity.

(2) Pursuant to statutory provisions, teachers, students and parents, and their representatives shall take part in the preparation, implementation and control of decisions related to the operation of public education institutions.

(3) In the premises or on the site of public education institutions political parties, political movements or organisations related to political parties may not operate, furthermore, during such times while children or students are under the supervision of the pre-school, school or hall of residence, no political activities related to a political party or an organisation affiliated with a political party may be pursued.

### **Section 25**

(1) Provisions concerning the operation, internal and external relations of public education institutions shall be regulated by their organisational and operational rules (hereinafter: OOR).

(2) The regulations of a pre-school shall establish provisions on the exercising of children's rights and duties and governing the life of the child at the pre-school. The regulations of a school and of a hall of residence shall establish the manner of exercising students' rights laid down in this Act and in other pieces of legislation, and - except for the fulfilling of learning duties - the manner of fulfilling duties, furthermore, standards of behaviour expected by the school or by the hall of residence.

(3) The regulations may prescribe that objects brought into the pre-school, school or hall of residence by children or students shall be put into safe-keeping or locker rooms, or that they shall be reported. Regulations may prohibit, restrict or tie to certain conditions the introduction of objects not required for attending pre-school or for the fulfilment of duties or exercising rights arising from the legal status of student or from membership in a hall of residence. If prescribed rules are violated, the educational institution shall not be held liable for ensuing damages.

(4) The OOR of public educational institutions and the regulations of an educational institution shall be adopted by the staff of teachers, and in other public educational institutions by the professional staff, upon consultation with the pre-school board, school board, and hall of residence board, respectively. For provisions of



the OOR and of regulations that impose additional obligations on the operator, the consent of the operator is required in order to take effect. OORs and regulations are public.

(5) The educational institution shall procure the supervision of children and students entrusted to it, the creation of a healthy and secure environment for teaching, and the organisation of regular health checks for children and students, including, in particular, that children attending pre-school and students attending primary or secondary school until reaching the age for the end of compulsory schooling shall be involved in dental, ocular and general screening at least once a year.

(6) The educational institution in accordance with the relevant legal regulations – shall investigate and record accidents involving students and children and fulfil its reporting obligations.

The minimum, maximum and average headcount of pre-school groups and school classes is defined in Annex 4. The defined minimum and maximum headcount of pre-school groups and school classes may only be disregarded if it is justified by taking over or admitting a child during the educational or academic year.

(8) In the classrooms, on the inscription board and on the façade of a public educational institution, and on the circular stamp of institutions maintained by the state or by local governments the coat of arms of Hungary shall be put up, and it may appear on the circular stamp of other institutions.

## **21. The Pedagogical Programme**

### **Section 26**

(1) Education in pre-schools, at schools and in halls of residence is conducted in accordance with the pedagogical programme. The pedagogical programme is adopted by the educating staff and approved by the head of the institution. For provisions of the pedagogical programme that impose additional obligations on the operator, the consent of the operator is required in order to take effect. The pedagogical programme shall be made public.

(2) As part of the pedagogical programme of the school, unless otherwise provided for by this Act, a local curriculum shall be developed to complement the framework curriculum issued by the Minister. The local curriculum specifies which of the framework curricula issued by the Minister was chosen and makes provisions for the use of up to ten per cent of the time frame of compulsory and non-compulsory class activities defined in the general curriculum. The hall of residence shall develop its pedagogical programme taking into consideration the pedagogical programme of the school concerned.

(3) If a primary school operates as a full-time day school, its pedagogical programme shall include an educational programme, either issued by the Minister responsible for Education or developed internally and approved in accordance with the provisions of this Act.

(4) Multi-purpose institutions shall use a uniform pedagogical programme encompassing all educational tasks, including a pre-school pedagogical programme, a local school curriculum and hall of residence pedagogical programme for fulfilling specific responsibilities. The pedagogical programme of educational institutions operating within a general community centre shall be included in the pedagogical and cultural educational programme, which also determines the activities of the institutional unit not responsible for public education tasks. The pedagogical and cultural educational programme shall ensure the implementation of both public education and non-public educational tasks according to uniform principles.

(5) A school may introduce its pedagogical programme or its amendment progressively, starting from the academic year following the approval.

## **22. The Order of the Academic year, the Duration of Education, and Other Activities**

### **Section 27**

(1) Unless otherwise provided for by this Act, education in schools shall be organised according to day-time teaching work order within the framework of compulsory and optional, individual or group, classroom or post-curricular activities, and compulsory and optional, individual or group activities at halls of residence.

(2) In primary schools, education shall be organised during the morning and afternoon teaching period in such a manner that activities shall last at least until sixteen hours, furthermore, until seventeen hours - or until such time while students may rightfully stay within the institution – supervision shall be procured. In accordance with the provisions of this Act, a primary school may also operate as a full-time day school.

(3) The order of the academic year, including the teaching year, is defined by the Minister responsible for Education in a ministerial decree. The school shall develop an annual action plan including working days without teaching that may be freely determined.

(4) The number of weekly compulsory lessons, including the number of optional hours, is specified in Annex 6. The school may use the difference between the number of weekly compulsory lessons and the approved weekly time frame for classes in order to hold extracurricular activities and to divide classes.

(5) Making use of the difference between the number of weekly compulsory lessons of the student and the approved weekly time frame for classes, primary schools and secondary schools shall organise sessions for up to three students aimed at developing talents, aiding the inclusion of disadvantaged students and of students diagnosed with adaptive, learning or behavioural disorders, furthermore, activities aimed at the successful preparation of lower grade students. For developing talents and for promoting inclusion, at least one additional hour is ensured for both categories, in excess of the time frame of classes specified in Annex 6.

(6) If required for the successful preparation of a lower (first-to-fourth) grades student, it shall be made possible for the student to take part in individual sessions at least twice a week. This provision shall be applied even in the event that a student of compulsory school age is repeating the same form for the second year or several times because of their failure to meet learning requirements.

(7) For the individual preparation of students with adaptive, learning or behavioural difficulties or because of their special needs, on the basis of the opinion of an expert committee, or of private students due to their serious illness, a school shall dispose of an average of ten hours a week by student in addition to the weekly time frame of classes. The time frame may be reallocated between weeks and students.

(8) In educational institutions catering for children with special education needs, compulsory habilitation and rehabilitation class activities shall be organised for children with special needs, for health and pedagogical purposes. The student shall take part in as many habilitation and rehabilitation class activities for health and pedagogical purposes as necessary in order to reduce the disadvantage stemming from their special needs. The weekly time frame of compulsory habilitation and rehabilitation class activities for health and pedagogical purposes is specified in Annex 6.

(9) Vocational schools shall organise activities five hours per week per student, taken from the number of weekly compulsory class hours, for groups of up to three students if the school is preparing students for musical, classical ballet dancer or circus artist examinations.

(10) If in a combined class form the extent of weekly compulsory curricular class activities and the curricular class frame for the form specified by Annex 6 vary, then the number of curricular classes specified for the higher form shall apply.

(11) In day-time education, in classes teaching subject in cultural domains, schools shall organise daily physical education within five PE classes per week, of which no more than two curricular classes per week may be substituted by

- a) education organisation forms and sports disciplinary teaching specified in the PE provisions of the general curriculum,
- b) sports activities pursued within school sports clubs,
- c) organised training within a sports organisation, based on the request of students who are either certified members of a competitive sports club or have an amateur sports contract.

(12) The school shall procure the organisation of alleviated physical education within the framework of compulsory curricular activities.

(13) A school operating with at least four grades shall ensure the operation of a school sports club. The tasks of a school sports club may also be fulfilled by a students' sports association operating at the school, on the basis of an agreement concluded with the school. For the purposes of organising school sports club activities - by school groups set up by sports disciplines and by activity forms - at least twice forty-five minutes may be ensured. Sports club activities may be conducted by a specialised trainer or a qualified specialist with qualifications as set out in a separate piece of legislation on the register of sports qualifications, who has attended a pedagogical further training of at least 120 hours organised by a higher education institution.

## **Section 28**

(1) Halls of residence shall organise activities by hall groups, within a twenty-four hour time frame per week.

(2) Halls of residence shall organise remedial, talent support and special skills development activities for students admitted to the hall or receiving external care, as well as other extra-curricular activities and individual care for students.

(3) In halls of residence, pedagogical supervision shall be ensured for students who are not at school or not taking part at hall of residence activities. The work order of the hall of residence shall be established in such a

manner that students may regularly visit their home at their discretion. Students may not be obliged to travel home during the academic year - including the duration of mid-term breaks - or during compulsory vocational practice.

(4) In a school, the weekly time frame may be reallocated between grades, classes and teaching weeks during the academic year, and between hall tasks, individual student groups, and between teaching weeks during the academic year, in a hall of residence.

### **Section 29**

(1) In a primary level art school the theoretical and practical teaching of the main subject, and curricular class consultations may also be conducted within the framework of individual sessions. In the musical branch of primary art education, activities may be organised for one to three students, except for preparatory training, out of the weekly curricular class time frame, or three hours per week, if the student is entitled to at least four sessions per week for a duration specified by law, or, if he is entitled to less, then an hour and a half per week. Individual sessions in the musical branch of primary art education shall be ensured, in the case of music and vocal classes, dedicated to one particular student.

(2) A primary art school may operate an art group according to the art discipline concerned, or a choir, furthermore, it may organise learning, vocational and cultural competitions, events and art study excursions.

(3) A primary art school shall establish its teaching time order at its own discretion, taking into consideration provisions regulating the order of the academic year, resting days without teaching and school holidays.

### **Section 30**

(1) In schools the teaching year consists of five-day teaching weeks. Saturdays and Sundays are resting days without teaching. Students are also entitled to resting days without teaching on non-working days. The order of teaching time shall change in accordance with changes in the order of working time due to non-working days, and after the last day of the academic year, at least sixty - in a vocational school, at least thirty - days of uninterrupted summer holiday shall be ensured.

(2) With reasonable justification and upon consent of the operator, teaching weeks may also be organised with six teaching days, making use of Saturdays, in the event that at least sixty-six hours of uninterrupted weekly resting time and the use of foregone weekly resting days may be ensured during the school term, in one or more blocks of teaching holidays.

(3) Upon consent of the operator, the head teacher of the school may order, even without using foregone weekly resting days, the organisation of six-day teaching weeks, as well as the organisation of tuition exceeding the number of weekly curricular classes compulsory for the student, if due to an extraordinary teaching break the transfer and learning of prescribed requirements cannot be resolved.

(4) A student shall be entitled to teaching holidays of a minimum of six days in a row, at least three times per academic year, in accordance with the provisions of the order of the academic year.

(5) If due to extraordinary weather conditions, epidemics, a natural disaster or to other unavoidable reasons, the operation of the educational institution is not possible,

*a)* in the event of an emergency involving the institution, the head of the institution, by concurrently notifying the operator,

*b)* in the event of an emergency involving the locality, the notary, by concurrently notifying the head of the government office,

*c)* in the event of an emergency involving the county and/or the capital city, the head of the government office, by concurrently notifying the Minister responsible for Education, shall order an extraordinary break.

## **23. Particular Rules Applicable to the Operation of Ecclesiastical and Private Institutions, and to Religious and Ethics Education that may be Organised in State Educational Institutions**

### **Section 31**

(1) Ecclesiastical and private institutions may operate and organise their activities in accordance with the particular rules included in this Act, at variance with general rules.

(2) If an educational institution is maintained by a church or another non-state and non-local government entity:

*a)* the educational institution may operate as an institution committed to a religion or ideology, and the acceptance of a certain religion or ideology may be stipulated as a precondition of admission for children or students, and it may be tested in the context of an admission examination procedure,

*b)* out of provisions pertaining to the admission of children and students, provisions on compulsory admission and setting the headcount of classes and groups shall not apply, except for provisions on maximum headcount,

*c)* admission by a pre-school, school or hall of residence, furthermore, pre-school placement, or the maintenance of student status and hall membership – in a written agreement - may be tied to a payment obligation, and concerning the termination - in a written agreement - of pre-school placement, the maintenance of student status and hall membership, whereby the provisions of Section 53, paragraphs (1)–(10) may be disregarded,

*d)* the operator may appoint the head of the institution without a call for applications and further procedure, whereby the provisions of Section 67, paragraph (7), and Section 83, paragraph (3) shall not apply,

*e)* the educational institution – within the framework of a written agreement concluded by and between the operator and the Minister responsible for education (hereinafter: public education agreement) - may take part in the implementation of public educational public service tasks defined in this Act.

(3) If a pedagogical service institution or the pedagogical professional service institution is not maintained by a state entity or a local government, the Minister responsible for education may enter into a public education agreement with the operator.

(4) Within the framework of a public education agreement, education for the children and students will become free of charge, furthermore, provisions governing the admission of children to educational institutions maintained by the state or a local government shall apply, and the provisions of paragraph (2), point *b)* may not be applied.

(5) The public education agreement shall contain the following:

*a)* the educational tasks,

*b)* the number of admissible children or students,

*c)* participation in tasks related to pre-school education, to compulsory schooling and education in the school,

*d)* the funds that may be used by the operator in order to fulfil its tasks, services that will become free of charge to children, students and parents on the basis of the agreement, furthermore, services that may be used for a fee.

(6) The public education agreement shall remain valid for five years. In other respects, the public education agreement shall be governed by the provisions of the Act on the Civil Code (hereinafter: CC) pertaining to the awarding of contracts.

(7) In order to conclude a public education agreement with operators of church and private institutions, the government office and local government competent for the area of its registered office or establishment shall be consulted, and, in the event of nationality education and education, the national self-government of the nationality concerned shall be consulted.

## Section 32

(1) If an educational institution is operated by a church:

*a)* it may apply ideological and religious criteria and prescribe them as preconditions for the employment of teachers and other employees,

*b)* concerning the appointment of deputy heads of institution, the operator shall have the right of consent,

*c)* the operator church may prescribe for the school the selection of a specific general curriculum – out of those issued by the Minister responsible for education - and may determine which textbooks and teaching materials may be used in the institution,

*d)* into its pedagogical programme the operator church may incorporate skills corresponding to its religious or ideological conviction, and into its local curriculum it may incorporate religious education of a content corresponding to the teachings of its church,

*e)* it may restrict or exclude the exercising of the right regulated in Section 63, paragraph (1), point *d)*,

*f)* in its OOR and regulations, it may prescribe rules and standards of behaviour and appearance, rights and obligations and religious activities corresponding to the teachings of the operator church,

*g)* for breach of obligations or omission of duties set forth in point *f)* , disciplinary action may be initiated against a child, student or teacher,

*h)* if religious education is included in the school curriculum as a subject, the religious teacher, employed in excess of the teaching staff headcount defined for state institutions, shall have the necessary religious qualifications obtained at a higher education institution and be appointed by the competent church authority,

*i)* the OOR and regulations of an educational institution and its pedagogical programme shall take effect upon consent by the operator.

(2) If a church has concluded with the Government an agreement covering, inter alia, the implementation of public education tasks, then it shall undertake, through a unilateral declaration sent to the government office competent for the area of the registered office of the educational institution, or, in the event of a pre-school, to the local government concerned, to assist in the implementation of state and local government tasks and undertake the obligation to carry out remedial tasks to help students catch up with standards. On the basis of the unilateral declaration, the government office shall register the institution maintained by the church into the public education development plan. The Hungarian Catholic Church is entitled to make a unilateral declaration on the basis of the agreement concluded by and between the Republic of Hungary and the Apostolic Holy See. The right to make such a unilateral declaration shall belong to the organisational unit of the church invested with legal personality according to the internal rules of that church.

(3) The declaration shall contain the following:

*a)* the educational tasks,

*b)* the number of admissible children or students,

*c)* participation in tasks related to pre-school education, to compulsory schooling and education in the school,

*d)* the period of time for which participation in the implementation of tasks has been undertaken.

### **Section 33**

(1) If, on the basis of a public education agreement concluded with the Minister responsible for education, or on the basis of a unilateral declaration, a non-state operator becomes eligible for additional financial subsidy, the pre-school or primary school maintained by it shall take part in the implementation of tasks imposed on pre-schools or primary schools ensuring compulsory admission. Within that scope, the locality - or, in the case of the capital city, district - where the seat or establishment of the pre-school or school is located shall be considered as an admission district. The operator shall, in conjunction with the government office responsible for the implementation of tasks, or, in the event of a public education agreement concluded with the Minister responsible for education, involving the government office responsible for the implementation of tasks, determine the headcount of children or students whose admission the pre-school or school may not deny. Such a headcount may not amount to less than twenty-five percent of the maximum headcount laid down - for the location specified for the implementation of tasks - in the foundation deeds of the pre-school or school concerned.

(2) If in a locality there is only one pre-school or school, then it shall be obliged to admit children or students whose permanent address, or in the lack of that, place of residence is within the locality and they are of the age for compulsory pre-school education or schooling, provided that the operator has made a unilateral declaration or concluded a public education agreement.

(3) The obligation set forth in paragraph (1) shall not concern the admission responsibilities of pre-schools and schools ensuring compulsory admission.

(4) If an educational institution takes part in pre-school education or school education of national minorities, the provisions of paragraph (1) shall not concern nationality education or the obligation to favour children or students who belong to a nationality. Regarding educational institutions maintained by an ecclesiastical legal person, the provisions of paragraph (1) may apply only if they do not violate the right defined in Section 31, paragraph (2), point *a*).

(5) The government office shall address the Minister responsible for education in order to initiate the suspension of additional subsidy payments if the educational institution fails to comply with its obligation defined in paragraph (1). This provision shall not be applied if the educational institution could not comply with its obligation because the number of applicants for admission was below the number defined in its obligation.

(6) Pre-schools and primary schools maintained by higher education institutions – pursuant to the provisions of paragraph (1) – shall take part in the implementation of compulsory admission tasks.

### **Section 34**

(1) Government offices shall prepare and keep records of public education institutions maintained by churches or other non-state and non-local government entities.

(2) The government office shall conduct at least bi-annual legality checks over the maintenance activities of public education institutions maintained by churches or other non-state and non-local government entities, and

communicate the results thereof to the payment agency disbursing contribution funds from the budget. Within the scope of the legality check, the government office shall verify whether the operator operates the educational institution in accordance with its foundation deeds and operating permit.

(3) In supervising lawfulness, the government office shall call on the operator to stop infringements, and set an appropriate deadline for compliance. If the operator has failed to comply within the set deadline, the government office shall strike the educational institution from the records.

(4) The legality check procedure of the government office shall be subject to the Act on the General Rules of Administrative Procedures and Services as appropriate, concerning official controls.

### **Section 35**

(1) In state primary schools, ethics classes or, alternatively, religious and ethics classes organised by an ecclesiastical legal person shall be included in compulsory curricular class activities.

(2) Religious education may only be organised in such a way that it should fit into the order of pre-school activities in a pre-school, into curricular class activities in a secondary school, and into the order of hall activities in a hall of residence.

(3) While performing tasks related to religious and ethics classes organised by an ecclesiastical legal person, pre-schools, schools and halls of residence shall cooperate with the ecclesiastical legal person concerned. The content of religious and ethics classes organised and supervised by an ecclesiastical legal person shall be determined by the ecclesiastical legal person in accordance with the guidelines of the church concerned.

(4) The ecclesiastical legal person shall be responsible for determining the content of religious and ethics education, for employing and supervising the religious teacher, for organising applications to take part in religious and ethics classes, and for supervising such activities. Pre-schools, schools and halls of residence – with the means available within the educational institution – shall ensure the material conditions for religious and ethics education, including, in particular, the orderly use of the premises, as well as the conditions required for application and operation. For the employment of the religious teacher employed by the ecclesiastical legal person, Section 32, paragraph (1), point *h*) shall apply, whereas the provisions of Annex 3 shall not be applicable. The religious teacher shall have the necessary higher education religious qualifications and be appointed by the competent church authority.

## **24. Special Provisions pertaining to Military and Police Public Education Institutions**

### **Section 36**

(1) Public education institutions for the Hungarian Army and for police forces may only be established or maintained by the Minister responsible for national defence or the Minister responsible for the supervision of police forces, respectively. The Minister may confer the exercising of rights and obligations of the operator, defined in Sections 83-85 - except for their establishment and termination, and the definition and modification of the scope of their activities - to a body, organisation or institution belonging to their branch.

(2) Unless otherwise regulated by an international agreement, the school of the Hungarian Army or of the police forces may admit and keep as student's persons with a clean criminal record, who have Hungarian nationality or are holders of an immigration permit, and are fit for service. In such schools the OOR may exclude the possibility to repeat academic years because of failure to comply with learning obligations.

(3) If a specialised secondary school or a vocational school is preparing its students for fulfilling official duties as professionals of the Hungarian Army or police forces and for obtaining vocational qualifications, its establishment and starting of operation shall be subject to authorisation by the Minister responsible for vocational education and training.

(4) If an educational institution is maintained by the Minister responsible for national defence or the Minister responsible for the protection of law and order,

*a*) a specialised secondary school or a vocational school may operate with a number of grades different from that contained in Sections 12–13,

*b*) in their pedagogical programme, particular national defence and police criteria may be implemented, army regulations and rules and activities pursuant to the Act on the Service Status of Armed Forces Professionals (hereinafter: Hszt by its Hungarian acronym) may be prescribed,

*c*) the OOR and regulations may prescribe for teachers, for persons directly assisting education, and for students' standards of behaviour and appearance, rights and obligations and military training activities prescribed in the Hungarian Army and in the Hszt., furthermore, if such rules and regulations are breached, disciplinary action may be initiated,

- d)* teachers may perform their duties also within a service relationship,
- d)* the operator may appoint the head of the institution without a call for applications and further procedure,
- f)* provisions pertaining to setting the headcount of classes and groups shall not apply, except for provisions on maximum headcount,
- g)* regarding the termination of student status and membership in a hall of residence, the statutory provisions may be disregarded, subject to a written agreement,
- h)* they shall be considered as institutions performing national tasks.

## **25. Rules related to Decisions Made within the Public Education System**

### **Section 37**

(1) The educational institution shall communicate its decisions related to children or students – in the cases and in the form specified in the relevant legal regulations – to the student and to the parent in writing.

(2) The student or parent concerned may initiate proceedings against a decision, action or omission (hereinafter jointly referred to as decision) of the pre-school, school or hall of residence within fifteen days of the communication of such a decision or, in the absence of communication, of becoming aware thereof. However, no proceedings may be initiated with respect to the assessment of the student's conduct and industriousness, or the assessment and qualification of their school achievement. Proceedings may also be initiated also against the qualification of conduct, effort and school achievements, if such a qualification was not performed in accordance with the provisions of the local curriculum applied by the school, or if the procedure related to the qualification was in breach of law or provisions related to student status.

(3) The operator shall proceed and make a decision in the second instance, regarding

- a)* petitions submitted in reference to breach of law; furthermore,
- b)* petitions submitted in reference to violation of interests related to admission to or exclusion from a pre-school, the establishment or termination of student status or membership in a hall of residence, or matters pertaining to students' discipline.

(4) In the procedure regulated in paragraph (3), in an education institution maintained by the state, the government commissioner, in the case of an educational institution maintained by a local government, the notary, and in the case of another operator a person with higher level qualifications obtained in the legal and public administration field, or with higher level qualifications entitling them to fill the position of director in an education institution may proceed.

### **Section 38**

(1) The operator may, in the procedure specified in Section 37, paragraph (3), reject the petition and

- a)* change the decision, or
- b)* abrogate the decision and instruct the educational institution to make a new decision.

(2) Petitions submitted in reference to violation of interests – except for petitions within the scope of competence of the operator – shall be examined by the school board, or, if it does not exist, a committee of at least six members, consisting of members of the parents' community and of the educating staff. As a result of the examination, the school board or the committee may

- a)* reject the petition;
- b)* instruct the individual failing to make a decision to make a decision;
- d)* abrogate the decision and instruct the decision-maker to make a new decision.

(3) The calculation of deadlines for filing a petition, omissions and the procedure related to judging petitions shall be subject to the provisions of the Act on the General Rules of Administrative Procedures and Services.

(4) The student and the parent may request the judicial review of the decision made on a petition submitted to the operator in reference to violation of the law, furthermore – except for petitions filed against decisions imposing reprimand or serious reprimand - a petition submitted in reference to violation of interests, within thirty days from communication, on grounds of legal violation.

(5) The decision of the education institution shall be final, if within the deadline defined in Section 37, paragraph (2) the petition for initiating judicial proceedings was not filed or the submission of such a request was waived. The second-instance decision shall become final when it is communicated. The communication shall be subject to the provisions of the Act on the General Rules of Administrative Procedures and Services.

(6) A final decision shall be executable, except when it had been referred to judicial review. The decision-maker may order the immediate execution of the second-instance decision if justified by the best interests of other students attending the educational institution.

(7) The student or parent concerned may appeal to the government office, and in the case of an examination board operated by the government office, to the central office assigned by a government decree to proceed within the public education competence of the Minister responsible for education (hereinafter: office) - within five days following the decision - on the grounds of legal violation. The appeal shall be judged by the government office or by the office within three working days. The procedure shall be subject to paragraphs (1) and (3)–(6), and to Section 39, paragraph (4), with the provision that failure to lodge the appeal within the specified deadline shall entail loss of right, without the possibility of justification.

### **Section 39**

(1) The person or entity empowered to take action in the public education system shall, upon the proposal of a student council, the educating staff, the school board, the parents' association or the community (hereinafter: parents' organisation), respond in merit within fifteen days, and the local government assembly shall do it at its first meeting after the fifteenth day, at latest.

(2) The school board, student council or the parents' organisation, in the event of violation of their rights, may lodge an appeal to the operator, on grounds of legal violation. The decision of the operator may be challenged in court within thirty days from the notice of the decision, with the exception specified in paragraph (3).

(3) If the decision pursuant to paragraph (2) was made by the assembly of the local government maintaining the institution, legality control may be initiated at the government office.

(4) In court cases pursuant to paragraph (2), and Section 38, paragraph (4), rules regulating public administration lawsuits within the scope of the Act on Rules of Procedure Governing Civil Litigation shall be applied. The court may change the ruling. The court of justice may adjudicate the case without delay.

### **Section 40**

(1) Should a rule of law provide that making a particular decision within the competence of the operator's governance shall be subject to obtaining a preliminary opinion, consent or expert opinion, decisions failing to comply with such provisions may be challenged. A successfully challenged decision shall become null and void from the date of its making. Decisions may be challenged by the aggravated party and any legally interested parties. The challenge shall be notified within three months in writing, and, in the event of unsuccessful notice, validated within fifteen days. The establishment of nullity may be initiated in court, or, if the operator is a local government, at the government office. The three-month deadline shall start on the day when the decision was communicated to the interested party. If that day cannot be ascertained, the fifteenth working day after the decision was made shall be deemed the day of communication. Failure to challenge the decision within the specified deadline shall entail loss of right, without the possibility of justification.

(2) The establishment of nullity shall not affect rights obtained and exercised in good faith.

(3) In the event of the establishment of nullity, the government office or the court may

*a)* order

*aa)* the cessation of legal violation and ban the violator from further violation,

*ab)* the violator to provide satisfaction by making a statement or in an equivalent manner, and to ensure at their own cost to make it public,

*ac)* the restitution of the status before the legal violation, the destruction of the thing resulting from the violation or alter its violating character, at the cost of the violator,

*b)* ban the educational institution concerned and its affiliates, for a specific period of time or until conditions are met, from the establishment of legal relationships with pre-school children, students and members of halls of residence, provided that within the locality it is possible to admit children and students concerned into another institution.

(4) Invalid decisions may be pronounced valid if the grounds for invalidity can be cancelled.

## **26. I. Personal and Special Data Registered and Managed by Public Education Institutions**

### **Section 41**



(1) Public educational institutions and the non-public education institutions performing out public education tasks (hereinafter: institution performing public education tasks) shall keep records prescribed by law, register into the information system of public education, and supply data prescribed within the scope of the National Statistical Data Collection Programme.

(2) Ecclesiastical and private institutions shall record data according to the basic records of public employees, applying the provisions of the Act on the Legal Status of Public Employees, as appropriate. Each public educational institution shall record the education identification number of teachers, the number of their teacher's ID card, the duration of their legal relationship and the amount of their weekly working time.

(3) A public educational institution shall keep records of teachers':

- a) name,
- b) place and date of birth,
- c) sex,
- d) permanent address and place of residence,
- e) particulars concerning their qualifications and field of expertise,
- f) educational identification number.

(4) A public educational institution shall keep records of the following particulars of children or students:

a) the name, place and date of birth, sex, nationality, permanent address and place of residence and social security identification number of the child or student, and, in the event of non-Hungarian nationals, the legal title of their sojourn in Hungary and the designation and number of the legal document entitling them to lawful residence in the territory of Hungary,

b) the name, permanent address, place of residence and telephone number of their parent or legal guardian,

c) particulars concerning the pre-school development of the child,

d) particulars concerning the legal status of the child at pre-school or that of a student at school,

da) particulars concerning their admission,

db) the basic public educational task targeted by the legal relationship,

dc) particulars concerning the interruption or termination of the legal relationship,

c) particulars concerning the omissions of the child or student,

de) particulars concerning a child or student in need of extraordinary attention,

df) particulars on accidents involving children and students,

dg) the educational identification number of a child or student,

dh) measurement identification,

e) particulars concerning the legal status of student:

ea) particulars on the legal status of private students,

eb) particulars on the assessment and qualification of the student's conduct, industriousness and knowledge, and examination data,

ec) in the event of adult education, particulars concerning the work order of the education,

bg) data pertaining to students' disciplinary and compensation issues,

aj) serial number of the students' identity pass,

ef) particulars concerning textbook supply,

eg) data on repetition of academic years,

eh) the date and reasons of the cancellation of the student's legal relationship,

f) national evaluation and assessment data.

(5) Data contained in paragraphs (2)–(3) – pursuant to this Act and observing the purposefulness pertaining to the protection of personal data – may be forwarded to the operator, payment agency, court, police, prosecutor's office, the public administration body exercising governance activities related to public education, the entity empowered to control the provisions related to the performance of work, and to the national security service.

(6) public education institution may handle the personal data of their employees in relation to employment, the establishment and performance of benefits, discounts and obligations, in relation to the exercise of citizens' rights and obligations, out of national security reasons, for the purposes of managing records specified by law, to the extent required for the purpose and tied to the purpose. In the event of those entitled to a teacher's ID card specified in Section 63 (3), all the information required for issuing the teacher's ID card may be forwarded to the operator of PEIS - defined by law - and to those assisting the preparation of the teacher's ID card.

(7) From the particulars of a child or student,

a) their name, place and date of birth, permanent address and place of residence, the name of their parent, the name of their legal guardian, the permanent address, place of residence and telephone number of their parent or legal guardian, the day of the commencement, interruption and termination of their legal relationship, legal status

as private students, number of omissions in order to establish their residence, in connection with the existence of their legal relationship, fulfilment of compulsory schooling obligation, may be forwarded to the operator, court, police, prosecutor's office, the notary of the local government, public administration body and to the national security service,

*b)* particulars concerning their admission or transfer to pre-school or school may be forwarded to the pre-school or school concerned, and particulars concerning their admission to a school or higher education institution to the higher education institution concerned,

*c)* their name, place and date of birth, permanent address and place of residence, social security identification number, the name of their parent, the name of their legal guardian, the permanent address, place of residence and telephone number of their parent or legal guardian, pre-school and school health documentation, particulars on accidents involving the child or student, in order to establish their health condition, may be forwarded to the healthcare or school-healthcare institution,

*d)* their name, place and date of birth, permanent address and place of residence, the name of their parent, the name of their legal guardian, the permanent address, place of residence and telephone number of their parent or legal guardian, particulars concerning the omissions of the child or student, particulars concerning a child or student in need of extraordinary attention, in order to explore and stop their endangerment, may be forwarded to the institution or organisation responsible for family protection or child and youth protection,

*e)* their data required for judging eligibility for state subsidy, in order to apply for such subsidy, may be forwarded to the operator,

*f)* their data required for issuing an invoice may be forwarded to textbook distributors,

*g)* the data of their certificates issued on the basis of state examinations may be forwarded to the entity responsible for keeping records of certificates, for the purpose of registration, furthermore, that entity may forward them to the entity responsible for the registration of applications for admission to higher education institutions.

(8) The particulars of the child or student,

*a)* concerning their special education needs, adaptive problems, learning difficulties and behavioural difficulties may be exchanged between the institutions of the pedagogical service and educational institutions,

*b)* concerning their pre-school development and data on their development required for entering school may be transmitted to the parent, the pedagogical service and the school,

*c)* concerning the assessment of the student's conduct, industriousness and knowledge may be transmitted inside the class concerned, within the teaching staff, to the parent, examination board, to the organiser of practical training, to the subjects of student contract, or, if assessment is not conducted within the school, to the school, and, in the event of changing schools, to the person responsible for professional supervision,

*d)* required for issuing their student pass may be transmitted to the operator of PEIS – defined by law – and to those assisting the manufacturing of the student pass.

(9) Furthermore, the educational institution shall keep records of data required for judging and certifying eligibility for benefits ensured by law. Such a purpose may involve the handling of data to ascertain the personal identity of the eligible person and their eligibility for a benefit.

## **Section 42**

(1) Teachers and employees directly assisting educational work, furthermore, those who take part in the supervision of the child or student shall be subject, by virtue of their profession, to the obligation of confidentiality concerning all such facts, data or information related to the child, student or their family that came to their knowledge during contacts with the child, student or their parents. Such an obligation shall apply indefinitely, even after the termination of their employment relationship. The confidentiality obligation shall not include internal conversations between members of the educating staff in relation to the development of the student.

(2) Any data related to their child may be communicated to the parents of children or minor students, except for cases when the communication of such information would seriously harm the physical, intellectual or ethical development of the child or student.

(3) Teachers and employees directly assisting educational work shall be obliged to inform without delay the competent child welfare service, through the head of the educational institution, if in their opinion the child or minor student has come or may get into a situation of serious endangerment, due to their own conduct or that of others. In such situations the consent of the person otherwise empowered to dispose with data is not needed in order to forward information.

## **Section 43**

(1) The institutional procedure of data management and forwarding shall be defined in the document management regulations of the public educational institution, or, if they are not obliged to produce such regulations, in a data management procedure issued in attachment to the OOR of the public educational institution. The duration of data management may not exceed the duration of filing office safekeeping. Concerning the preparation and modifications of the data management regulations of a public educational institution, parents' organisations and the governing body of the school or hall of residence shall be entitled to the right of consultation. Data forwarding shall be the responsibility of the head of the public educational institution, and - within the scope of their empowerment - a manager or other employee empowered by him.

(2) Parents' consent to voluntary data supply shall be kept until the expiry of statutory limitation.

(3) Data listed under Sections 41–43 may be used for statistical purposes and may be transmitted for the purposes of statistics upon rendering them unfit for personal identification.

#### **Section 44**

(1) The public education information system (hereinafter: PEIS) contains, within the framework of central records, data on operators, institutions, employment, children and students necessary for national economy level planning. The Minister responsible for education shall be liable for the legality of data management performed within the framework of PEIS.

(2) The institution performing public education tasks, the notary, the public administration body exercising control activities related to public education, the operators of institutions assisting the performance of tasks defined in this Act, and the institutions shall supply data into PEIS.

(3) The operator of PEIS shall issue an educational identification number to those who are

- a)* children attending pre-school,
- b)* students attending school,
- c)* employed in a teaching position,
- d)* employed in a position directly assisting educational work,
- e)* employed in a position of pedagogical clerk or pedagogical expert,
- f)* employed as teachers on contract.

(4) One person may only have one educational identification number, and in order to ensure this, the records pursuant to paragraph (3), points *a)–b)* and *c)–e)* and the student and employee personal data files of the higher education information system may be interconnected.

(5) The records pursuant to paragraph (3), points *a)–b)* (hereinafter: student records) shall contain a child's or student's

- a)* name,
- b)* sex,
- c)* place and date of birth,
- d)* social security identification number,
- f)* educational identification number.
- f)* mother's name,
- d)* permanent address and place of residence,
- h)* nationality,
- i)* special education needs, and the fact of having adaptive, learning and behavioural difficulties,
- j)* number of student pass,
- k)* concerning their legal relationship, whether he is a private student, whether of school age, and the start and termination of the interruption of their legal relationship,
- l)* the start and termination of their legal relationship,
- m)* the name, address and OM identification of the educational institution,
- n)* the fundamental public education task as the basis of their legal relationship,
- o)* the place where he is educated and taught,
- p)* in the event of adult education, data on the work order of the education,
- q)* the expected completion of their studies and
- r)* academic year.

(6) Personal data from the student information system may only be transmitted – except to the person concerned – , for the purposes of establishing eligibility for particular benefits tied to student status, to the entity providing the service or entitled to control its legitimate use, furthermore, to the central body responsible for keeping personal data and permanent address records. The operator of PEIS shall send electronically the natural identification data and permanent address of the person registered in PEIS, with the purpose of identification to

the central body responsible for keeping personal data and permanent address records. Upon successful identification, the central body responsible for keeping personal data and permanent address records shall establish a contact code and send it to the operator of PEIS. The central body responsible for keeping personal data and permanent address records shall inform the operator of PEIS via the contact code of any changes in the natural identification data and permanent address of the identified natural person. The operator of PEIS shall ex officio input into PEIS any changes in data coming to their knowledge pursuant to this paragraph, and concurrently notify the public education institution thereof. Data may be kept in the student information system for thirty years from the notification of the termination of student status except when during this period the person concerned is re-registered in the records.

(7) The records pursuant to paragraph (3), points *c)–f)* (hereinafter: employee records) shall contain the employee's

- a)* name and mother's name,
- c)* place and date of birth,
- c)* educational identification number and teacher's ID card number,
- d)* data on qualifications: name of the higher education institute, number of the diploma, the degree, vocational qualification and date of awarding the degree, vocational qualification, teacher's certification examination or PhD,
- e)* job title,
- f)* the employer's name, address, and OM identification number,
- g)* place of work performance,
- h)* time of commencement of legal relationship, the time and legal grounds of its termination,
- i)* management position,
- j)* classification,
- k)* duration of legal relationship and employment,
- l)* amount of working hours,
- m)* period of durable absence.

(8) In case of teachers on contract, the title of their subject and occupational session shall be supplied.

(9) Personal data from the employee register may only be transmitted, except to the person concerned, for the purposes of establishing eligibility for particular benefits tied to occupation to the entity granting the benefits or entitled to control its legitimate use, furthermore, within the scope of ensuring the accuracy, integrity and timeliness of data, and within the scope of the procedure for requesting a teacher's ID card, for the purposes of identification, to the entity responsible for personal data and permanent address records.

(10) Data may be administered in PEIS for ten years upon registering the termination of employment of the person concerned, except if the person concerned re-registers into the system in the meantime.

(11) The operator of PEIS shall send electronically the natural identification data and permanent address of the person registered in PEIS with the purpose of identification to the central body responsible for keeping personal data and permanent address records. Upon successful identification the central body responsible for keeping personal data and permanent address records shall establish a contact code and send it to the operator of PEIS. The central body responsible for keeping personal data and permanent address records shall inform the operator of PEIS using the contact code of any changes occurring in natural identification data and permanent address of the identified natural person. The operator of PEIS shall ex officio input into PEIS and concurrently notify the public education institute of any changes in data coming to their knowledge pursuant to this paragraph.

(12) In case of an application for social security number, the authenticity of the social security number is electronically verified by the operator of PEIS against data records kept by the national healthcare entity. In the event of discrepancy, provisions governing the accuracy of personal data and permanent address shall be applied.

## **27. The Rights and Obligations of Children and Students, and Compulsory Education**

### **Section 45**

(1) Every child is obliged to participate in institutional education in Hungary as prescribed by this Act.

(2) Children are said to be of school age in the calendar year when they turn six years of age by 31st August, or in the following year at latest. A child for whom it is recommended, on the basis of the expert opinion of a committee of experts, to stay in pre-school for one more year, shall be involved in pre-school education for another year and become of school age subsequently. The completion of compulsory education starts on the first day of the academic year. If a child reaches the stage of development necessary to pass to school earlier, at the

request of the parent the government office may authorise such children, on the basis of the opinion of a committee of experts, to pass to school before they turn six years of age.

(3) Compulsory education lasts until a student turns sixteen years of age. The compulsory education of students with special educational needs may be extended until the end of the academic year when they turn twenty-three years of age. The decision on the extension of compulsory education on the basis of the expert opinion of the committee of experts shall be made by the head teacher of the school.

(4) the beginning of compulsory education shall be decided by

- a) the head of the pre-school,
- b) if the child had not attended pre-school, by the committee of experts, on the basis of examining the child's ability to pass to school,
- c) at the request of the head of the pre-school, the head teacher of the school or the parent, by the committee of experts, on the basis of examining the child's ability to pass to school,

(5) Compulsory education may be completed by school attendance or, at the request of parents, as a private student, provided that it would not be of disadvantage for the successful continuation and completion of their studies.

(6) If the head teacher deems it disadvantageous for a student to complete their compulsory education as a private student, or the student may be expected not to complete their studies begun as a private student, they are obliged to inform the government office competent where the child's domicile or, in default of this, place of residence is, which decides, upon asking for the opinion of the office of the public guardian and the child welfare service, how the student should complete their compulsory education. In the case of multiply disadvantaged children the opinion of the child welfare service shall be obtained before the decision of the head teacher of the school is made.

(7) Compulsory education may be completed at primary school, at secondary school also within the scope of the Public Education Bridge Programme, or in rehabilitation education.

(8) The notary shall ensure the registration of children obliged to attend pre-school education and of children of school age, regularly supply data from the records to the government office, and ex officio order and supervise the completion of compulsory education and appearance before expert examinations.

(9) In the case of unjustified absences of a student of school age, the government office where the child's or student's domicile or, in default of this, place of residence is, shall perform the tasks referred to its competence by an Act or government decree.

(10) The government office shall send the records kept on pre-school children and those of school age to the pre-school or primary school competent where the child's domicile or, in default of this, place of residence is.

## **Section 46**

(1) Students shall be obliged to

- a) participate in the compulsory and optional activities, and at other occupations and practical training lasting until sixteen hours at primary schools,
- b) fulfil their study obligations by regular work and disciplined behaviour, in compliance with their abilities,
- c) co-operate in keeping their own environment and the aids used by them in order and in preparing and concluding the lessons, hall of residence activities and events under the supervision and, if necessary, direction of teachers, as specified in the rules of the house, conforming to their age and stage of development as well as to their hall of residence and school engagements,
- d) comply with the order of usage of the curricular and extra-curricular activities at school, the hall of residence activities, the rooms of the school and the hall of residence and the areas belonging to the hall of residence as well as the order of the practical training and the provisions of the codes of the school and the hall of residence;
- e) protect their own health and corporal integrity and those of their peers, upon consent of their parents participate at health screening tests, master and apply the knowledge protecting their health and safety, and report to the teacher performing their supervision or another employee without delay if they observe an accident or a state or activity endangering themselves, their peers, the employees of the school or hall of residence or others,
- f) retain and handle the aids they are left in charge of or use in course of the teaching in compliance with the provisions and shield the facilities and the equipment of the school,
- g) respect the human dignity and the rights of the management, the teachers, the employees of the school or hall of residence and their fellow students, and help their peers in need,
- h) comply with the provisions stated in the organisational and operational code of the school or hall of residence and in the rules of the house,

(2) The personality, human dignity and rights of a child /student shall be respected, and protection has to be provided for them against physical and mental violence. Children and students may not be subject to corporal punishment, torture or cruel and humiliating retribution or treatment.

(3) Children and students have the right to

*a)* receive education in compliance with their abilities, interest and faculties, - freely exercising their right defined in Section 2, paragraph (1) of this Act - continue their studies and participate in primary art education in order that their talent should be recognised and developed,

*b)* be educated and taught in safety and in a healthy environment at educational and educational institutions, and to have their daily routine at the pre-school and their school study order formed by building periods of rest, leisure and physical exercise in and by giving opportunities for sport and eating in compliance with their age and stage of development,

*c)* receive education in compliance with their particular national status,

*d)* information and knowledge imparted to them in an objective and multifaceted manner in the course of teaching in the whole pedagogical programme and activity of state schools,

*e)* use pre-school, school and hall of residence service at church or private institutions and receive religious and ethics education and instruction organised by a church legal person at state and local government educational institutions,

*f)* respect of their human rights by the pre-school, school or hall of residence, with special regard to their right to the free evolvement of their personalities, to free self-determination, to the freedom of action, to family and private life; however, the exercise of these rights may not violate other people's assertion of the same rights, endanger their own health and corporal integrity or those of their peers and of the employees of the educational institution, or the creation and maintenance of the necessary conditions for the assertion of the right to education,

*g)* receive particular care – special nurture or care with the purpose of rehabilitation – in compliance with their conditions and personal endowments; they shall appeal to the institution of pedagogical assistance service, irrespective of their age,

*h)* address the Office of the Commissioner for Educational Rights.

(4) Children and students have the right to receive meals and school equipment free of charge or at a reduced price at the educational institution at their request, depending on their family's financial circumstances, and to be partly or wholly exempted from paying the costs payable by them pursuant to this Act or to be given permission to defer the completion of their financial obligations or to pay in instalments.

(5) In years first to eight of school education, and in nationality or rehabilitation education the State shall ensure that students receive textbooks free of charge.

(6) The right of the student, in particular, is

*a)* to receive hall of residence education,

*b)* to choose subjects, activities and teachers within the framework of the pedagogical programme,

*c)* to make use of the instruments available at school and hall of residence, the facilities of the school, the hall of residence and the library services of the school and the hall of residence,

*d)* to be subject to regular health supervision and care,

*e)* to have access to information necessary to exercise his/her rights and be informed about the necessary procedures to use these rights,

*f)* to participate in the work of students' study circles, initiate their establishment and become member of school, cultural, artistic, popular science, sports and other circles,

*g)* with respect to human dignity, to express his/her views on any issue, on the work of teachers educating him/her, on the operation of the school and the hall of residence, and to receive information concerning his/her person or studies, furthermore, to make proposals in that respect and ask questions from the heads or teachers of the school and the hall of residence, from the board of the school and of the hall of residence, the student council and to receive substantive replies within fifteen days – from the board of the school and the hall of residence on the first meeting upon the fifteenth day,

*h)* to have his/her religious, ideological and other convictions and national identity respected and to be able to express such convictions, in case exercising these rights does not collide with any regulation, or the right of others and does not limit the right for study of his peers,

*i)* in line with legal provisions, to enter into guest student status,

*j)* in case of a breach of his/her rights, to launch a procedure as defined by law and to turn to the public,

*k)* to participate personally or through his/her representative in the decision-making procedure of issues concerning his/her interest, in line with legal stipulations,

*l)* apply for a release from the participation in the activities,

*m)* on his/her request, make an account on his/her knowledge before an independent examination board, in a procedure defined by law,

*n)* to request his/her transfer to another educational institution,

o) to elect and be elected in student organisations,

p) to turn to the student council for the representation of his/her interest, and request remedy in line with the stipulations of this Act,

q) on his/her request, to receive social subsidies and social allowance in justified cases, in case the budget has appropriated funds for such benefits.

(7) While exercising his/her rights, the student shall not infringe the rights of his/her peers and community.

(8) In case of an adult students of proper capacity, the provisions of this Act on the parents' rights and obligations shall not apply. Should this Act or the regulation issued for its implementation define obligations for the parents, the parents' organisation or the parents' representative, the fulfilments of these obligations and the exercise of the rights shall be transferred to the students, except in case of delegation to the school board, to the student council or the students' representative in case of adult students. Should an adult student not have his/her own income and share the same household with his/her parents, the parents shall also be informed on the termination of student status or the membership in the hall of residence, on the completion of the compulsory education and on school or hall of residence decisions resulting in payment obligation.

(9) Unless the educational institution and the student agree otherwise, the educational institution has the ownership right over the output of anything the student has produced during the period of his student status or while fulfilling his/her obligations as member of the hall of residence, with the proviso that the education institution provided for the material and other conditions for such output. The student is entitled to receive a fee as defined in the OOR, in case the education institution has an income from the sales or the use of the property acquired in this manner. If the product is deemed to be intellectual property under the regulations of the CC, the regulations shall apply with the amendment that the transfer of the intellectual property to the employer within the framework of employment or similar relationship shall be subject to the regulations on the transfer of intellectual property.

(10) If the school or the hall of residence does not acquire the property rights related to the product, it shall be obliged, on request, to return such rights to the student at the termination of the student status by latest. Custody shall be covered by the custody rules of the CC.

(11) In a case defined in paragraph (9), the student is entitled to an appropriate remuneration. The educational institution and the student - in case of a minor student under the age of 14 with consent of his/her parents – shall agree on the appropriate remuneration in case the revenue comes from the sales or use of occasionally and uniquely prepared product. In case of products regularly prepared within the framework of the education as part of the education process, the appropriate remuneration shall be defined as deduction from the profit of all participants involved in the full education process. The relevant rules shall be defined in the OOR in a manner considering the student's performance.

(12) The stipulations of paragraphs (9) and (11), in terms of the fees students in vocational training are entitled to, shall not apply in case the student has concluded a student contract for his/her vocational training.

(13) Upon the student's request the school shall initiate the issue of a student's card at the operator of PEIS (public education information system). The operator of PEIS shall be responsible for the preparation of the student's card. The student's card is a public document. The student's card contains the number of the card, the name of the student, his/her date and place of birth, residence and in case of students above the age 14, their signature. The student's card includes, furthermore, the photograph of the student, his/her identity number, the name and address of the school, the expiry date of the student's card and the type and the data concerning the validity of the card. The student's card is an identity card appropriately equipped for electronic data verification and data storage. In the process aimed at issuing the student's card, unless otherwise provided by law, the public education institution shall submit the request to issue the student's card and launch other procedures as defined by the regulations. In the course of this procedure, the public institution, unless the law stipulates otherwise, shall contact the operator of PEIS through a system capable of central data provision, in an electronic manner. The operator of PEIS shall maintain a register of the personal data required for the application and the issuing of the student's card, the data of the public education institution, the individual identity number of the student's card, the serial number of the issued validation stamp, and all other non-personal type of data required to verify and register the eligibility. The operator of PEIS shall cooperate in issuing the student's card and handle all data it acquired within the framework of the issue of the card for five years after its expiry date.

## **28. Educating Students with Special Education Needs and with Difficulties in Integration, Learning and Behaviour**

### **Section 47**

(1) Children /students with special education needs have the right to receive special education, adapted physical

and conductive education within the framework of special treatment, after their eligibility was determined. The education of special treatment shall be provided for in line with the expert opinion of the committee of experts.

(2) The parent shall select the educational institution that provides appropriate education for students with special education needs on the basis of the expert opinion of the relevant committee of experts, in consideration of the needs and the possibilities of parents and children.

(3) The pre-school education of children with special education needs, and of students in education institutions and halls of residence shall be conducted in an adapted physical education institution established for this purpose, in a conductive education institution, in a pre-school group or school class, partly or fully together with peers and students in the same pre-school group or school class (hereinafter: pre-schools and schools, hall of residence involved separately, jointly or partly in the education of children / students with special education needs together: educational institution involved in adapted physical education).

(4) The education of children / students with special education needs require the prevalence of the following conditions:

*a)* the involvement of a special needs teacher, conductor with appropriate skills to educate children / students according to the type and the rate of their special education needs, special curricula, course books and other instruments,

*b)* in case of individual educational plans, integrated pre-school education, school education, developmental education and developmental teaching, a special needs teacher with special qualifications in line with the requirements set by the committee of experts, furthermore, special curricula, course books for the classes and special medical and technical equipment,

*c)* the committee of experts' decision on the areas to be developed.

(5) The pre-school group providing special education for the child and the school class providing special school education shall be established on the basis of the type of special education needs. The educational institution involved in the adapted physical education of children / students shall provide for medical and educational habilitation and rehabilitation services to children / students.

(6) In the interest of children / students, the government office may oblige parents to appear with their child at the expert examination and to enrol their child to the education institution on the basis of the expert opinion. Should the parents repeatedly fail to fulfil their obligation, in spite of the request, the government office shall inform the responsible child-welfare services at the place of residence, or if not available, at the temporary residence of the child. The committee of experts may not nominate an institution which is not able to accommodate children / students for reason of a lack of available places. To facilitate the participation at the expert examination, travel costs shall be reimbursed to the parents by the social security.

(7) When calculating the number of students in pre-school groups, school classes or groups in hall of residence, special education needs students with mild mental retardation, physical development disturbances or speech disorder shall be considered as two; children / students with sensory or locomotor disturbances, moderate mental retardation or autism spectrum disturbances, and with multiple disabilities shall be considered as three in case they are educated together with the other children / students.

(8) In case children / students have integration, learning or behavioural difficulties, they are entitled for developmental education. The developmental education may be conducted within the framework of education consultancy, pre-school education, school education and education in the hall of residence.

(9) In educational institutions involved in adapted physical education

*a)* special qualification for adapted physical education teacher, conductor, pre-school conductor teacher, conductor teacher and therapist is required in line with the type of disability, in case the primary objective of pre-school activities and classroom education is

*aa)* the decrease of disadvantages stemming from special education needs,

*ab)* medical and educational habilitation and rehabilitation,

*ac)* education of mentally disabled students in adapted physical education institution, pre-school group and school class,

*b)* qualification or professional qualification is required in line with the general provisions or under point *a)*,

*ba)* in case the pre-school activities, classroom activities do not primarily target the decrease of the disadvantages deriving from the special education needs or do not focus on the medical and educational habilitation and rehabilitation of the student,

*bb)* to provide other activities and activities in a hall of residence,

*c)* special needs teachers with 'complex' higher level state approved language certificate or equal document may also provide foreign language training for students with mild mental retardation.

(10) Experts with appropriate professional qualification as required for the education of children / students with special education needs may also be provided through the mobile network of special needs teachers. The organisation and operation of the mobile network of special needs teachers is the responsibility of the government office.

(11) The framework of talent promotion is defined by the National Talent Programme, supported by the



National Talent Fund. The National Talent Programme and Fund are controlled by the minister responsible for education and are operated in line with the legal regulations. The National Talent Programme may set targets for public education institutions and include the financing method of the tasks.

## **29. Student Communities, Student Council**

### **Section 48**

(1) Students of a school / hall of residence may establish student circles to organise their joint activities in connection with education, to educate for democracy and public responsibility, in line with the school regulations; the establishment and operations of such circles are supported by the teaching staff.

(2) Student circles have the right to decide, after the opinion of the teaching staff is heard, on planning and organising their own community life, electing their functionaries and are entitled to represent themselves in the student council.

(3) Students and student circles may create student councils to represent students' interests. The teacher with higher teacher qualification nominated for this task by the head of the institution on the basis of the student council proposer for a period of five years shall support the work of the student council.

(4) The student council shall be requested to express its opinion

*a)* before statutory regulations of the school's OOR are accepted,

*b)* before determining the principles of providing social benefits for students,

*c)* on the use of youth policy funds,

*d)* prior to the approval of school regulations.

(5) The establishment, operations and the legal status of student councils operating at the institutions and the general community centres shall be covered by the regulations on student councils.

## **30. Admission to Pre-school, Start and Termination of Student Status and of Hall of Residence Membership**

### **Section 49**

(1) Pre-school admission / takeover is based on application. The child shall be admitted to the pre-school, with the exception defined in this Act, after the child turns three. Parents may request the pre-school admission or takeover of their child at any point of time; the admission of children is continuous.

(2) The child shall primarily be admitted to or taken over by the pre-school in the vicinity of his/her residence or of a parent's workplace. The head of the pre-school decides on the admission / takeover. Should the number of applicants be above the number of children to be admitted, the head of the pre-school or, in case the operator of the pre-school has several establishments, the operator of the pre-school shall organise a committee to make a proposal for the admission.

(3) The local government shall announce the boundaries of the area the pre-school admits children from and the pre-schools' opening hours. The pre-school is obliged to admit / take over children with pre-school obligation if their place of residence, or in its absence, their temporary residence falls within this area (hereinafter: pre-school providing mandatory admission).

(4) The head of pre-school shall decide on the group arrangement of the children admitted to pre-school after consultation with the parents and the pre-school teachers.

### **Section 50**

(1) Student, including private students as well, have student status in their school. The student status is established as the result of admission or takeover. The admission and takeover is based on application. The principal of the school shall decide on the admission or takeover. The student status shall be created on the day of enrolment. The student is entitled to exercise his/her rights based on student status from this point of time. Exercising certain rights may be subject to commencing the first school year as defined by legal or school regulations.

(2) The secondary school and the hall of residence may determine, within the framework of statutory provisions, the study requirements of student status, hall of residence membership (hereinafter: admission requirements). The secondary school and the hall of residence shall publish the admission requirements as part of the admission

information at the point of time defined by the decree on the order of the school year. The vocational school may require the fulfilment of health and aptitude requirement examinations in line with the vocational regulations for the admission. The aptitude requirements shall be published in the admission information.

(3) The following shall not be organized:

*a)* preparation courses for entrance examination for fee,

*b)* entrance examinations in primary schools.

(4) Secondary schools may organise central written entrance examinations in line with the stipulations of a separate legal regulation. Local entrance examinations may only be organised parallel with the central written test, exclusively if the average number of applicants in three years prior the year of admission is double the number of students to be admitted.

(5) In case of advanced sports and arts education, primary schools may also organize professional aptitude tests on the basis of the schools' pedagogical programme.

(6) The primary school is obliged to admit or take over school-age students if their residence, or its absence, their temporary residence is in its area (hereinafter: school providing mandatory admission). Should there be several primary schools in a locality, school areas shall be defined so that an even distribution of students with multiple disabilities is guaranteed among the different educational institutions.

(7) Students of school age shall be enrolled in the first year at the point of time defined by the government office, or in case of institutions operated the local government, as defined by the local government. The time of enrolment shall be published in the usual local manner.

(8) The government office shall define and publish the admission area of the schools and, in line with the public education development plan, the operation area of the institutions offering pedagogical assistance services. To define the admission areas, the government office shall obtain the opinion of the local governments concerned.

(9) Before defining the operation and admission areas of educational institutions responsible for the education of students with special educational needs in several counties or regions, the government office competent in the seat of the institution must obtain the opinion of the government offices concerned.

(10) Before defining the operation and admission areas of the educational institution responsible for the pre-school and school education of children belonging to nationalities, the agreement of the nationality self-government concerned, and in case of schools with national duties, the consent of the nationality self-government with nation-wide competence shall be obtained.

(11) Stipulations of paragraph (6) shall be applied for schools operating as member institutions.

## **Section 51**

(1) In case the primary school, after the fulfilment of its mandatory admission responsibilities, is in the position to provide for further admissions / takeover requests, priority shall be given to children / students with multiple disadvantages. Additional admission requests shall be decided upon on the basis of the pedagogical programme of the institution.

(2) The information on additional admission possibilities shall be published in the usual local manner, at least fifteen days prior to the first day of the submission period of admission and takeover requests.

(3) In multi-purpose institutions, students completing their primary school studies shall continue their education on the basis of the pedagogical programme in the appropriate type of school.

(4) The group or class arrangement of students admitted to the school shall be decided by the principal, after consultation with the professional team of teachers of the same subject, or if not available, the teaching staff.

(5) Students with special education needs and integration, learning, behavioural difficulties shall be offered a longer preparation period at the entrance examination in justified cases; during the written or oral tests, they shall be granted the possibility to use the tools generally used during their studies; and the organisation of the examination shall be adapted to their capabilities.

(6) In case of equal conditions, applicants belonging to nationalities shall be given priority and shall be admitted or taken over by schools or classes also providing nationality education.

## **Section 52**

(1) The student may request his/her admission to a hall of residence or ask for external accommodation through the school or directly.

(2) The admission to an independent hall of residence shall be decided upon by its director; admission to a non-independent hall of residence by the principal of the school in agreement with the head of the hall of residence. The arrangement of students admitted to the hall of residence to its different activities shall be decided by the principal of the school or the head of the hall of residence after consultation with the teaching staff of the hall of residence.

(3) On the initiative of the guardianship authority, students shall be admitted to the hall of residence. Students

participating in full-time education shall be admitted to the hall of residence in case their accommodation in a children's home ceased due to their coming of age.

(4) The admission to a hall of residence or the external accommodation as defined in paragraph (3) is valid until the end of the student status, otherwise for one school year.

### Section 53

(1) Pre-school education ceases

- a)* when the child is taken over by another pre-school, on the day of takeover,
- b)* on request of the parents, the municipal clerk allowed the child to dropout from pre-school education,
- c)* when the child is admitted to school, on the last day of the pre-school year.

(2) Student status ceases

- a)* when the student is taken over by another school, on the day of takeover,
- b)* on the day of issuing the certificate on the completion of the last year of the primary school,
- c)* in case of grammar school studies on the last day of the first secondary-school leaving examination period upon the completion of the last teaching year,
- d)* in case of secondary vocational school studies on the last day of the first secondary-school leaving examination period upon the completion of the last year in the secondary school, in case the student does not intend to continue his/her education or may not do so due to non-fulfilment of the relevant conditions,
- e)* in vocational training in a vocational school
  - ea)* when the student applies for vocational examination, on the last day of the first vocational examination period upon the completion of the last year,
  - eb)* when the student does not apply for vocational examination, on the day of issuing the certificate on the completion of the last teaching year,
  - ec)* when the student has become incapable of continuing his/her studies due to health reasons and the school does not offer any other appropriate vocational training, or when the student does not intend to continue his/her studies, or may not do so due to non-fulfilment of the necessary requirements,
  - f)* in case the parent of a minor student or the adult student announce in primary art school the intention of leaving education on the day defined in the notification, or on the last school day of the last primary year; in case the student does not pass the basic art examination, or in case the student does not take a final examination on the final examination day of the last post-secondary education year, on the day of issuing the certificate on completing the last teaching year and in cases as defined under subsection *h)*,
  - g)* after the termination of compulsory schooling, on the day of acknowledging the announcement, in case of minor students the parents in agreement with the student, in case of an adult student, the student himself/herself announces in written form to drop out,
  - h)* due to arrears the principal shall terminate the student status, unless the student is of compulsory schooling age, after the unsuccessful warning of the parents or of the student, in case of an adult student, and following the evaluation of the social conditions of the student, on the day the decision on the termination of the status becomes final.

(3) Stipulations of paragraph (2) *h)* shall not be applied in case of disadvantaged students.

(4) The student status of the student shall cease, with the exception of school-age students, in case the student is absent from the compulsory activities of the school without permission for a longer period than allowed by the relevant regulation.

(5) The student status shall cease on the day the disciplinary decision on expelling from school takes force.

(6) The school may terminate the student status on the last day of the teaching year by a unilateral declaration of a student of non-schooling age in case he/she fails to fulfil the study requirements of the same year for the second time. The student status may be terminated by a unilateral declaration on the last day of the teaching year of students who cannot participate in full-time school education with proviso that there is no adult education in the school or the student does not intend to participate in it.

(7) In case a multi-purpose institution fulfils the responsibilities of several school types, the student status shall not be terminated during the compulsory schooling period as long as the studies may be continued in any unit of the institution providing education.

(8) The hall of residence membership of the student shall cease

- a)* in case as described under Section 52 (4) upon the termination of the student status, otherwise at the end of the school year,
- b)* when the disciplinary decision on the expel from the hall of residence becomes final,
- c)* the hall of residence membership of the student shall be terminated by the principal due to arrears, after warning the parents or the student, in case of adult students with no effect, following the evaluation of the student's social conditions, on the day of the decision on the termination takes force,
- d)* in case the student, or the parent of a minor student, disclaim in written form the hall of residence

membership of the student, on the day as defined in the writing,

*e*) in case the student is taken over by another hall of residence, on the day of takeover.

(9) The stipulations of paragraph (8) *b*–*c*) shall not apply in case the student becomes unable to fulfil the compulsory education without his/her membership in the hall of residence. In case the student is admitted on the initiative of the guardianship authority, stipulations of a paragraph (8) *c*) shall not apply while *d*) shall apply with the consent of the guardianship authority. Stipulations of point *c*) shall not apply in case of disadvantaged students.

(10) The pre-school education, student status or hall of residence membership shall cease in case the educational institution is terminated without legal successor.

### **31. Fulfilment of Student Obligations**

#### **Section 54**

(1) The teacher shall, except for the stipulations of paragraph (3), regularly evaluate the student's performance and progress in form of grades throughout the teaching year and rate it in forms of marks at the end of the term and the teaching year. The class head shall evaluate and rate the behaviour and diligence of the student, in consultation with the teachers of the class. The student / parents of minor students shall be notified about the grades. The marks at the end of the term and the teaching year shall be determined on the basis of the grades. The grades received throughout the year and the marks at the end of the year shall be accompanied by oral and written evaluations. The school shall inform the student / the parents of minor students about the grades at the end of the term through a note, and at the end of the year through a school report. Notes may be issued more frequently as well, in line with the pedagogical programme of the institution. Grades and marks shall not be used as disciplinary tools to assess and evaluate the student's performance and diligence.

(2) Grades and marks shall be as follows:

*a*) evaluation and assessment of the student's knowledge: excellent (5), good (4), average (3), satisfactory (2), unsatisfactory (1),

*b*) evaluation and assessment of the student's behaviour: exemplary (5), good (4), variable (3), bad (2),

*c*) evaluation and assessment of the student's diligence: exemplary (5), good (4), variable (3), negligent (2).

(3) In the first teaching year, at mid-term and at the end of the year, in the second teaching year at mid-term a written assessment shall be used to express if the student performed excellently, well, sufficiently or if he/she needs support in form of coaching.

(4) At the end of the second year and in higher years of study, the mid-term and year-end evaluation of the student, based on the approved general curriculum or the permission of the minister responsible for education, the pedagogical programme of the school may prescribe a different marking system from those specified in paragraph (2) or use written assessments. Shall the school not apply the stipulations of paragraphs (1)–(2), but this form of assessment shall be needed due to a change of school or continuing studies, or on request of the parent or the student, mid-term and year-end assessments by marks shall be prepared. The rules of conversion from the marking system and evaluation applied by the school to marks and grades have to be specified in the local curriculum.

(5) The year-end marks of the students are reviewed by the teaching staff at the assessment meeting and a decision on the student's entering into a higher class is decided upon the basis of the grades made by the teacher, the class head and the lead teacher of the practical training.

(6) In case the year-end marks significantly differ from the average of the grades received throughout the teaching year to the disadvantage of the student, the teaching staff shall call on the teacher concerned to provide information on the reasons and, if justified, to change his/her decision. Shall the teacher not change the decision and the teaching staff disagrees with the justifications, the grade shall be amended on the basis of the marks received throughout the year to the benefit of the student.

(7) The stipulations of paragraph (1) shall be applied for the evaluation and assessment of the student, with the exception of stipulations on the application of marks and grades, even if the school does not use the system of marks or grades.

(8) If the practical training of the student is not conducted by the school, his/her performance, behaviour and diligence in relation to the activities carried out within the framework of practical training shall be assessed by the leader of the practical training in line with the stipulations of paragraph (2). The mid-term and year-end grades shall be defined by the organiser of the practical training and the teaching staff shall decide on the students' entering into a higher class and taking his/her vocational tests.

#### **Section 55**

(1) With the exception of the practical training, the principal may exempt the student on his/her request, in case

of minor student on request of the parents, from participation at the compulsory school lessons in case this is justified by the individual capabilities, special education needs or special situation of the student. On the request of the student, the principal may exempt him/her from skill-based classes in case this is justified by the individual capabilities or special situation of the student. Unless the institution is an all-day school pursuant to the stipulations of this Act, the principal may exempt the student on request of the parents from other activities organised before 4 p.m. in the primary school.

(2) Private students shall be exempted from all compulsory classroom activities, with the exception of practical training within or outside the school. Detailed regulations on private students in school-based vocational training are defined by the vocational training regulations.

(3) Students exempt from the participation at the compulsory classroom activities shall report on their knowledge at the time as defined by the principal and in the form as defined by the teaching staff.

### **Section 56**

(1) Should the individual capabilities and the development of the student so require, the principal shall exempt him/her on the basis of the opinion of the expert committee from evaluation and assessment in form of marks and grades and require written evaluation and assessment instead.

(2) The student status shall be suspended for the student who was allowed to interrupt his/her studies or was banned from the continuation of the school year by disciplinary decision.

### **Section 57**

(1) The student may enter a higher year of the school after he/she has fulfilled the educational requirements. The principal of the school is entitled to allow on request of the parents not more than once the repetition of the first year of the school, even if the student fulfilled the prescribed educational requirements successfully. In this case, the student shall not receive a certificate on the class to be repeated. On request of the parents, higher level classes may also be repeated not more than once.

(2) The student may enter from the basic class of the primary art school to advanced classes in case he/she passed the basic art examination organised in line with the regulations.

(3) With the permission of the principal of the school, the student may fulfil the educational requirements of two or more years within one school year or in a shorter period than prescribed.

(4) The student shall receive a certificate on the fulfilment of the educational requirements of the individual teaching years, the final examination, the vocational examination, the basic art examination and the final art examination. The certificate shall include the classification of his/her qualifications and skills according to the Hungarian Qualification Framework system and the European Qualification Framework system pursuant to the relevant government decree. The certificate and the document serving as basis for its issue are public documents.

(5) Schools shall exclusively use the printed certificate forms or documents necessary to issue certificates approved by the minister for education; in case of vocational training certificate forms, approved by the minister responsible for vocational and adult training. The manufacturing and distribution of the printed certificate forms and the documents serving as basis for the certificate require the permission of the minister responsible for education, in case of certificates of vocational training, the permission of the minister responsible for vocational and adult training.

(6) School forms, with the exception of year-end certificates and the certificate on the completion of the state examination, may also be manufactured and stored electronically by applying the system approved by the minister responsible for education, in case of certificates of vocational training by the minister responsible for vocational and adult training while observing the personal data protection and security requirements. The forms serving as basis for issuing certificates shall in this case be manufactured and stored in printed version, as well.

(7) The issued secondary school-leaving certificates and vocational certificates shall be registered centrally, in line with the examination regulations.

(8) If the vocational school or vocational secondary school prepares for art examination within the framework of parallel education, the students' admission to a higher level on the basis of the vocational requirements may be subject to a separate decisions and the certificate may be issued separately.

## **32. Rewards, Disciplinary Liability and Compensation Liability of Students, Compensation Liability of the Educational Institution**

### **Section 58**

(1) In line with school regulations, the child / student shall be rewarded for better performance than expected.

(2) The minister responsible for education is entitled to found a prize or award to reward and acknowledge

students performing outstandingly at national or international events. The head of the institution is entitled to make proposal for the beneficiaries of the prize or award founded by the minister.

(3) In case the student breaches his/her obligations sinfully and seriously, he/she may be punished with disciplinary sanctions on the basis of a disciplinary procedure by written decision. Disciplinary procedures shall be launched and conducted against the student in case it is required by himself/herself. In case of minor students, this right is exercised by the parent.

(4) The disciplinary sanctions may be

- a) reprimand,*
- b) severe reprimand,*
- c) decrease or withdrawal of certain benefits and allowances,*
- d) transfer to another class, students' group or school,*
- e) banning on continuing the school year at the relevant school,*
- f) expulsion from the school.*

(5) Disciplinary sanctions as defined under paragraph (4) *e)–f)* and paragraph (7) *e)* against school-age students shall only be applied in case of extraordinary or repeated misconduct. In this case, parents are obliged to find the student a new school / hall of residence. Should the education of the student at another school / hall of residence on the initiative of the parents not be resolved within fifteen days, the government office shall designate another school and hall of residence within seven days. Disciplinary sanctions as defined under paragraph (4) *d)* shall be applied in case the principal of the school agreed on the transfer of the student with the principal of the other school. The disciplinary sanctions under paragraph (4) *c)* shall not be applicable for social benefits and allowances.

(6) In case the student has concluded a study contract, the responsible territorial chamber shall also be involved in the disciplinary procedure against students of vocational schools.

(7) The breach of the order of the hall of residence shall result in

- a) reprimand,*
- b) severe reprimand,*
- c) decrease or withdrawal of certain benefits and allowances,*
- d) transfer to another class, students' group,*
- e) expulsion*

for the member of the hall of residence.

(8) No disciplinary procedures shall be launched three months after the failure to fulfil the obligations. In case a criminal or infringement procedure was launched after the failure to fulfil the obligations and has not led to derogation (by the rejection of the motion), the deadline shall be counted upon the disclosure of the legally binding decision.

(9) The disciplinary sanction shall consider the age and mental development of the student and the seriousness of the act committed. Disciplinary sanctions shall be introduced by the teaching staff. The opinion of the student council and self-governing bodies of the school and of the hall of residence shall be obtained during the disciplinary procedure.

(10) The student / the parent in case of minor students shall be informed about filing the disciplinary procedure, with the definition of the reasons. During the disciplinary procedure, the student shall be heard and guaranteed the possibility to present his/her position and defend himself/herself. Should the student challenge the infringement during the hearing or should the clarification of the facts require otherwise, a trial shall be held. The student / the parent of minor students shall be invited to the trial. In case of a disciplinary procedure against a minor student, the parent shall always be involved. The students or the parent have the right for representation in the disciplinary procedure.

(11) For the same infringement only one disciplinary sanction may be introduced against the student. Should the infringement result in the introduction of disciplinary sanctions both in the school and the hall of residence, and unless the educational institutions agree otherwise, the disciplinary sanction shall be defined in the institution which was first to launch the procedure.

(12) For infringements committed within the framework of practical training, the disciplinary procedure shall be launched at the school.

(13) Only legally binding decisions shall be implemented. Should non-compliance seriously harm the rights of the other students or result in other unavoidable damages or threats, the first instance decision shall be implemented without regard to an appeal.

(14) The fundamental rules of the disciplinary procedure are defined by a statutory regulation. The detailed rules of the disciplinary procedure shall be included in the OOR.

## **Section 59**

(1) In case the student causes damage unlawfully to the educational institution or the organiser of the practical

training in connection with the fulfilment of his/her educational obligations, the rules of the CC shall be applicable.

(2) In cases as defined under paragraph (1), the volume of the compensation shall not exceed

*a*) in case of careless damages, 50% of the mandatory minimum monthly wage, as defined by regulations in force on the day the damage was caused,

*b*) if a legally partly or fully incapacitated student caused damage by wilful action, the compensation shall not exceed 5 times the amount of mandatory minimum monthly wage – as defined by the regulations on the day the damage was caused.

(3) For damages caused by the child / student in connection with his/her pre-school education, student status, hall of residence membership or practical training, the pre-school, the school, the hall of residence, the organiser of the practical training shall be made fully liable without respect to the child's / student's negligence. The compensatory damages shall fall under the regulations of the CC with the addition that the educational institution or the organiser of the practical training shall be exempted from liability in case they prove that the damage is the result of force majeure outside the scope of their operation. The compensatory damages shall not be paid if they have been caused by the unavoidable behaviour of the injured party.

(4) In case the student of a vocational school has concluded a study contract, the organiser of the practical training or the student shall be subject to the regulations on the compensatory damages of the Act on Vocational Education and Training.

### **33. Special Regulations on Adult Training**

#### **Section 60**

(1) The student has the right to participate in school-based education in line with his/her occupational, family or other commitments, acquired knowledge and age (hereinafter: adult training) in line with the stipulations of this Act.

(2) After the year, the student

*a*) reaches the age of 16, in case of 8 years primary schools,

*b*) reaches the age of 21, in case of secondary and vocational schools

he/she shall start the next school year exclusively in adult education.

(3) In secondary schools, the student shall continue his/her studies within the framework of adult education from the school year when he/she turns 16.

(4) In case of students with special education needs and with difficulties in integration, learning and behaviour, furthermore, students who did not fulfil the educational requirements due to long-term medical treatment, 2 years shall be added to the age defined under paragraph (2) *a*)–*b*).

(5) Adult training may be organised in

*a*) schools established for this purpose, enlisted under Section 7 (1) subsections *b*)–*e*) and *g*),

*b*) adult education classes of schools established for full-time school-based education.

(6) Within the framework of adult education, junior classes / groups may be organised for students between the ages of 16-20.

(7) In adult education, education may be organised according to the work schedule of full-time education or according to evening, distant or other special work schedules. Education may be organised for students in line with the full-time education schedule who may participate in the ordinary full-time school-based education. In case of education based on full-time education schedule, the number of classes shall reach at least 90% of the compulsory classes of the full-time ordinary education schedule.

(8) In case of education according to education schedule of evening classes, the number of classes within the general curriculum shall reach at least 50% of the compulsory classes of the full-time ordinary education schedule, in case of correspondence courses, at least 10%, respectively. Education may be organised along other specific education schedules: in case the student does not need to participate in classroom activities at all, and if the number of classroom activities does not reach the compulsory number of classes for correspondence courses. Adult training may be provided according to other, specific schedules, especially in the form of distant learning.

(9) In adult training

*a*) school-based education may be based on the individual sessions of students,

*b*) in case education is organised according to an education schedule other than the education schedule of full-time education, the school days as defined by the school year regulations shall include the number of days students spend with individual preparation, as required by the school; therefore, regulations concerning the five-day school week shall not apply,

*c*) regulations on non-compulsory classroom activities, split classes, individual sessions or other activities and everyday sports shall not mandatorily apply,

*d*) students may make use of the services offered by pedagogical assistance service institutions if they continue

their studies according to full-time education schedule.

(10) If the student in adult training may not use of the services pedagogical assistance service institutions offer, a decision shall be taken on the basis of the expert opinion as defined by law, to decide if he/she is entitled to special care.

### **34. Teachers and Staff**

#### **Section 61**

(1) Educational work, pre-school education, school education, hall of residence education, direct activities with pedagogical objectives for children / students within the framework of pedagogical assistance services, shall be conducted via employment as teacher, with the exception of part-time teachers, as public employees or within the framework of employment relationship. No civil law relationship shall be established for employment as a teacher, with the exception of part-time teachers.

(2) The tasks of pedagogical assistance services and the pedagogical professional services shall be performed by an expert with professional higher education qualifications.

(3) Educational activities, pedagogical assistance services and pedagogical professional services shall be facilitated by qualified professionals. The scope of teachers, heads, and staff directly assisting educational work, all employed by the educational institutions is defined in Annexes 1–3.

(4) The work of teachers is supported by professionals and special consultants. The duty of the special consultant is to support and assess the teachers' work professionally (required in their subjects or special pedagogical areas), organise consultations, in-service trainings and professional workshops. The special consultant performs his/her duties under central professional guidance. Only those may receive special consultancy commissions who have the necessary higher education and professional qualification to fill a teacher position, passed the teacher's specialist examination, and have at least ten years professional experience in education. The special consultant is employed by the institution offering pedagogic professional services or by an other public education institution or retired from such not earlier than ten years before.

(5) Public institutions employ non-teaching staff to fulfil their responsibilities in financial, administrative, technical, support and other areas. It is recommended to organize employment in the financial, administrative, technical and support positions in line with the responsibilities to be fulfilled; in educational institutions and pedagogic assistance service institutions operated by the state, with the exception of institutions established and operated by the minister responsible for national defence or law enforcement, the number of non-professional staff working in financial, administrative, technical and support areas shall not exceed 20% of full-time teachers in secondary schools, 30% in vocational schools and 50% in halls of residence.

(6) The type and the nature of the work conducted in public education institutions shall not change according to the operator of the public education institution.

(7) In case of employment in public education institutions there is no conflict of interests if heads at the higher level, heads and administrators responsible for finance enter into relationship pertaining to controlling, supervisory, audit or accounting with a close relative as defined by the Labour Code.

### **35. Obligations and Rights of the Teacher**

#### **Section 62**

(1) The fundamental task of the teacher is to educate children / students he/she is in charge of; in pre-school institutions to educate children according to the National Master Programme for Pre-School Education, in schools to transfer the core study material described by the general curriculum, to control its attainment, in case of students with special education needs in consideration of the individual development plan. In this context, it is the teacher's responsibility in particular

*a)* to guarantee through his/her educational activity the development of the child's personality, the promotion of his/her talent; for this purpose to make all possible efforts, and to consider the individual skills, capabilities, the pace of development and socio-cultural environment of the child,

*b)* to deal individually with children requiring special treatment if necessary, to cooperate with the special needs teacher or other professionals facilitating education, and to enable bridging the gap for children / students disadvantaged for any reason,

*c)* to help to recognise talent, their promotion and to register talented or gifted students,

*d)* to facilitate the moral development of the child / student to help him/her acquire the behavioural rules of cooperation in a community and to help him/her make efforts to respect such rules,

*e)* to teach children / students to love and respect each other, to get acquainted with and respect the values of family life, to cooperate, to be environmentally conscious, to live a healthy life and to be a patriot,



*f)* to inform the parents (their legal representatives) regularly on the school performance and behaviour of the student, on related problems perceived, on the decisions taken by the school and on possibilities concerning the student's education,

*g)* to make all possible efforts to develop and protect the child's physical and mental health by providing information, implementing the health and safety regulations and having them implemented by exploring and averting potential threats with the involvement of the parents and, if necessary, other experts,

*h)* to fully respect the human dignity and the rights of children, students, parents and colleagues and to respond to their proposals and questions,

*i)* to transfer knowledge in an objective and versatile manner by applying diverse methods, to conduct the educational activity and instruct the students' activities in a professionally organized manner, expertly at annual and class level, adjusted to the student group,

*j)* to assess the students' work pursuant to the stipulations of the general curriculum and the pedagogical programme through grades or in a written assessment, in a versatile manner and in line with the requirements,

*k)* to participate in the required in-service training programmes for teachers and to train himself/herself continuously,

*l)* to provide continuous guidance for his/her students' career orientation and preparation for their active professional life,

*m)* to perform fully the pedagogical and administrative responsibilities as described by the pedagogical programme and the OOR,

*n)* to participate actively and duly in teaching staff meetings, the meetings with parents, the festivities organised by the school and in the events according to the annual work plan,

*o)* to acquire the compulsory qualifications in time,

*p)* to keep the official secrets,

*q)* to behave in a manner worthy to his/her profession,

*r)* to cooperate with colleagues and other institutions for the benefit of the child / student.

(2) The teacher shall participate, in line with legal regulations, at least once in seven years' time in an in-service training programme. The employment status or the public employee status of the teacher may be terminated, in case of employment relationship by notice, in case of public employees by dismissal on grounds of unsuitability, in case he/she voluntarily failed to participate at the in-service training programme or did not complete it successfully. The first in-service training shall be mandatory before the first assessment. Teachers above the age of 55 shall be exempted from in-service training obligations. Teachers with teacher's specialist examinations shall not be obliged to participate in the in-service training within seven years following their examinations.

(3) Teachers in grade Teacher I., Master Teacher and Teacher II (hereinafter: teacher-researcher) shall be downgraded to one level in case they fail to fulfil the participation obligation at the teacher in-service training by their own fault before the end of the ninth school year upon entering into the grade.

(4) Within the framework of meeting the in-service training obligations only the in-service training programmes may be considered in addition to those defined by the legal regulation, which the minister responsible for education approved and allowed to apply. The registration and control of in-service teacher training programmes is the joint responsibility of the office and the background institution nominated by the minister responsible for education.

(5) Teachers working in teacher position in educational institutions shall devote 80% of their total working hours (hereinafter: bound working time) to the fulfilment of tasks defined by the head of the institution, within the framework of this Act, while the use and the schedule of the remaining working time shall be arranged by the teacher his/herself.

(6) Classroom and other activities may be ordered for 55-65% of the total working time (hereinafter: working time devoted to education). The teacher shall spend the remaining time of the bound working time on the preparatory and other activities related to education, supervision of students or occasional substitution of colleagues.

(7) When allocating the responsibilities within the framework of bound working time, the head of the institution shall guarantee a proportional and even distribution of responsibilities among members of the teaching staff.

(8) Bound working time in pre-school institutions shall be spent on direct activities with the children covering the complete spectrum of pre-school life.

(9) The working time devoted to education of the pre-school lead teacher in a educational institutions for pre-school teacher training practice shall be 60% of his/her total working hours, in other educational institutions for teacher training practice / special assistance service training institutions, 30% of his/her total working time.

(10) In adapted physical and conductive educational institutions 50% of the working time of teachers in teaching position shall be devoted to educational activities.

(11) In case of trainee teachers, the working time devoted to educational activities in traineeship for primary school and secondary school teachers shall be 50% of the total working time, in case of pre-school teachers 65% respectively.

(12) Librarian-teachers, librarian primary school teachers of a school / hall of residence shall provide opening hours for the library within the framework of their working time devoted to education. As part of their job description, the rest of the bound working time, 70%, falls outside the opening hours of the library and shall be devoted to librarian work conducted at the workplace (extension and handling of the stock, librarian research work) on school networking, and the remaining 30% on preparations conducted outside to workplace, librarian networking, extension of the stock and other activities in connection with the teacher position.

(13) Teachers employed full-time in pedagogical assistance service institutions shall spend weekly 24 hours of their working time devoted to education with the examination of children / students, individual sessions or group activities, consultancy or tutoring courses (hereinafter: direct activities). Beyond the time spent on direct activities they shall make, as defined in their job description, examinations required for expert opinions and perform tasks related to the preparation of direct activities, coordinate opinions gathered at the examinations conducted, prepare expert opinions, provide for continuous opening hours, perform other external activities required for the development of the children / students, and travel to children / students.

(14) The head of the educational institution and pedagogical assistance services shall fulfil his/her responsibilities in connection with the management commission within the framework of his/her total working time not devoted to classroom activities as described in Annex 5.

### Section 63

(1) In connection with his/her position, the teacher shall be entitled

*a)* to be respected as member of the community of teachers, to have his/her human dignity and personal rights respected, the education activities valued and acknowledged,

*b)* to make his/her own choice among the knowledge-content, the teaching material and methods of education on the basis of the pedagogical programme,

*c)* to choose the school books, teaching support materials, tools, clothing and other equipment on the basis of the local curriculum and the opinion of the professional team of teachers of the same subject,

*d)* respecting the provisions of Section 3 (3), to conduct his/her educational work according to his/her own ideology and values without forcing or encouraging children / students to accept them,

*e)* to access the knowledge required for his/her work and the information concerning the institution and its operator,

*f)* as a member of the teaching staff, to participate in the compilation, approval and assessment of the pedagogical programme of the educational institution and to exercise the rights the teaching staff is granted,

*g)* to expand his/her professional knowledge through participation in organised in-service training courses, to participate in county and national-level tasks related to the operation and control of the public education system, to be involved in pedagogical experiments and scientific research activities,

*h)* as member or representative of professional associations, to participate in the work of local, regional or national bodies dealing with public education,

*i)* to receive for use through the school library the schoolbooks, teacher's manuals and IT tools necessary to perform his/her work as defined in the OOR of the institution,

*j)* to visit libraries, museums and exhibition halls, theatres, operated by state bodies and local governments with a teacher's card that entitles the holder to benefits defined in legal regulations,

*k)* to contact the ombudsman for education rights.

(2) Pensioners retiring from teacher position are entitled to the rights defined under paragraph (1) *j*).

(3) The employer shall initiate, on request, for the staff employed as teachers, pedagogical desk officers and pedagogical consultants, staff responsible for child and youth protection, recreational organizers and pedagogical supervisors, the issue of a teacher's card through the system capable of central data provision at the operator of PEIS. For pensioners, retiring from a teacher position, the last employer shall initiate the issue of teacher's card. The preparation of the teacher's card shall be the responsibility of the operator of PEIS.

(4) The teacher's card shall include the individual identification of the teacher's card, the holder's name; his/her date and place of birth, residence and signature, the holder's photograph and identification number, the name and address of his/her employer, the validity date of the teacher's card and data related to the validity. The teacher's card is an identity card equipped appropriately for electronic data verification and data storage. Within the framework of the process of issuing the teacher's card, unless the law provides otherwise, the employer shall submit the request to issue the teacher's card and launch other procedures as defined by the legal regulations. Within the framework of this procedure, the employer, unless otherwise provided by law, shall contact the operator of PEIS through a system capable of central data provision, in an electronic manner. The operator of PEIS shall set up a register for the personal data required for the application and the issuing of the teacher's card for the data of the public education institution, the individual identity number of the teacher's card, the serial number of the issued validation stamp and all other non-personal type of data required to verify and register the eligibility. The operator of PEIS shall cooperate in issuing the teacher's card and handle all data it acquired

within the framework of the issue of the card for five years after its maturity date.

### **36. Promotion System of Teachers**

#### **Section 64**

(1) The Labour Code or the Act on the Legal Status of Public Servants shall be applicable together with the regulations of this Act in terms of the employees and public employees, depending on the employer, of educational institutions (hereinafter: employees).

(2) The regulations of the Act on the Legal Status of Public Servants concerning the promotion and remuneration system shall not be applied to employees in teacher position of educational institutions, with the exception of the jubilee rewards.

(3) This Act shall guarantee the possibility of promotion of employees in teacher position throughout their career.

(4) Employees in teacher position shall reach the following grades on the basis of their qualification required to fulfil their position under the regulations of this Act, state-approved professional qualification, professional qualification, PhD / other university degree directly connected to and supporting the educational activities, and their membership in the academy, professional experience, publications, qualifying examination and qualifications granted within the framework of qualification procedures:

- a) Trainee,
- b) Teacher I.,
- c) Teacher II.,
- d) Master teacher,
- e) Teacher-researcher.

(5) With the exception of the teacher in the Trainee category, teachers shall be promoted on the basis of employment in a teacher position once in three years' time one pay grade higher. The teacher shall be promoted to the higher pay category on the first day of the year in question. With the promotion to the higher pay category the three years waiting time shall start again.

(6) The government office shall organise the qualifying examination and the qualification procedure for teachers. The teacher shall appear in the government office for the qualifying examination and qualification procedure.

(7) During the qualification procedure all teachers shall be subject to uniform and public rules. The qualifying board shall examine the complete scope of activities of the trainee teacher with special attention to the fulfilment of responsibilities as described in statutory provisions and the teacher's job description.

(8) In case the trainee, in line with the stipulations of the a separate legal regulation, or the teacher in grade Teacher I has been assessed at a qualifying examination as 'unsatisfactory', his/her public employee status or employment relationship shall cease under the force this Act. The public employee status or employment relationship shall cease upon the tenth day of the notification of the results of the qualifying examination of the repeated qualification procedure.

(9) The teacher may request the Court within 30 days upon notification of the qualifying examination results to cancel the mistaken or untrue conclusions of the qualifying examination and qualification procedure or the statements infringing his/her personal rights.

#### **Section 65**

(1) The guaranteed remuneration of the different grades and within that the payment categories are defined in Annex 7 of this Act in percentage to the remuneration basis.

(2) The remuneration basis with college qualification is 180% of the effective minimum wage, in case of university qualification 200%.

(3) The Government shall define in a decree the principles of determining the remuneration supplement on the basis of the sectoral, professional characteristics and in line with Annex 8.

(4) The head of the institution may receive a reward from the operator, employees employed as teachers in the institution from the head of the institution, respectively; the annual amount of the reward for employees in leading position shall not exceed 15% of the annual salary of the head including allowances, in case of his/her subordinates, 15% of their annual salaries.

(5) The head of the institution may receive supplements from the operator, other heads of the institution from the head of the institution, respectively; the amount of such supplement to the salary shall not exceed 10% of the annual remuneration including management bonuses.

(6) The teacher in Teacher II or higher grade may make use of a maximum one year unpaid leave (hereinafter: sabbatical) once in ten years' time for the purpose of scientific research or participation at individual scientific

in-service training.

(7) Teachers, pre-school nursing staff shall have the right within five years prior the pension age limit to work in decreased working time, while their salary shall only decrease by 50% of the working time decrease. The benefits as described in this paragraph shall be eligible to employees who accumulated at least 20 years professional experience as teachers or pre-school nursing staff by the fifth year before the pension age limit.

(8) Detailed regulations of the qualifying examination and qualification procedure and the requirements of successful qualifying examination and qualification procedure, furthermore, the use of sabbatical shall be defined in a separate legal provision.

### **37. Conditions of Employment in Public Education**

#### **Section 66**

(1) The condition of employment in public education is that the employee

- a)* possesses the required qualification, training and professional qualification,
- b)* has a clean record and proper capacity.

(2) The teacher and staff directly supporting educational activities are considered to be individuals performing public responsibilities from point of view of criminal law protection when performing activities connected to pre-school education, school and hall of residence education, and during the performance of the pedagogical assistance services in connection with children / students.

(3) In educational institutions for teacher training practice / pedagogical assistance service training institutions, those may receive a lead teacher assignment who possess the required tertiary qualification and professional qualification to take the teacher position, passed a teacher's specialist examination and has at least five years professional experience in educational activities or pedagogical assistance services.

(4) The education and qualification requirements for employees in a teacher position in educational institutions are specified in Annex 3; a special legal regulation shall determine the education and qualification requirements of teachers employed in pedagogical assistance services institutions, and of pedagogical consultants and pedagogical desk officers employed in institutions offering pedagogical professional services. In terms with the qualification and professional qualification of part-time teachers, the stipulations of Annex 3 shall be duly applied.

### **38. Conditions of the Assignment of Heads of Educational Institutions**

#### **Section 67**

(1) The conditions of an assignment to become head of an educational institution are:

- a)* tertiary qualification and professional qualification, as enlisted under Annex 3, required to fulfil the teacher position in the given educational institutions, master's degree in secondary school,
- b)* qualification for head of institutions within the framework of teacher's specialist examination,
- c)* at least five years professional experience in teacher position,
- d)* existing full-time employment as a teacher at an educational institution for an indefinite time or full-time employment as a teacher for an indefinite time parallel with the commission.

(2) The operator of the public education institution, furthermore employees in leading position at the operator of the public institution, civil servants and public employees with managerial assignment shall not become the head of the public education institution. In case of church and private institutions this limitation shall not be applied to members of the staff exercising the operator's rights.

(3) In case the pre-school education / school education is conducted exclusively in a nationality language within the educational institution, or in case more than half of the students study in two languages, in a nationality language and in Hungarian, the assignment of the head of the institution shall be granted to the person who is eligible to take the position of a teacher in a nationality pre-school education, school education institution in line with the regulations in Annex 3. In case of identical conditions, preference shall be given to the person who belongs to the nationality.

(4) Those may be appointed as head of institution at educational institutions which perform exclusively the education of children / students with special education needs, who have qualifications and professional qualifications as special needs teacher or conductor, or conductor teacher or therapist in accordance with the type of the special education needs of the children / students and have taken a teacher's specialist examination.

(5) If there is no teacher training in accordance with the special field of the training on a university level, those who have the qualifications in the special field of the training and have taken a master's degree may be appointed as head of a secondary vocational school.

(6) In multi-purpose institutions those who fulfil all requirements of the head of an institution to be set up for

purposes covered by the institution, may be assigned as the head of the institution. Should one of the requirements prescribe a master's degree, this shall also be required by the assignment to become head of the institution.

(7) The head of the institution shall be selected by a public tender process, unless otherwise provided by law. The tender may be omitted, if the operator, or in case an institution not operated by the state, the government office and the teaching staff agree with the repeated assignment of the head of the institution. In absence of such an agreement or prior to the third and additional mandate of the head of the institution, the tender shall be published mandatorily.

(8) The managerial programme is part of the submitted application for the post of the head of an institution; the opinion on the managerial programme, made by persons entitled through the force of this Act, and the result of the votes on the formulation of this opinion are public data due to public interest, and therefore, shall be published on the website of the public education institution, or in its absence, in the locally customary manner.

(9) Those that meet the requirements necessary for appointment as head of an independent institution performing identical tasks may be appointed head of an organisationally and professionally independent institution unit. The provisions pertaining to public tenders shall be applied in case of appointment as head, regulated in this Section.

### **39. The Head of the Public Education Institution**

#### **Section 68**

(1) The head of the state-operated public education institution / multi-purpose institution, with the exception of pre-schools, in case of educational institutions shall be assigned by the teaching staff, in multi-purpose institutions, the Board of Directors / the operator, the minister responsible for education requesting the opinion of the local government operating the institution or competent in the registered seat of the institution for five years. The decision on the withdrawal of the assignment of the head of state-operated public education institution / multi-purpose institution shall be taken by the entity exercising the right of assignment.

(2) The head of church / private institutions shall be assigned by the operator with the consent of the minister responsible for education; the employer's rights shall be exercised by the operator. The consent of the minister shall only be denied in case of violation of law.

(3) Public education institutions operating as independent institutions are led, at the discretion of the employer, by the director or the director general. The hall of residence operating as member institution of an independent institution or as unit of the institution is led by the head of the hall of residence, other units of public education institutions are led by the unit head of the institution and head of the member institution, respectively. The head of the member institution / institution unit may receive an assignment as director, institution deputy director, member institution deputy director, institution unit deputy director or deputy director.

#### **Section 69**

(1) The head of the public education institution shall

- a)* be responsible for the professional and legal operations and finances of the institution,
- b)* exercise the employer's rights,
- c)* decide on every issue in connection with the operations of the institution, not delegated to the competence of others by law, collective agreement or public employees' regulation,
- d)* be responsible for the preparation of the institutional regulations,
- e)* approve the pedagogical programme of the institution,
- f)* represent the institution.

(2) The head of the education institution shall be responsible for

- a)* the pedagogical work,
- b)* leading the teaching staff,
- c)* the preparation, implementation, professional organisation and control of decisions within the jurisdiction of the teaching staff,
- d)* providing for the personnel and material conditions required by the operations of the educational institution on the basis of the available budget,
- e)* the worthy organisation of national and school festivities aligned to the working order,
- f)* the organisation and provision of child and youth protection responsibilities,
- g)* the provision of healthy and safe working conditions for education,
- h)* the appropriate cooperation with the school board, the employees' interest representation organisations and student councils, parent organisations,
- i)* the prevention of accidents of students / children,

*j)* the organisation of regular health checks for children / students,

*k)* the compliance with and the requirement of compliance with the teacher's norms of ethics.

(3) Within the scope of his/her responsibilities for pedagogical work, the head of the public education institution shall be entitled to ask external experts to launch a professional control in order to assess the education or the quality of the work of individual employees.

(4) The work of the head of the educational institution shall be assessed by the teaching staff and community of parents in the second and the fourth year of his/her mandate through an anonymous questionnaire survey. The national pedagogical-professional audit shall consider the result of the questionnaire-based survey in the control and evaluation of the work of the head of the institution.

(5) The head of the educational institution shall be entitled to determine at his/her own discretion the use and arrangement of his/her working time beyond the responsibilities on classroom lessons / activities as defined by Annex 5.

(6) The teacher having worked for at least two cycles as head of the institution may receive a bonus for "honorary headmaster" in case he/she is continued to be employed by the institution after the end of the mandate or the termination of his/her managerial assignment. The volume of the bonus shall be 25% of the former managerial allowance.

#### **40. The Teaching Staff**

##### **Section 70**

(1) The teaching staff is the most important consulting and decision-making body of the educational institution. The teaching staff has the right to decide on educational issues, on issues in connection with the operations of the educational institution, and on issues as defined in this Act and other statutory provisions; in other issues it has the right to express opinion and submit proposals.

(2) The teaching staff shall decide on

*a)* the approval of the pedagogical programme,

*b)* the approval of the OOR,

*c)* the approval of the annual work plan of the educational institution,

*d)* the approval of comprehensive analyses, evaluations and reports on the work of the educational institution,

*e)* the approval of in-service training programme,

*f)* the selection of the teacher representing the teaching staff,

*g)* the approval of the school regulations,

*h)* the admission of students to higher classes, admission of students to marking examination,

*i)* disciplinary cases of students,

*j)* the content of the expert opinion related to the managerial programme prepared for the application for the position of the head of an institution or institution unit,

*k)* other issues as defined by legal regulations.

(3) The teaching staff may express their opinion and submit proposals on every issue related to the operation of the educational institution. The teaching staff shall be requested for opinion on issues as defined in a separate legal provision.

(4) A teaching staff composed of the head of institution and the staff, as listed in Section 4 (18), employed

*a)* at the institution unit, shall act in matters which affect only one institution unit performing the tasks of an educational institution,

*b)* at every institution unit concerned, shall act in matters which affect more institution units performing the tasks of an educational institution

at educational institutions under joint management in and general community centres.

(5) Part-time teachers do not have the right to vote in matters falling within the jurisdiction of the teaching staff in decision-making, with the exception of matters under (2) *h)–i)*.

(6) The professional staff meeting shall exercise the privileges of the teaching staff, except for those related to a student status, on issues concerning the whole of the institution, at institutions, institution units, member institutions of public education, which are not educational institutions, as well as institutions of public education under joint management and general community centres.

#### **41. Professional Team of Teachers of the Same Subject**

##### **Section 71**

(1) At least five teachers of an educational institution may form a professional team of teachers of the same subject. There may be not more than ten professional teams of teachers of the same subject in one educational institution. The professional team of teachers of the same subject participates in the control, planning,

organisation and audit of the professional activities of the educational institution, its concluding opinion may be considered in the qualification procedure of teachers.

(2) The member / head of such a professional team of teachers of the same subject is entitled to participate in internal evaluations and audits, even if he/she may not proceed as public education expert. The professional team of teachers of the same subject provides for, in line with the OOR, the professional support of the educational work of employees in teacher position. The OOR of the educational institution may determine further responsibilities of the professional team of teachers of the same subject.

(3) Inter-institutional team of teachers may be established to perform the tasks of the professional teams upon the initiative of teachers.

(4) In pre-schools, schools or halls of residence one professional team of teachers with the same subject shall be established for the performance of identical responsibilities. A separate professional team of teachers of the same subject may be established in member institutions.

(5) The professional team of teachers of the same subject is led by the team leader assigned by the head of the institution for a maximum period of five years requesting the professional team of teachers of the same subject to give an opinion.

## **42. Rights and Obligations of Parents**

### **Section 72**

(1) Parents are obliged

*a)* to provide for the necessary conditions required by the intellectual, physical, emotional and moral development of their children, to ensure that their children fulfil their obligations, and to provide all the assistance which may be reasonably expected from them in cooperation with the institution, to monitor their children's development and progress in their studies,

*b)* to guarantee that their children participate in pre-school education and complete the compulsory education,

*c)* to respect the human dignity and rights of the management, the teachers and staff of the pre-school institution, school or hall of residence and show respect for them.

(2) Parents have the right to freely choose a pre-school, school or a hall of residence in compliance with their children's abilities, skills and interests and their own religious, and ideological convictions and their nationality. After the child reaches the age of fourteen, and does not lack legal capacity, parents may exercise this right jointly with their children.

(3) Parents of children with multiple disabilities have the right to receive subsidy for the education of their children in pre-school, in line with the provisions of the Act on Child Protection and Guardianship Administration.

(4) Parents have the right to make use of the pedagogical assistance services for the education of their children. It is the obligation of the parents to appear in the educational guidance, and ensure that their children appear and participate in the school / pre-school psychological examination and developmental activities, in case this was proposed by the teaching staff on initiative of teachers dealing with the student. Shall the parents fail to fulfil the obligations as described in this paragraph, the municipal clerk shall oblige them to do so.

(5) Parents shall have the right, in particular

*a)* to become acquainted with the pedagogical programme of the educational institution, as well as the school regulations and to receive information on their contents,

*b)* to regularly receive detailed and relevant information about their children's development, behaviour and their progress in their studies, as well as advice on and assistance with their education,

*c)* to initiate the establishment of a pre-school board, school board and hall of residence board, and to participate in its activities, furthermore to participate in the election of parents' representatives as a person to elect and to be elected,

*d)* to have their written proposal examined by the head of the educational institution, the teaching staff, the pre-school board, school board, hall of residence board and the teacher and receive a substantive response within fifteen days after the request from the pre-school board, the school board or the hall of residence board in the first session following the fifteenth day at the latest,

*e)* to participate in activities with the consent of the head of the educational institution or the teacher,

*f)* to participate in the decision-making affecting their interests and in the control of the educational institution in person or through their representatives, in line with statutory provisions,

*g)* to appeal to the commissioner for educational rights.

## **43. The Parental Organisation, the School Board, the Institutional Council**

### **Section 73**

(1) Parents may establish parental organisations (associations) to exercise their rights and fulfil their obligations at pre-schools, schools and halls of residence, with the right of expressing opinion and submitting proposal on issues concerning the operation and the work of the institution.

(2) School boards may be established to facilitate the educational and teaching work at schools and to promote the cooperation of the teaching staff, parents and students, the operators of the institution, as well as other institutions involved in the operation of the institution, with an equal number of representatives of parents, the teaching staff, and the student council.

(3) Parents, students, the teaching staff, the local government of the seat of the institution, the historic churches and local economic chambers may establish an institutional council in the school for the representation of the interest of local communities, with an equal number of representatives and the delegates of the government office competent in the seat of the institution.

(4) The president of the institutional council shall have his/her permanent residence in the same locality as the seat of the institution.

(5) The head of the institution shall report at least once in six months' time on the operations of the institution to the institutional council which is entitled to present its position on the operations of the institutions and submit it to the operator.

(6) The detailed operational rules of the parental organisation, the school board and the institutional council shall be defined in separate legal regulation.

#### **44. Public Education Public Tasks and Entities Obligated to Provide Tasks**

##### **Section 74**

(1) The state shall ensure the provision of core tasks, with the exception of pre-schools.

(2) The state shall provide public education activities by establishing and operating institutions, as well as on the grounds of a public education agreement concluded with a church or private institution. The local government shall ensure the provision of pre-school education by establishing and operating institutions, or by means of a public education agreement.

(3) If, in the case of pre-schools, the Government Office ensures the provision of public education obligations by means of concluding an agreement with the operator of the municipal educational institution committed to a religion, the conclusion of this agreement shall not exempt the municipality from the obligation to provide education for children whose parents do not want their children to attend a religious school. These parents, children and students may, on account of the public education agreement, not be disproportionately burdened in respect of enforcing their right to neutral education. A disproportionate burden shall be defined as educational conditions significantly more difficult than the average and impose significantly higher costs for the child, student or parent, taking account of the age and their special educational needs of the child and student.

(4) Local governments shall, in compliance with the public education plan specified in paragraph (1) of Section 75, be authorised to take over the operation of institutions providing the educational activities listed below from the state by concluding a public education agreement:

*a)* primary school education;

*b)* secondary school education;

*c)* primary art education;

*d)* halls of residence;

*e)* pre-schools, schools and halls of residence for children and students with special education needs that cannot be integrated with other children and students.

(5) If the operation of institutions undertaking tasks listed in paragraph (4) is taken over, the local government shall also ensure the organisation of adult training in respect of the tasks taken over.

(6) The Budapest Municipality may also take over the operation of institutions listed in paragraph (4) in Budapest, if the district local government has not submitted a request in this regard in respect of the given institution.

(7) The minority self-government may take over the right to operate institutions established to provide pre-school and primary school education for children belonging to the minority from the state by concluding a public education agreement.

##### **Section 75**



(1) The Government Office shall compile an institutional network operation and public education development plan – which shall include the county vocational training plan - by requesting the opinion of local governments operating within the boundaries of the county and in collaboration with these local governments to prepare decisions required for organising public education-related activities. The local government shall obtain the opinion of the teaching staff of public education institutions operating within their respective municipality, the community of employees employed within the framework of a public service contract or on a contract basis (hereinafter community employed) and parents' and student organisations to elaborate their opinion in connection with the public education development plan.

(2) The Government Office shall evaluate the public education development plan at least every five years and modify it as required.

(3) The Government Office operating at the seat of the institution shall include educational institution for teacher training practice and pedagogical assistance training institution operated by the state in the public education development plan pursuant to the unilateral declaration made by the operator of the educational institution for teacher training practice.

(4) The Government Office shall obtain the consent of the concerned municipal, regional and national minority self-government in respect of matters pertaining to ethnic belonging during the course of the compiling of the public education development plan.

## **Section 76**

(1) The local government shall, within the framework of the public education agreement, assume commitments for financing all operating costs, in addition to the remuneration of teachers and assistants directly involved in educational activities and related taxes and contributions, from own sources of funding. The local government shall assume obligations for maintaining the state of the building of the institution taken over. Beyond maintenance of the building, the local government shall not be obliged to cover the costs of other reconstruction and development activities; however, the state shall ensure funding for these through of calls for applications.

(2) Throughout the duration of the public education agreement, the local government shall ensure that the institution at least operates at the same standard ensured by the state when the institution was taken over. The following shall qualify as changes to conditions in respect of the application of the present paragraph:

- a) Changes to material conditions, as an outcome of which education is provided in worse conditions;
- b) Changes in professional conditions, as an outcome of which the number of educational activities provided by the institution decreases;
- c) Lack of equipment and teaching aids required for executing the educational programme when the operation of the institution was taken over.

(3) The concerned parents' organisation may request the assessment of changes to conditions from the teaching staff within the framework of an official control procedure. If conditions have provably deteriorated, the Government Office shall

- a) Instruct the local government to restore the original state;
- b) Impose a penalty;
- c) Withdraw from the contract after unsuccessfully repeatedly instructing the institution to restore the original state.

(4) The supervisory penalty shall be imposed proportionately to the gravity of the act committed.

(5) Beyond specifications set out in paragraph (5) of Section 31, the public education agreement concluded with the local government shall also include the school district of the institution. The public education agreement concluded with the local government shall be valid for a period of 5 years.

(6) The building of the institution taken over – including the building located in its seat and buildings operating at all sites - cannot be alienated, leased, mortgaged or withdrawn from education throughout the duration of the validity of the agreement. If it does not threaten the fulfilment of conditions set out in the agreement, the Government Office concluding the agreement may exempt the given institution from fulfilling obligations set out under the present paragraph or authorise alienation or use.

(7) The local government shall be capable of fulfilling the obligations assumed throughout the duration of the validity of the agreement pursuant to the assessment carried out in respect of its financial situation on the date of conclusion of the agreement.

## **45. The Management of the Sector, the Minister Responsible for Education and the Regulatory Tasks of the Government**

## **Section 77**

(1) The minister responsible for education shall manage the public education sector in compliance with the provisions of this Act. The scope of authority of the minister responsible for education shall extend to include every activity within the scope of this Act, regardless of which institution or organisation the given activity is provided in or which body operates the given institution. The Act on Vocational Education and Training shall define scopes of authority in respect of vocational training provided in vocational schools.

(2) The minister responsible for education shall

*a)* in collaboration with the council set up by the minister, regularly, but at least every five years, evaluate the experiences gathered in connection with the National Master Programme for Pre-school Education and the introduction and application of the National Core Curriculum and initiate its amendment by drawing the attention of the Government to the need for this, if required;

*b)* Control textbook publication and distribution activities and regulate the subsidy system applied in connection with textbooks;

*c)* Ensure national pedagogical professional services and arrange for pedagogical professional services to be provided free of charge for public education institutions;

*d)* Ensure the professional control and evaluation of pedagogical work undertaken in educational institutions at a national, regional, county level and in Budapest in collaboration with the Office;

*e)* Operate the Central Management System;

*f)* Operate the Office of the Commissioner for Educational Rights;

*g)* Make recommendations for the provision of statistical data;

*h)* Approve the certificate templates used by schools and forms used for issuing certificates; authorise their production and distribution; approve the electronic database replacing the compulsory education register;

*i)* Ensure education policy related tasks in connection with regional development;

*j)* Arrange the secondary school admission examination procedure and develop written admission examination tests applied within the framework of the secondary school admission examination procedure to facilitate the enforcement of student rights ensured within the scope of this Act.

(3) The minister responsible for education may institute national and regional professional control, professional assessments, screening and the compiling of analysis paid from the budget of the ministry the minister directs, in addition to instructing the operator to control legal compliance and professional activities of the educational institution they operate, conduct professional educational surveys, screening and compile analysis and provide information on the results of these. If the operator fails to fulfil instructions, the minister responsible for education shall instruct the Office to take the necessary measures.

(4) The minister responsible for education shall, through the Government Office, instruct the concerned local government to reverse the illegitimate state associated with the provision of public education activities by setting a deadline. The minister responsible for education shall notify the Government Office in the event of the substantiated suspicion of breach of law in respect of the operation of religious and private institutions.

(5) The minister responsible for education and the ministers responsible for accreditation shall exercise scopes of authority pertaining to the management of vocational training in compliance with the provisions of the Act on Vocational Education and Training.

(6) The minister responsible for education shall appoint and dismiss the commissioner for educational rights.

## **Section 78**

(1) The minister responsible for education shall undertake the following tasks in connection with public education development:

*a)* Develop public education short- and medium-term development plans;

*b)* Set up, operate, develop and update the national examination system; issue extraordinary measures within the framework of this in respect of organising and holding the secondary school leaving examinations if the organisation of the secondary school leaving examinations in compliance with legislation is jeopardized at a national level without instituting such measures;

*c)* Examine pedagogical problems arising in the domain of public education; develop pedagogical solutions and procedures;

*d)* Ensure training conditions required for renewing the knowledge of teachers and directors of public education institutions and assisting the training of associates collaborating in the management of public education state and local government tasks;

*e)* Provide professional assistance for compiling public education development plans;

*f)* Operate the national educational professional control system; ensure training for associated experts, the processing of the general experiences of the control and their disclosure;

- g) Develop and issue educational programmes;
- h) Establish and develop the professional conditions of the activities of the chair of the secondary school leaving examination board and consultants;
- i) Set up and operate the national pedagogical professional service and the pedagogical professional service assisting national minority education;
- j) Announce, support the national academic contest and publish its rulebook;
- k) Conduct national and regional surveys and evaluation tasks on an annual basis and ensure the conditions required for carrying these out.

(2) The minister responsible for education shall exercise supervisory rights in respect of calls for applications aimed at allocating budgetary funds within the public education system, with special regard to the pedagogical content of these.

(3) The minister responsible for education and the minister of health shall assist the execution of health development-related activities in educational institutions by announcing joint programmes, call for applications and ensuring training opportunities.

(4) The minister responsible for education and the minister of sport shall assist the execution of physical education activities each day and the establishment and operation of sports schools by announcing joint programmes, calls for applications and ensuring training opportunities.

(5) The minister responsible for education and the Ministry for Environmental Protection shall assist the execution of environmental educational programmes and the implementation of the Open-air School Programme, Open-air Pre-school Programme, Green Pre-school Programme and the Eco-school Programme by announcing joint programmes, calls for applications and ensuring training opportunities.

(6) The minister responsible for education and the minister responsible for culture shall assist the implementation of educational activities of public collections, museums in educational institutions by announcing joint programmes and calls for applications.

(7) The minister responsible for education and the minister of defence shall assist the implementation of defence-related educational activities in educational institutions by announcing joint programmes, calls for applications and ensuring training opportunities.

(8) The minister responsible for education shall convene the Student Parliament every three years. The Student Parliament is the national information forum of students focusing on public education, which reviews the enforcement of student rights in its submission and may approve recommendations in which it presents its opinion and puts forth its proposal.

(9) If there is no alternative to this measure, the minister responsible for education may, within the framework of the extraordinary procedure set out under point b) of paragraph (1), take alternative action to that set out in the examination regulation and the rules of procedure of the academic year to the extent required to settle the given case. The minister responsible for education shall publish their decision within a period of 3 workdays. The measure issued by the minister responsible for education may be implemented immediately following its publication. The minister responsible for education may also electronically publish the measure.

(10) The minister responsible for education shall, in the event of conditions defined in the Decree on the Examination Regulation, be authorised to undertake the following within the framework of the procedure regulated within the scope of the Act on the General Rules of the Official Public Administration Procedure and Services, if it has been established that the examination was unlawfully organised, the certificate was illegitimately issued and the school does not dispose of the conditions required to safely conduct examinations:

- a) Deprive the school of the right to organise and arrange the secondary school leaving examinations and the vocational examination;
- b) Annul the results of the secondary school leaving examinations and the vocational examination;
- c) Invalidate the certificate issued.

(11) Invalidated certificates shall be redeemed and destroyed. The decision issued by the minister responsible for education – without explanations – shall be published in the Official Bulletin published as an annex to the Hungarian Official Journal. Prior to making any decision in connection with the vocational examination and certificate, the minister responsible for education shall obtain the consent of the minister responsible for vocational training.

(12) In the event of *force majeure*, emergency state defined in the Fundamental Law, the minister responsible for education shall issue a decision prescribing tasks pertaining to the organisation of the operation of public education institutions, the school year and the academic year. The minister may institute the immediate implementation of this decision, which may also be electronically issued and published.

#### **46. Specific Central and Regional Tasks of the Minister responsible for education within the Scope of Activities of Public Education**

## Section 79

(1) The minister responsible for education shall assume scopes of tasks and authorities defined in separate legislation through the central office assuming educational tasks of the minister responsible for education and designated in the Government Decree.

(2) The Government Office shall, within the framework of an official control procedure, assess that the operation of the public education institution complies with legislative requirements;

(3) The Government Office shall undertake the following measures to eliminate irregularities identified during the course of the official control procedure;

*a)* Instruct the director of the public education institution to eliminate the irregularity and inform the operator of the institution about this;

*b)* Initiate the review of the budgetary funding allocated at the paying body, suspend its transfer, transfer and re-direct the concerned children and students to an alternative educational institution in the case of institutions not operated by the state or local government;

*c)* Impose a supervisory penalty, which may not exceed an amount of one million Hungarian Forints;

*d)* Initiate a court proceeding to declare invalidity or invalidate the contestable decision.

(4) The supervisory penalty imposed shall be proportionate to the gravity of the act committed.

(5) During the course of the official procedure, the Government Office shall take account of the following when determining the penalty to be imposed:

*a)* the gravity of the breach of law,

*b)* impact of the breach of law on the operation of the public education institution;

*c)* grievances of the children, students and parents and the number of individuals affected;

*d)* damages caused by breach of law;

*e)* concealing of data, facts and information serving as a basis for measures and any such intention;

*f)* duration of the breach of law, its recurrence and frequency;

*g)* cooperation in respect of the identification of breach of law, measures taken to eliminate its consequences, results achieved and the degree of mitigation of damages;

*h)* in the event of several breaches during the period under review, the number and effects of these shall be considered by taking each individual and the combination of these into account in accordance with criteria set out under points *a)–g)*.

(6) If, within the framework of the official procedure, the Government Office identifies that the educational institution violated equal treatment criteria during the assessment of the request for transfer, the office may, pursuant to the request of the parent, declare that the given pupil has been accepted in the pre-school, assumes student status or residence hall membership. The Government Office may make decisions in respect of requests for transfer, if less than 150 days has lapsed from the date of submission of the request. The decision issued by the Government Office shall be executed without taking account of provisions defining the maximum number of students in the class or group and provisions stipulating enrolment quotas. Throughout the duration of enrolment of the concerned child or student in pre-school, school or hall of residence in the given educational institution, the Government Office shall verify, as required or at least once during the academic year, whether equal treatment criteria have been breached in the educational institution.

(7) The decision made by the Government Office pursuant to paragraph (6) shall be executed without appeal. Concurrently to instituting the measure defined under paragraph (6), the Government Office shall launch an infringement procedure against the institution for violating equal treatment principles.

## Section 80

(1) The minister responsible for education shall, within the framework of national assessment activities, ensure the assessment and evaluation of educational activities carried out in the educational institution and the physical state and fitness of students. Each year, the national basic competency and skills assessment shall encompass the assessment of the development of reading-comprehension and mathematics basic competencies in the case of each student enrolled in 6th, 8th and 10th grade in public education institutions. The school, the student and the teacher shall take part in the execution of national assessment activities in accordance with the mode defined within the scope of relevant legislation.

(2) The minister responsible for education shall publish the aggregated results of the national assessment, evaluation, equally presented in institutional breakdown, on the website of the Ministry managed by the minister responsible for education and shall ensure access to this institutional data obtained during the course of the assessment, evaluation for the purpose of further processing.

(3) Documents allocated assessment numbers compiled centrally specifically for the national assessment, evaluation which do not contain any data making it possible to identify the given student completing the document may be used. Data generated during the course of the national assessment, evaluation in respect of the evaluation of student performance may be processed to assess and evaluate student performance, in which regard documents allocated assessment identification numbers may be handed over to the Office.

(4) Voluntarily collected data concerning the social situation of the student, studying and lifestyle habits, the level of education of their parents and employment status may be attached in an unidentifiable manner to the document submitted. The Office shall send the processed data back to the school.

(5) During the course of national assessments, evaluations conducted in accordance with paragraph (1), the assessment identification codes used on documents completed for the first time by the given student shall be applied in every case.

(6) Data shall be deleted after the end of the 5th year following the termination of student status. The school shall delete all voluntarily provided data within a period of 3 workdays after sending the documents to the Office.

(7) Data stored in an unidentifiable manner may only be used within the institution to monitor the development of students and develop and implement pedagogical measures required for development. Data stored in a manner that makes it possible to identify the individual that provided the data and monitor their respective development may be handed over to the special pedagogical service pursuant to the consent of the parent for the purpose of using this data within the scope of the procedure aimed at determining the progress made by the student.

(8) If the student is accepted in and transfers to an alternative school, the data of this student, including the assessment identification code, shall be sent to this school. The school shall notify the Office about which school they forwarded the assessment identification code to.

(9) The Office shall ensure access to the data processed during the course of the national assessment, evaluation for the concerned student and parent on its website.

## **Section 81**

Prior to 31 October of each year, secondary schools shall inform primary schools about the academic results their former students – in the first two years of secondary school - achieved at the end of the school year. The secondary school shall send the name of the student, their educational identification number, as well as their academic scores to the primary school. The primary school shall process the data sent and publish it in an unidentifiable manner on its website, or disclose it in the usual manner if the institution does not operate a website.

## **47. National Register of Consultants and Chairs of Secondary School Leaving Examination Boards**

### **Section 82**

(1) If, on the grounds of this Act, or legislation issued in respect of authorisation prescribes the inclusion of a public education consultant, or deems the need to include an public education consultant, only individuals with a clean criminal record may be appointed as education consultants, or deemed necessary to be appointed in compliance with legal consequences defined in legislation, that are not barred from engaging in public education consultancy activities, which individual

*a)* holds higher education qualifications and a teaching degree, has accumulated 10 years of teaching experience, has passed the special teaching examination, is employed as a teacher, or whose status as a teacher or whose employment contract was terminated within a period of less than 10 years, or

*b)* disposes of authorisation issued by the Office.

(2) Individuals envisaging to engage in consultancy activities on the grounds of point a) of paragraph (1) shall be obliged to declare their intent to the Office. Beyond the data defined in the Act on the General Rules Governing the Start and Duration of Service Activities, the personal ID data, field of specialisation, address and workplace of the given individual must also be provided in this declaration.

(3) In regard to the case defined under point b) of paragraph (1), the Office shall authorise individuals with higher education degrees, 10 years of experience in the field and acknowledged as experts in their field to engage in public education consultancy activities. The personal ID data, field of specialisation, address and workplace of the given individual must be provided in this request.

(4) The Office shall register consultants appointed in accordance with points a) and b) of paragraph (1) in the National Consultant Register, which shall also record the personal ID data, field of specialisation, address and

workplace of the given individual authorised to provide education consultancy. Data shall only be provided from this register to certify that the individual is authorised to engage in consultancy activities.

(5) Separate legislation may deem that the activity set out under paragraph (1) may only be undertaken after completing a training course or passing a special examination.

(6) The national register of chairs of secondary school leaving examination boards kept by the Office shall record the name, field of specialisation, address and workplace of individuals that may appointed chair of the secondary school leaving examination board. Individuals with Master's degrees, professional qualifications required for filling teaching positions in secondary schools listed in Annex 3 and 10 years of teaching experience in a secondary school or a higher education teacher's training institutions and took part in a training course or professional preparation required for assuming examination board chairing duties may be registered in the national register of chairs of secondary school leaving examination boards.

(7) Individuals shall be recorded in the register by means of application. The call for applications shall be published on the official website of the Ministry directed by the minister responsible for education and successful applicants shall be recorded in the register specified in paragraph (6) for a period of 5 years. The Act on Vocational Education and Training shall regulate the setting up and issuing of national register of chairs of secondary school leaving examination boards in respect of vocational training.

(8) Individuals who have acquired practical experience in the field of national minority education defined in paragraph (1) and (6) shall be entitled to engage in public education consultancy within the scope of national minority education provided in pre-schools, schools and halls of residence.

(9) The Office shall – in cases specified under point b) of paragraph (1), concurrently to the withdrawal of authorisation – bar any individual that seriously breaches regulations set out within the scope of this Act or legislation issued in respect of authorisation from public education consultancy and assuming chairing tasks on the secondary school final examination board and shall delete this individual from the national register of consultants and the national register of chairs of secondary school leaving examination boards.

(10) Concurrently to submitting the request in respect of the authorisation of public education consultancy activities set out under point b) of paragraph (1), the requesting party shall certify, by presenting an official document, that they have a clean criminal record and are not barred from engaging in public education consultancy activities, or shall request the body competent for keeping criminal records to send certification of the above to the Office to assess the request for authorisation for engaging in public education consultancy activities on the grounds of the data request submitted. The Office may request data specified in paragraph (1) from the body managing criminal records during the data request procedure.

(11) The Office shall, within the framework of the official procedure conducted throughout the duration of consultancy activities set out in paragraph (1), also control whether the public education consultant has a clean criminal record and has not been barred from engaging in public education consultancy activities. To carry out this official control, the Office may request data from the criminal record system. Only data required for verifying the clean criminal record of the public education consultant and to determine whether the individual is barred from engaging in such activities may be requested.

(12) The Office shall control, handle personal data disclosed pursuant to paragraphs (10) and (11)

a) up to the end of the procedure relating to the authorisation of consultancy activities, as set out under point b) of paragraph (1), or

b) throughout the duration of the official control procedure conducted in accordance with paragraph (11), or up to the end of the procedure within the scope of the procedure initiated to delete the data from the register.

## **48. Rights and Obligations of the Operator**

### **Section 83**

(1) Local governments operating three or more educational institutions shall set up and operate an educational committee. Individuals with higher education qualifications listed in Annex 3 authorised to fill teaching a position shall collaborate in decision-preparation associated with the fulfilment of operator obligations and exercising rights.

(2) The operator shall

a) within the scope of this Act, make decisions in respect of the operation, scope of financial management, restructuring, termination and modification of the scopes of activities of public education institutions;

b) makes decisions in respect of choosing the name of the public education institution, mode of applying for a pre-school place, the date of pre-school admission within the same period in the case of a higher number of children, determining the weekly and annual opening hours of the pre-school;

*c)* determine the budget of the public education institution, as well as the consideration that may be requested, the rules for determining tuition fees, and the conditions for granting allowances on a social basis;

*d)* determine the number of pre-school groups that may be launched in the given school year, the number of classes that may be launched in the school in the given academic year and the number of groups which may be organised in halls of residence;

*e)* may control the financial management, operation, legal compliance, efficiency of the professional work of the public education institution, as well as child and youth protection activities and measures taken to prevent child accidents; if the given institution is not operated by a local government, the institution shall report student and child accidents to the Government Office at the seat of the educational institution;

*f)* exercise employer rights in respect of the director of the public education institution within the framework of restrictive provisions set out within the scope of this Act in connection with the assignment, appointment, withdrawal of appointment, termination of employment of the director of the public education institution;

*g)* approve the subject schedule/timetable and training programme of the public education institution;

*h)* evaluate the execution of tasks defined in the pedagogical programme of the educational institution and the effectiveness of the professional teaching work;

*i)* control the pedagogical programme, school rules and the Organisational and Operational Rules (OOR).

(3) The operator shall obtain the opinion of the bodies defined under paragraph (4) prior to making any decisions or issuing any opinions in connection with following:

*a)* termination of the public education institution;

*b)* restructuring of the institution;

*c)* changes to the tasks of the institution;

*d)* changing the name of the institution;

*e)* appointment or withdrawal of the appointment of the director of the institution.

(4) Prior to making any decisions in respect of changes set out under paragraph (3), the operator shall request the opinion of the following:

*a)* the staff of the institution;

*b)* the school board;

*c)* the school's parents' organisation;

*d)* the school's student council;

*e)* the municipal minority self-government, or the concerned national minority self-government if the former does not exist, in the case of institutions providing minority education, if the institution is not authorised to approve;

*f)* Budapest, county economic chambers in the case of vocational secondary school and vocational schools.

(5) Access shall be ensured to all information available for making the decision of the operator for bodies entitled to issue their opinion, in order to elaborate the opinion defined in paragraphs (3) to (4). At least 15 days shall be ensured for these bodies to issue their opinion, as of the date of accessibility of the information.

(6) If the operator operates three or more public education institutions, the operator may also satisfy opinion issuing obligations defined in paragraphs (3) to (4) – with the exception of the transformation, termination of the educational institution, the appointment and the withdrawal of the appointment of the director – by sending information on measures planned to the director of the concerned public education institution, providing that the operator discloses these in the usual way and by drawing the attention of the bodies defined in paragraph (4) to sending their opinion in connection with the planned measure to be instituted by the operator within the deadline period provided to the director of the public education institution.

(7) The Government Office shall annually assess the demand for Hungarian language preparatory classes and education in the language of instruction of a minority for the concerned school year among pupils intending to enrol in the first year of primary school in collaboration with the minority self-government of the concerned municipality and the national minority self-government.

## **Section 84**

(1) The operator may set new tasks for the public education institution by ensuring the conditions required for performing these.

(2) The operator shall ensure – in the budget of the educational institution – operating conditions in respect of the school board, parents' organisation and the school, hall of residence student council.

(3) During the academic year and school year - with the exception of July and August – the operator

*a)* shall not be authorised to launch a school, restructure or close a school, hall of residence or pre-school or assign their operator rights;

*b)* restructure or terminate school classes, hall of residence groups or pre-school groups;

*c)* change the tasks of the school, hall of residence or pre-school.

(4) The provisions on the restraint on the assignment of operator rights shall not be applied if the operator is terminated by means of legal succession, the division of assets associated with the division of local governments, upon the death of the sole trader, if there is such a person authorised to engage in this activity.

(5) The provisions on the restraint on restructuring shall not be applied if the seat, site was relocated during the school year, academic year on account of how the existing building, premises or area could not be occupied, or the building, premises or area used by the educational institution suddenly became unfit for proper use.

(6) The Government Office may authorise the relocation of the seat or site during the school year, academic year even on account of other, unforeseen reasons for operators of religious, non-state and non-local government institutions. If the church, non-state or non-local government operator requests, on the grounds of unforeseen events, the authorisation of the relocation of the seat or site for the second time during a period of three year, the Government Office shall verify the legal operation of the institution by conducting the control procedure defined under paragraph (2) of Section 34.

(7) The operator shall, at the latest, make decisions up to the last workday of May of the year of implementation of the planned measure in respect of the following:

*a)* assignment of the operator rights of the educational institution;

*b)* transformation of the educational institution, which may take place in the following manner:

*ba)* consolidation, which may either imply integration or incorporation;

*bb)* partitioning, which may imply separation or secession;

*c)* termination of the educational institution;

*d)* launching or closing a faculty in primary art schools.

(8) The final workday of July shall be deadline date for decisions concerning other re-structuring activities not listed in paragraph (7).

(9) In order to

*a)* establish, terminate, re-structure, name;

*b)* determine and modify the budget;

*c)* evaluate the work carried out in the institution;

*d)* approve the OOR;

*e)* approve, implement and evaluate the pedagogical programme, pedagogical cultural programme;

*f)* issue opinions in respect of the appointment or withdrawal of appointment of the director

the state operator shall, in respect of the educational institution collaborating in minority pre-school educational activities, school educational activities and hall of residence educational activities in accordance with its statutes, as well as the institution providing pedagogical services collaborating in the provision of services for the concerned children and students, obtain the approval of the concerned municipal minority self-government in the case of institutions undertaking regional tasks and the national minority self-government in the case of institutions undertaking regional minority self-government and national minority self-government tasks.

## **Section 85**

(1) If the operator is authorised to approve the OOR of the public education institution, school rules and the pedagogical programme, the operator shall have 30 days to issue its approval.

(2) The operator may instruct the director of the institution to present a comprehensive overview of the activities undertaken in the institution maximum once every school year.

(3) The operator shall publish its evaluation compiled in respect of the work undertaken at the educational institution on its website, or disclose it in the usual manner if the institution does not operate a website.

(4) The fulfilment of the obligations of the operator and exercising its rights may not breach the professional autonomy of the education institution, the scope of authority of the professional decisions of the institution or the employer rights of the director of the public education institution, including employer rights exercised in respect of the financial director.

## **49. Control of Public Education Institutions**

### **Section 86**

(1) The following types of control may be carried out in respect of the public education institution:

*a)* professional (educational);

*b)* legal compliance;



c) official.

(2) Educational consultants may take part in the control of the educational activities of the public education institution, except in the cases listed under point b) of paragraph (1). Educational consultants must be integrated in the professional control of the educational activities of vocational schools.

(3) If educational activities are controlled in a public education institution providing minority educational activities

a) a consultant proficient in the minority language may conduct the control procedure, or a teacher proficient in the minority language must be integrated if there are no consultant proficient in the given minority language;

b) the national minority self-government must be notified about the professional educational control procedure, which body may delegate individuals with higher educational qualifications, 10 years of professional experience in the field and acknowledged in the field to take part in the educational control procedure.

(4) The head of the control team shall negotiate the duration, form, methods, date of the control, as well as the mode in which the concerned parties may express their opinion in connection with the findings of the control procedure with the director of the public education institution at least two days prior to the start of the control procedure. The operator of the public education institution must be notified at least two days before the start of the professional control procedure instituted by the minister responsible for education, by informing the operator that they are entitled to be present during the control procedure.

(5) The findings of the educational control procedure shall be sent to the body in respect of which the control procedure was carried out, the entity which initiated the procedure and the operator. If the control procedure is conducted in a public education institution providing minority educational activities, the findings of the professional control shall be sent to the concerned municipal minority self-government, as well as the national minority self-government.

(6) The findings of the professional control procedure shall, by complying with legislation governing the protection of personality right, be published on the website of the concerned educational institution, or in the usual way if such a website is not operated, as well as on the website of the body that initiated control.

(7) The provisions of paragraphs (4) to (5) shall be applied in respect of the control of the legal compliance of operations of the public education institution, with the difference that the provisions governing preliminary negotiation do not have to be applied if this threatens the effectiveness of control activities.

(8) Individuals or organisations conducting professional controls and controlling the legal compliance of operations in public education institutions shall not be authorised to make any decisions or take any action.

## **Section 87**

(1) The minister responsible for education shall operate the national professional control system, and, within the framework of this system continuously organise professional control procedures in public educational institutions, which constitute assessments repeated every five years in each institution closing with an evaluation. Institutions to be designated by the ministers responsible for vocational training shall be integrated in professional educational control procedures carried out at vocational training institutions.

(2) The Office shall organise the national pedagogical control procedure in collaboration with the Government Office.

(3) Controlling and evaluating the work of pedagogues on the grounds of standard, external criteria aimed at improving the quality of this work is the objective of the national pedagogical control procedure. This control procedure shall be carried out in every public education institution regardless of its operator.

(4) The national pedagogical control procedure shall particularly apply the method of class and activity visits, observation, interviews and the assessment of pedagogical documents. A team comprised of at least three educational consultants designated in compliance with legislative requirements shall conduct the control procedure in the given institution. This team of consultants shall not be authorised to institute measures and their findings and recommendations shall be recorded in a report.

(5) Educational consultants fulfilling training requirements set out in separate legislation may take part in the national pedagogical control procedure. The consent of the operator shall be required for designating the consultant authorised to take part in the control procedure carried out on the given institution.

(6) The outcome, findings of the national pedagogical control procedure shall be taken into account during the course of exercising employer rights in the given public education institution.

(7) The result and findings of the national pedagogical control procedure and documents justifying these findings shall be disclosed to the operator in respect of the institution it operates.

## **50. Financing the Public Education System**

## **Section 88**

(1) The operation of the public education system shall be ensured from the state budget and financial resources contributed by the operator, which shall be complemented by fees paid by the students, service fees paid by the students, as well as tuition fees in the case of institutions authorised to charge tuition in accordance with regulations governing this Act, in addition to own resources of the public education institution. The operator shall ensure coverage for the extra services and number of students they authorise.

(2) The budgetary appropriation earmarked for providing core educational activities shall be determined in the annual budget act. The budget may ensure funding for the provision of other public education activities.

(3) The budget shall ensure funding for the provision of public education activities of institutions not operated by the state on condition that the institution undertakes activities in compliance with its operating licence.

(4) The amount of budgetary funding shall cover the remuneration and salary - including taxes and contributions - paid to teachers and employees directly involved in the provision of educational activities required for operating the educational institution and the pedagogical professional service. A separate legislation shall define the timeframes of services provided within the framework of the pedagogical professional service. The operator shall conclude a vocational training agreement with the Government Office, which shall constitute a precondition for using budgetary funding in the case of vocational schools not operated by the state.

(5) Funding for educational activities provided by institutions operated by churches, as well as minority self-governments from the budget shall be allocated on the grounds of general rules applicable to state-financed institutions and at an identical rate.

## **Section 89**

(1) In municipalities in which at least 8 pre-school-aged children or 8 primary school-aged children are declared (as their permanent address) and, on the grounds of demographical data, this number will presumably be operated for at least another three years, as well as pursuant to the request of parents, the Government Office, pursuant to the initiative of the local government, shall ensure the operation of one local pre-school group, one combined local pre-school and nursery group or local school offering primary education.

(2) The pre-school group or school class shall also be organised and maintained for children belonging to a given minority, if the parents of 8 children or students belong to the same minority request this.

(3) The rate of funding allocated to the operator of the school for purchasing textbooks distributed at a market price shall be defined in the annual budget act. The teaching staff shall decide on the mode of support in accordance with rules governing the Act on the Rules of Procedure of the Textbook Market. Schools shall ensure the free distribution of textbooks in accordance with the provisions of the Act on the Rules of Procedure of the Textbook Market.

(4) The rate of funding allocated to the operator for ensuring discounted meals for children shall be defined in the annual budget act by taking account of normative allowances defined in the Act on the Protection of Children and Child Welfare Administration.

(5) Pre-school and school educational activities, hall of residence services, pedagogical services provided for children, students on the grounds of this Act, as well as any sort of fee charged in connection with these, tuition waivers or reductions, assistance granted for the payment of any sort of fee or tuition fee and in-kind provisions (for textbooks, handbooks, meals, travel) shall qualify as tax-exempt services in respect of personal income tax, regardless of the operator of the public education institution.

## **51. International Provisions**

### **Section 90**

(1) Foreign educational institutions may operate within the boundaries of Hungary and issue certificates, if the institution is legally recognised as an educational institution in its country of origin and the certificate it issues is legally recognised as a certificate issued by this educational institution in its country of origin, which the institution is capable of credibly proving, providing that the operation of such institutions do not conflict with the provisions of the Fundamental Law. These provisions shall also be applied in respect of international schools, with the difference that the certificate of recognition must be issued by the international organisation accrediting the institution. The minister responsible for education shall, pursuant to the request of the operator of the institution, register the foreign educational institution and license its operation.

(2) Regulations in effect in the country recognised as the country of origin of the given educational institution shall be applied in respect of the foundation of a foreign educational institution, educational activities carried out

in the institution and controlling these, as well as matters and decisions pertaining to the children and students enrolled. The Office shall carry out the control procedure verifying the legal operation of the institution set out under paragraph (2) of Section 34.

(3) Educational institutions specified above under paragraph (1) may also be established and operate in Hungary on the grounds of an international agreement. The minister responsible for education shall officially register educational institutions established and operating on the grounds of an international agreement. Provisions set out in under paragraph (2) in connection with control procedures verifying the legal operation of the institution shall be applied in respect of educational institutions established and operating on the grounds of an international agreement, unless otherwise regulated within the scope of the international agreement.

(4) Hungarian educational institutions may be established in foreign countries pursuant to the authorisation of the minister responsible for education, if the laws of the country of its place of operation or international agreement enable this. The minister responsible for education shall register the educational institution and undertake tasks pertaining to the control of its legal operation if the seat of the Hungarian educational institution is located in a foreign country, or at a foreign consulate.

(5) The conditions for establishment and operation must be indicated on the license issued to establish and operate a Hungarian educational institution operating in a foreign country. The minister responsible for education shall register the educational institution and exercise rights defined in paragraph (2) of Section 34.

(6) Foreign educational institutions not recognised in their country of origin may only operate within the boundaries of Hungary if the minister responsible for education registers the given institution.

(7) The minister responsible for education may conclude a public education agreement with the foreign public education institution, the operator of the international school.

(8) Public education institutions regulated within the scope of the present Section shall be obliged to register in the Central Management System and supply data to the system.

(9) With the consent of the minister responsible for alien administration and refugee affairs the minister responsible for education may authorise the operation of an educational institution for the children of temporary protected persons staying in the territory of Hungary by issuing a temporary operating licence, even if criteria defined in paragraph 1 of Section 90 are not met, if the operation of such an institution is not in conflict with the provisions of the Fundamental Law. This temporary operating license shall be issued and valid for a period of one year and may be extended repeatedly. The request for the temporary license shall be submitted by the minister responsible for alien administration and refugee affairs. The institution shall be registered upon the issue of the temporary operating licence. In the temporary operating license, the minister responsible for education shall acknowledge that pre-school education or school education has been organised for the children of temporary protected persons in Hungary. The temporary operating license does not imply that the educational institution is acknowledged in accordance with regulations in effect in the country from which the asylum seeker arrived in Hungary, nor does it mean that the certificate issued by the school is recognised on behalf of Hungary.

## **Section 91**

(1) Hungarian citizens may study in foreign countries without having to obtain any permission and may also fulfil compulsory education in foreign educational institutions.

(2) Students fulfilling compulsory education in foreign countries shall, in order to register the child required to complete compulsory education, register with the municipal clerk at their place of residence, or at their place of stay, or to the director of the school if the student has already enrolled in a school in Hungary.

(3) The student status shall be suspended throughout the duration of their studies in a foreign country.

## **Section 92**

(1) Non-Hungarian minor citizens shall be entitled to access pre-school educational services and shall be subject to compulsory education in Hungary if they

- a)* are entitled to the same rights as Hungarian citizens in accordance with the provisions of the Act on Asylum;
- b)* are entitled to enjoy the right to freedom of movement and stay in accordance with the Act on the Entry and Stay of Persons Enjoying the Right to Freedom of Movement and Stay;
- c)* fall under the scope of the Act on the Entry and Stay of Nationals of Third Countries and have an immigration status or have been granted settlement, or are authorised to stay in the territory of Hungary.

(2) The fulfilment of these requirements shall be certified upon the enrolment of the student in the educational institution.

(3) Non-Hungarian citizens may, throughout the duration of their compulsory education and until they comply with conditions set out in paragraph (1), use pre-school educational services and – if they reach the compulsory

education age valid in Hungary by law - educational services provided in schools, halls of residence and by special pedagogical services throughout the duration of their studies, which commenced during the period of compulsory education and terminated after the period of compulsory education, under identical conditions to those ensured for Hungarian citizens.

(4) Individuals listed under point a) of paragraph (1) may exercise rights defined in paragraph (3) as of the date of submission of their request for recognition.

(5) Rights regulated under paragraph (3) may, pursuant to the provisions in points b) and c) of paragraph (1) be exercised if the parent has been issued a stay permit exceeding 3 months and engages in income earning activities. These provisions shall also be applied in respect of the concerned household and children.

(6) Any non-Hungarian citizen holding a letter of invitation issued by the minister responsible for education shall be entitled to the same services under identical conditions to those ensured for Hungarian citizens.

(7) Any non-Hungarian citizen that does not fall under the scope of paragraphs (1) to (6) – unless otherwise regulated within the scope of international agreements or legislation – shall pay a fee for using educational services provided in pre-schools, schools and halls of residence, as well as for using pedagogical services. This fee shall not exceed the amount calculated in respect of direct instructional costs per student. The director of the public education institution may reduce or waive the fee on the grounds of rules defined by the operator.

(8) The minister responsible for education shall issue an educational programme in respect of the pre-school education and school education of individuals defined in paragraph (1).

(9) Studies commenced, however, not finished in a foreign country may be continued in the Hungarian public education system. The director of the school shall decide on equivalence and accepting the student.

(10) The director of the school shall obtain the opinion of the minister responsible for education, or the minister responsible for vocational training in the case of vocational education, if the director of the school is unable to decide on equivalence.

### **Section 93**

If a certificate issued in the public education system is to be used in a foreign country it must be certified and duly attested, unless otherwise regulated by international agreements. The Government Office shall certify certificates issued by the secondary school final examination board operated by the operator of the school or Government Office, or by public education institutions terminated without legal succession – in this case, based on data provided by the regional archives – and the minister responsible for education, the minister of foreign affairs and the Hungarian consulate in the country of use of the certificate shall authenticate them.

## **52. Authorising Provisions**

### **Section 94**

(1) The minister responsible for education shall be authorised to regulate the following in a decree:

*a)* professional rules governing the operation of public education institutions, the schedule of the school year, the procedure pertaining to the appointment of directors in public education institutions; matters pertaining to the use of the name, emblem of public education institutions, acceptance of students; detailed rules regulating the operation of student associations, student councils; detailed rules regulating the relationship between student sports associations and the educational institution and the operation of pre-school boards, school boards, hall of residence boards, parents' associations and the council of the institution; general rules pertaining to the administration and archiving activities of public education institutions; tasks pertaining to academic administration, the rules of archiving and the prevention of child, student accidents, as well as activities pertaining to the investigation, registration and reporting of accidents;

*b)* rules and principles of quality assurance tasks in the sector, arranging national assessment activities, tasks pertaining to the assessment of the physical state and level of fitness of the students and performance evaluation;

*c)* guidelines of education in minority pre-schools, guidelines of education in minority schools, guidelines of education in bilingual schools, guidelines of pre-school education for children with special educational needs, guidelines of school education for children with special educational needs, national hall of residence educational core programme, general curriculum, as well as requirements for primary art education and the issuing and introduction of its curriculum programme;

*d)* the procedure pertaining to the education of children with special educational needs, compiling an expert opinion in connection with children with learning, behavioural and adjustment problems; detailed rules regulating the operation of the expert committee, national and other consultancy and rehabilitation activities and setting up and operating the network of travelling special education teachers;

e) the tasks pertaining to compulsory pre-school education, developmental education, activities pertaining to the fulfilment of developmental education, certain matters pertaining to the status of students and, in agreement with the minister responsible for public finances, allowances, discounts students are entitled to;

f) the conditions for establishing a combined pre-school-nursery institution; professional rules governing its establishment and operation and collaboration in educational activities and enrolment criteria for children under the age of three;

g) detailed rules governing the issuing of the licence required for religious and private institutions to commence their operation and connecting annexes; conditions for collaborating in the pedagogical professional service and providing pedagogical professional services;

h) rules of the school admission procedure; rules of school examinations; rules governing the use of the pedagogical professional service, the operation of institutions providing pedagogical professional services; tasks and involvement of educational institutions in the provision of pedagogical professional services and the education of the concerned children and students; compiling expert opinions; rules of control; matters pertaining to the initiation of municipal clerk's procedure in connection with the pedagogical professional service; scope of individuals authorised to initiate the procedure; conditions on the grounds of which a fee may be charged for using the pedagogical professional service; qualification requirements pertaining to the provision of activities in institutions providing pedagogical professional services and director appointments; technical rules applied by the Government Office in respect of the procedure authorising the operation of religious and private institutions, as well as the procedure controlling their legal operation; rules applied in respect of the setting of the administration fee charged in connection with specific services; rules pertaining to the payment of the fee set; matters pertaining to the use of the fees paid, as well as matters pertaining to setting the rate of remuneration paid in connection with examinations and consultancy and other activities.

i) rules governing examinations, with the exception of the secondary school leaving examination; issuing examination criteria for the secondary school leaving examination;

j) rules and conditions regulating textbook approval; compiling and issuing the textbook list; conditions and the procedure for inclusion in the textbook list; price limit in connection with the inclusion of textbooks on the list; rules governing deletion from the textbook list; rules governing textbook subsidies; not-for-profit distribution of textbooks; issuing the compulsory instruments and equipment register; rules governing the approval of the general curriculum, educational programmes, as well as the rules applied for setting the rate of the administrative service fee charged in connection with procedures listed in the present section, rules applicable in respect of the payment of the amount determined and matters pertaining to the use of the amount received;

k) rules governing the scope of tasks and operation of the Office of the Commissioner for Education;

l) detailed set of conditions for undertaking public education consultancy and chairing tasks in the secondary school leaving examination board as set out in Section 82; detailed rules applied in respect of declaring public education consultancy activities in accordance with point b) of paragraph (1) of Section 82 and issuing the license in accordance with point b) of paragraph (1) of Section 82, registration in the national register of consultants and the national register of chairs of the secondary school leaving examination board; training provided for public education consultants and chairs of the secondary school leaving examination board and consequences of the failure to satisfy training obligations; detailed rules governing data registered in the national register of consultants and the national register of chairs of the secondary school leaving examination board not containing personal data, as the rules applied for setting the rate of the administrative service fee charged in connection with procedures listed in the present section, rules applicable in respect of the payment of the amount determined and matters pertaining to the use of the amount received;

m) trainings organised in respect of the provision of public education tasks;

n) consultancy tasks not relating to subjects or professional fields to be organised within the framework of national consultancy activities; the organisation of these tasks, as well as further professional criteria stipulated in respect of national consultancy activities; scope, areas and organisation of professional services not relating to subjects or professional fields; conditions for taking part in the national pedagogical professional service; designating institutions providing pedagogical professional services within the framework of the provision of state public education duties;

o) conditions for extending income supplement benefit and the minimum amount of income supplement;

p) detailed operating and implementation rules for carrying out national pedagogical professional control procedures in public education institutions organised by the Office; professional conditions for carrying out consultancy activities within the framework of the national pedagogical professional control procedure;

q) detailed rules pertaining to freedom of creation;

r) rules governing the school year, including the teaching year; tasks pertaining to the organisation of the school year, with special regard to the first and last day of the school year, the period during which teaching is

provided, the dates and duration of school holidays, mid-term breaks, the period of assessment of admission applications, the secondary school leaving examination and vocational exam;

*s)* rules applicable in respect of the national academic contest;

*t)* educational programmes required for training provided within the framework of the Public Education Bridge Programme, detailed rules for participating in the Public Education Bridge Programme.

(2) The minister responsible for education shall exercise their respective scope of authority defined in paragraph (1) in agreement with

*a)* the minister responsible for vocational education and training;

*b)* the minister responsible for tax policy in respect the administration service fee charged in connection with specific services listed in points *h)*, *j)* and *l)* of paragraph (1).

(3) The competent individuals listed below shall be authorised to regulate the following in a decree:

*a)* The minister of defence shall regulate in a decree that the Hungarian Army, as well as the minister responsible for law enforcement bodies – in view of the special characteristics of the operation of the law enforcement body and in agreement with the minister responsible for education – shall define provisions to be applied in respect of the rights and obligations of students, the qualifications, rights and obligations of teachers and the appointment of the director of the institution; healthcare requirements necessary for establishing student status, aptitude requirements, as well as rules applied for determining these and the assignment relating to the right of the operator to manage the institution;

*b)* The minister of health – in agreement with the minister responsible for education – shall regulate the organisation of regular healthcare checks, with special regard to detailed rules governing the dental, optometry and general screening of children enrolled in pre-school and students enrolled in primary school and secondary school up to the end of compulsory education at least once a year.

(4) The Government shall be authorised to regulate the following in a decree:

*a)* the introduction and issuing of the national core programme for pre-school education;

*b)* the introduction and issuing of the National Curriculum;

*c)* the introduction and issuing of the examination rulebook for the secondary school leaving examination;

*d)* matters pertaining to the issuing and use of student cards;

*e)* setting up and operating the permanent system of substituting teachers in Budapest and in the counties;

*f)* the introduction of the special teaching exam, the teacher's training system; remuneration paid and allowances granted for participating teachers; detailed rules governing the procedure approving secondary school leaving examination subjects; the rules and conditions for accrediting teacher's training programmes; rules governing data provision relating to the launch of accredited training programmes; rules pertaining to recording training programmes; rules governing the quality assurance and control of training programmes; shortfalls identified during the course of control; penalties which may be imposed in the event of the breach of quality assurance requirements, as the rules applied for setting the rate of the administrative service fee charged in connection with procedures listed in the present section, rules applicable in respect of the payment of the amount determined and matters pertaining to the use of the amount received;

*g)* the teacher advancement system; requirements necessary to classification; the rating exam and the operation of the committee conducting the rating procedure; detailed provisions relating to professional criteria; conditions relating to grades awardable within the framework of the rating procedure; award grades and guaranteed wages aligned to specific wage categories; supplementary remuneration and wage complementation set out in Annex 8 in view of the characteristics of the sector and profession; detailed rules governing bonuses; repeated rating exams and the costs of rating procedures, as well as fees charged for the exam and rules pertaining to payment; conditions regulating extraordinary work and duty which may be instituted in the educational institution; rules applied to determine and the rate of the flat rate fee including duty and work instructed to be carried out while on duty; scope of other tasks associated with preparatory and educational activities; substituting qualifying as a one-off substitution; matters pertaining to voluntary declarations made by the parents of multiply disadvantaged children and students in connection with their level of qualification, employer licenses of the board of directors;

*h)* setting up and operating the public education information system and the rules of supplying data to the information system;

*i)* conditions pertaining to the use of the teacher's card, rules governing the issuing and handling of this card;

*j)* rules governing the determination, transfer and accounting of state funding of religious and private institutions as determined in the Budget Act; data provision relating to requests, accounting and use; rules of audit; rules governing the application for complementary funding for religious and minority self-government operators; rules of data provision required for the application for complementary funding allocated on whatever grounds and the rules governing transfer and accounting of complementary funding; rules of auditing applied to requests, accounting and use; data provision by the Government Office and the president of the association council required for determining complementary funding;

*k)* the Government Office assuming specific scopes of tasks and authority of the minister responsible for education and designating the scope of tasks and authority undertaken by this office;

*l)* rules pertaining to competency in connection with delivering the scope of public education tasks of the Government Office;

*m)* matters pertaining to the remuneration of teachers involved in the secondary school leaving examinations; principles applied to setting examiner's fee, to be defined by the Office, during the secondary school leaving examination; matters pertaining to setting, paying and use of the administration service fee charged for issuing teacher's cards; rules applied in respect of setting and paying the administration service fee in connection with the public education information system; rules regulating the use of the amount received; rules pertaining to determining, collecting and paying the administration fee charged in connection with requesting teacher's cards; rules relating to the accreditation procedure applied in respect of teacher's training programmes and determining the fee applied in respect of specific services; rules governing the mode of payment and use of the amount received; rules governing the establishment of scholarships for teachers;

*n)* designation of the body functioning as an operator in respect of the provision of public education duties; detailed rules regulating the taking over of the operator rights of public education institutions operated by local governments by the state and registration of changes to data relating to state financing in the Public Education Information System;

*o)* detailed rules required for concluding a public education agreement with the local government in respect of taking over the operation of institutions operated by the state and assessing the financial status of the local government; detailed rules regulating the assessment of changes to the material and professional conditions of the operation of the institution operated by the local government on the grounds of a public education agreement;

*p)* scope of services provided free of charge, upon the payment of a fee or tuition;

*q)* designation of the authority or authority authorised to impose penalties defined within the scope of this Act, the rate of the penalties which may be imposed in the event of breaches of law in which case administrative penalties are to be imposed; detailed rules regulating the imposing of penalties, as well as the use of the penalties collected;

*r)* rules regulating classification of qualifications certified by certificates and vocational certificates according to the Hungarian Qualification Framework System.

(5) The opinion of the national minority self-government must be obtained in matters pertaining to the pre-school and school education of students affiliated to minorities to submit the government decrees set out under points a) to c) and f) of paragraph (4).

### **53. Entry into Force**

#### **Section 95**

(1) With the exception of paragraphs (2) to (5) herein, this Act shall enter into force on 1 September 2012.

(2) Section 18, paragraphs (2) and (4) of Section 45, paragraph (7) of Section 50, Sections 74 to 76 and paragraph (7) of Section 95 shall enter into force on 1 January 2013.

(3) Sub-point b) of point 12 of Section 4, paragraph (3) of Section 8, point b) of paragraph (4) of Section 13, Section 14, paragraph (7) of Section 25, paragraphs (1) to (10) of Section 27, paragraphs (12) to (13) of Section 27, Sections 28 to 29, Section 35, point a) of paragraph (1) of Section 46, paragraph (5) of Section 46, paragraph (1) of Section 55, paragraphs (3) and (5) of Section 61, paragraphs (3) and (5) to (14) of Section 62, Sections 64 to 65, paragraphs (5) to (6) of Section 69, paragraphs (4) to (5) of Section 88, paragraphs (1) to (1) of Section 89, paragraph (8) of Section 95, Annex 1, Annex 2, Annex 4, Annex 5, Annex 6 Annex 7 and Annex 8 shall enter into force on 1 September 2013.

(4) Paragraph (2) of Section 8, paragraph (1) of Section 53 and paragraph (9) of Section 95 shall enter into force on 1 September 2014.

(5) The text "the subject exam corresponding to the type of vocational secondary school in the vocational secondary school" under point e) of paragraph (2) of Section 6 shall enter into force on 1 January 2016.

(6) Sections 1 to 3, paragraphs (1) to (3) of Section 4, paragraphs (5) to (7) of Section 4, Sections 4/A to 5, paragraphs (1) and (4) to (5) of Section 6, Sections 7 to 11, point b) to h) of paragraph (1) and paragraphs (2) to (6) of Section 12, Sections 13 to 14, paragraphs (1) to (2) and (5) to (7) of Section 16, Section 17, Sections 18 to 23, paragraph (1) of Section 24, Sections 25 to 26, paragraphs (1) to (7) of Section 27, paragraphs (9) to (13) of Section 27, Sections 28 to 33, Sections 36 to 38, paragraphs (1) to (2) and (4) of Section 39, Sections 40 to 51, paragraphs (15) to (16) of Section 52, Sections 54 to 6, paragraphs (1) to (8) and (10) to (11) of Section 66, Sections 67 to 68, paragraphs (3) to (5) of Section 69, Sections 70 to 73, Sections 75 to 84, Sections 92 to 93, paragraphs (1) to (2) of Section 94, points a) to e), g) to k) and m) to p) of paragraph (3) of Section 94,

paragraphs (4) to (7) of Section 94, Sections 95 to 117, paragraphs (1) to (2) and (7) to (11) of Section 118, Sections 119 to 120, points 1 to 13 and 15 to 49 of paragraph (1) and paragraphs (2) to (10) of Section 121, paragraphs (2) to (15) of Section 122, Sections 122/A to 127, paragraphs (1) to (7) and (9) to (23) of Section 128, Sections 129– to 33 and Annex 2 of Act LXXIX of 1993 on Public Education (hereinafter Public Education Act) shall be repealed.

(7) Paragraph (2) of Section 6, paragraph (5) of Section 24, Sections 34 to 35, paragraph (9) of Section 66, Sections 85 to 91 and point f) of paragraph (3) of Section 94 of the Public Education Act shall be repealed

(8) Paragraph (4) of Section 4, point a) of paragraph (1) of Section 12, paragraphs (1) and (7) of Section 16, Section 17/A, paragraph (4) of Section 24, paragraph (8) and paragraphs (14) to (15) of Section 27, paragraph (3) of Section 39, paragraphs (1) to (14) and (17) to (18) of Section 52, Section 53, paragraph (2) of Section 69, point 1) of paragraph (3) of Section 94, paragraphs (3) to (4), paragraph (6) and paragraphs (12) to (13) of Section 118, point 14 of paragraph (1) of Section 121, paragraph (1) of Section 122, paragraph (8) of Section 128, Annex 1 and Annex 3 of the Public Education Act shall be repealed

(9) Paragraph (3) of Section 24, paragraph (1) of Section 69 and Section 74 of the Public Education Act shall be repealed

## **54. Transitional and Miscellaneous Provisions**

### **Section 96**

(1) This Act shall also be applied in respect of the operation of public education institutions, the appointment and employment of teachers, their rights and obligations, provisions pertaining to their remuneration and allowances, as well as educational activities undertaken in child remedial education and recreation centres, healthcare and rehabilitation institutions, children's homes and correction, penal institutions. In such institutions, education shall be provided through educational programmes aligned to the circumstances of education and by deviating from provisions relating to the schedule of the school year.

(2) It is also possible to deviate from the provisions of this Act during the course of educational activities provided in institutions listed above under paragraph (1), with the exception of provisions regulating the teaching stages of educational activities, its criteria system and the examination system applied in respect of state exams.

(3) The deadline for administration shall be two months in the case of the procedure relating to the issuing of the license authorising the commencement of operations, accreditation of educational programmes, approval of textbooks, procedures relating to the approval of the general curriculum, as well as procedures controlling legal operations and official procedures.

(4) The operator shall refer to the supervisory body in respect of the public education institution; supervision shall refer to exercising rights and obligations; professional and financial supervision shall refer to professional and financial control and scope of competency and operation shall refer to the district of enrolment (operation).

(5) Wherever legislation makes allowances, benefits subject to student status, student status shall refer to developmental education.

(6) Books, workbooks, work-sheets and digital educational devices used to implement educational activities defined in the pedagogical programme and not listed in the textbook register may also be procured instead of textbooks from the funding earmarked from the budget for purchasing textbooks for students to ensure special competency development vocational school educational activities and developmental education pursuant to the consent of the teaching staff and parents' association, if textbooks cannot be either partially or fully used for providing educational activities in the school

(7) Wherever legislation determines allowances, benefits, entitlements or obligations in respect of children with disabilities enrolled in pre-school, with a student status or hall of residence membership, the notion of children with disabilities shall refer children, students with special educational needs.

### **Section 97**

(1) As regards students that began their studies in 9th grade in the 2011/2012 school year or earlier, their compulsory education shall terminate at the end of the school year in which they turn 18. The compulsory education of students with special educational needs, in whose case the expert and rehabilitation committee decided to extend this period up to the end of the school year in which they turn 20 prior to the entry into force of this Act, shall terminate at the end of the year in which they turn 20.

(2) Certification of the decision of the community service required for issuing secondary school leaving examination certificates shall be required for the first time in the case of secondary school leaving examination started after 1 January 2016.



(3) Disciplinary proceedings set out in Section 58 in progress when this Act enters into force shall be wound up on the grounds of the relevant provisions of the Public Education Act.

(4) Non-state operators shall, within a period of 4 months following the entry into force of this Act, review, in compliance with the provisions of this Act, the statutes of the public education institution specified in this Act and send it to the administrative body competent for registration of the Government Office.

(5) The provision of developmental education as set out in paragraph (2) of Section 15 shall be compulsory as of 1 September 2014. Developmental education may also be organised for the students concerned prior to this date in compliance with the provisions of the Public Education Act.

(6) Physical training (P.T.) classes to be held every day in accordance with paragraph (11) of Section 27 shall be provided in first, fifth and ninth grade in an ascending system from 1 September 2012. Physical education classes shall be organised in the rest of the grades in a phasing-out system in accordance with Act LXXIX of 1993 on Public Education.

(7) Ethics classes set out in paragraph (1) of Section 35 or religion and moral studies classes organised by an ecclesiastic legal person and which may be selected instead of the former shall be organised in an ascending system in the first and fifth grade of school education as of 1 September 2013. Facultative religion and moral studies classes shall be organised in the rest of the grades in a phasing-out system in accordance with Act LXXIX of 1993 on Public Education.

(8) The Government Office shall compile the first public education development plan up to 1 March 2013.

(9) The state as an operator, the Government Office exercising operator's rights, as well as natural or legal persons collaborating in the provision of state tasks shall be registered in the Public Education Information System up to 2 March 2013.

(10) Institutions providing pedagogical professional services and operating upon the entry into force of this Act shall assume activities under the professional supervision of the minister responsible for education as of 1 September 2013.

(11) The operator shall exercise rights pertaining to the appointment and withdrawal of the appointment of directors of public education institutions operated by local governments during the period between the entry into force of this Act and 31 December 2012.

(12) Six or eight-grade secondary schools already operating when this Act enters into force shall comply with the requirements set out in a separate piece of legislation by the end of the 2016/2017 school year.

(13) Requirements set out in separate legislation shall be satisfied in language preparatory classes (grades) – with the exception of minority education - already operating upon the entry into force of this Act as well as bilingual education as of the end of the 2014/2015 school year. Language preparation classes or bilingual education shall be phased out in an ascending system in institutions that fail to satisfy conditions defined in separate legislation.

(14) The school shall review its pedagogical programme up to 31 December 2012 in order to comply with the Act on the General Curriculum, as well as the provisions of this Act.

(15) Educational institutions operating 10 or more teaching staff units shall review and amend their respective OOR up to 31 December 2012 to comply with the provisions of paragraph (1) of Section 71

(16) Teachers who have turned 52 upon the entry into force of this Act shall not be obliged to take part in teacher's training courses.

(17) Teachers that have acquired the necessary knowledge and skills within the framework of teacher's training programmes may also be employed as developmental teachers up to the end of the 2012/2013 school year.

(18) Class and group numbers listed in Annex 4 shall be applied for the first time in an ascending system from the 2013/2014 school year.

(19) Teachers employed in educational institutions shall for the first time be ranked and tested between 1 September 2013 and 30 June 2018.

(20) Individuals employed as teachers in educational institutions shall qualify as teachers if they have at least two years of professional experience on 1 September 2013; shall be ranked in Teacher Grade 1 and the category corresponding to their professional experience, whilst teachers with less than two years of professional experiences shall be qualified as trainees. Individuals employed as teachers at pedagogical professional services shall qualify as teachers if they have at least two years of professional experience on 1 September 2013; shall be ranked in Teacher Grade 1 and the category corresponding to their professional experience from 1 September 2015 to their first rating, whilst teachers with less than two years of professional experiences shall be qualified as trainees.

(21) Rating obligations shall not apply to teachers employed at educational institutions who reach the relevant old-age pension age threshold by the end of the 10th school year from 1 September 2013, or teachers employed at pedagogical professional services who reach the relevant old-age pension age threshold by the end of the 10th school year from 1 September 2015.

(22) Free textbooks, as specified in paragraph (5) of Section 46, shall be provided for the first time in the 2013/2014 school year for students enrolled in the first year and in an ascending system thereafter.

### **Section 98**

(1) Individuals employed as teachers in educational institutions may hold other activities.

(2) Teachers with college degrees and special qualifications corresponding to the given subject may also teach art and technical practical classes in secondary schools.

(3) Pre-school teaching positions may be filled by individuals holding conductor pre-school teacher qualifications, whilst lower grade teaching positions may also be filled by individuals holding a higher education degree or conductor teacher qualification.

(4) With the exception of advanced level education, individuals with teaching degrees and vocational qualifications certifying the completion of special courses authorising its holder to teach a given subject and fill a teaching position may teach in the fifth grade.

(5) Individuals with college degrees specialising in language teaching or teaching degrees and qualifications specialising in foreign language and literature may also be employed to teach foreign languages in every type of school.

(6) Individuals with special teaching degrees and qualifications aligned to the subject, or degrees and qualifications authorising its holder to be employed as a teacher in grades five to eight of primary school, in addition to acquiring theoretical and practical knowledge within the framework of at least a 60-hour teacher's training course or specialised training, may be employed to teach ethics in grades five to eight of primary schools.

(7) Individuals holding teaching degrees and qualifications authorising its holder to fill teaching positions in schools or halls of residence, in addition to acquiring higher education librarian qualifications outside the school system may also be employed as librarians (librarian teachers) in schools and halls of residence.

(8) When employing individuals and appointing directors

*a)* special qualifications certified by a certificate attesting higher education qualifications corresponding to course of specialisation shall be accepted as teaching qualifications corresponding to course specialisation, if the individual had to learn the methodology of teaching the subject within the framework of higher education studies; the employer shall decide whether criteria are satisfied on the grounds of the certification provided by the higher education institution issuing the certificate or course record;

*b)* teaching qualifications obtained in pre-school teacher training institutions, teacher training institutions, teacher training programmes and the college of music or special teaching degree shall be accepted as college and teaching degrees;

*c)* higher education certificates certifying teaching instructor, assistant teacher, conductor pre-school teacher and conductor teacher qualifications shall be accepted as certificates authorising its holder to fill a teaching position;

*d)* Physical education teaching qualifications issued prior to the entry into force of Decree 16 of 1975 by the Hungarian Physical Education College shall be accepted as higher education degrees and qualifications.

(9) In accordance with legislation regulating education and training, technology teacher and subject teacher certificates and diplomas shall be accepted as college degrees corresponding to the field of specialisation when filling practical teaching positions. When making appointments, technology teaching certificates acquired by completing a training course without attesting higher education qualifications shall be accepted as secondary-level qualifications corresponding to the field of specialisation of the training programme.

(10) If Hungarian higher education educational programmes corresponding to the field of specialisation are not available, individuals may – with the exception of practical training with a sound theoretical basis – also be employed for a definite period; moreover, individuals with secondary school qualifications and a master's exam may engage in public education consultancy and individuals with advanced level vocational qualifications may engage in folk music and entertainment music educational programmes.

### **Section 99**

(1) Certificates issued by the National Shorthand and Typing Committee authorising its holder to teach shorthand and typing shall qualify as a higher education degree authorising its holder to fill teaching positions in this specific field.

(2) Individuals with a secondary school leaving examination certificate and a minimum of 10 years of professional experience in the artistic field may also be employed for a definite period in practical acrobat training programmes.

(3) If Hungarian higher education educational programmes corresponding to the field of specialisation are not available, or teachers with suitable degree and qualifications are unable to assume the task, individuals authorised to fill teaching positions in pre-schools, schools and halls of residence in accordance with Annex 3 to this Act or transitional regulations or exceptions may fill teaching positions in minority pre-school, school and hall of residence educational programmes, which individuals must at least also hold complex advanced level language exams recognised by the state or equivalent certificates.

(4) Individuals with technical instructor, technician instructor and subject teacher certificates and diplomas corresponding to the field of specialisation – in accordance with legislation governing training and education – or who have obtained a technical instructor teaching degree not certifying higher educational qualifications by completing a course or a certificate issued by the National Shorthand Typing and Stenography Committee authorising its holder to teach short-hand typing and stenography and at least a complex intermediate level language exam recognised by the state or equivalent certificate may fill teaching positions teaching practical skills within the scope of minority vocational education.

(5) Individuals with complex advanced level language exams recognised by the state or equivalent certificates may be employed to teach minority languages in the case of Bulgarian, Roma (Romani or Beas), Greek, Polish, Armenian, Ruthenian and Ukrainian.

(6) Irrespective of the provisions of this Act, individuals may continue to be employed or appointed

*a)* to teach practical technical subjects, if they hold a higher education teaching degree or technical teaching degree of qualifications corresponding to the subject,

*b)* in pre-school teacher positions, if they hold a secondary school leaving examination certificate obtained in a pre-school teacher's training vocational secondary school

if they have acquired a minimum of seven years of professional experience in teaching positions since obtaining the certificate, diploma from 1 September 1996.

(7) Irrespective of the provisions of this Act, teachers may continue to be employed

*a)* in special education teacher positions with a pre-school teacher, teaching certificate;

*b)* in halls of residence with a higher education degree or diploma

if they have acquired a minimum of seven years of professional experience in teaching positions since obtaining the certificate, diploma from 1 September 1996.

(8) The Act on Vocational Training shall define alternative provisions in respect of qualifications, employment criteria and the integration of teachers in the rating system for teachers teaching subjects in vocational training programmes provided in schools.

(9) Individuals that obtained teaching degrees, higher education degrees aligned to the field of specialisation or equivalent qualifications prescribed for filling positions listed in Annex 3 on the grounds of Act CXXXIX of 2005 on Higher Education or Act LXXX of 1993 on Higher Education or within the framework of the higher education system valid earlier may still be employed in teaching positions, irrespective of provisions of this Act.

(10) If the qualifications of a teacher fail to comply with specifications set out within the scope of this Act and if the teacher

*a)* has less than 10 years to go before reaching pension age, this teacher may still be employed in the same position until they reach retirement age;

*b)* has over 10 years to go before reaching pension age, this teacher may only be employed in a teaching position five years after the entry into force of this Act, if the individual has commenced their studies in an educational programme offering higher education teaching qualifications.

(11) The National Public Education Council established by the Public Education Act, as well as the mandate of its members shall cease upon the entry into force of this Act.

## **55. Compliance with the Law of the European Union**

### **Section 100**

This Act has been drafted to comply with the following European Union regulations:

*a)* *Point b)* of paragraph (1) of Article 11 and Article 12 of Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents;

*b)* Article 24 of European Parliament and Council Directive 2004/38/EC of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC;

c) Paragraphs (1) to (2) of Article 10 of Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers in member states.

*Dr Pál Schmitt*  
President of Hungary

*László Kövér*  
Speaker of the National Assembly

Annex 1 to Act CXC of 2011

**Compulsory number of management staff employed in public education institutions**

	A	B	C
1	Senior management and management positions	Requirement	Number of staff
2	Director of the institution	Per institution	1
3	Director of the member institution	Per member institution	1
4	Head of institutional unit	Per institutional unit independent in terms of organisational structure and professional content	1
5	Deputy director of the institution	Less than 50 children/students	-
6	Deputy director of the institution	Less than 51 – 200 children/students	1
7	Deputy director of the institution	201 – 500 children/students	2
8	Deputy director of the institution	Over 500 children/students	3
9	Deputy director of the member institution, institutional unit	Less than 200 children/students per institution, member institution	–
10	Deputy director of the member institution, institutional unit	201–500 children/students per institution, member institution	1
11	Deputy director of the member institution, institutional unit	Over 500 children/students per institution, member institution -	2

Annex 2 to Act CXC of 2011

**Number of financed employees directly assisting educational work**

	A	B	C
1	Job	Condition	Number
2	Pre-school secretary, school secretary, hall of residence secretary	Per institution where the number of children, students reaches 100; 450 per child, student, independent hall of residence secretary, as well as per hall of residence institutional unit operating outside the seat	1
3	Pre-school nanny	Per group	1
4	Pre-school caregiver and cleaner	Per institution and per site with at least 3 pre-school groups	1
5	Laboratory assistant from fifth grade primary school	Per 250 students	1
6	Pre-school teacher's assistant	Per 3 pre-school groups	1
7	School teacher's assistant	Per 100 students	1
8	School psychologist, pre-school psychologist	1–500 children, students	0,5

9	School psychologist, pre-school psychologist	Over 500 children, students	1
10	Librarian or librarian teacher	1–100 students	0,5
11	Librarian or librarian teacher	101–500 students	1
12	Librarian or librarian teacher	Over 500 students	2
13	Specialist teacher	Independent to profession	
14	Specialist physician, exclusively in institutions for children or students with special educational needs	Per 250 children/students	1
15	Child and youth protection supervisor or special education assistant	–	Subject to the operator's decision
16	Recreational organiser	-	Subject to the operator's decision
17	Psychologist teacher	-	Subject to the operator's decision
18	Technical director	At least a 120 place workshop in vocational schools, demonstration farms or if the workshop or demonstration farm operates in the morning and afternoon alike	1
19	Head of professional group training (by subject)	Per professional area	1
20	Nurse in student homes for persons with disabilities	Around the clock	1
21	Hall of residence or student home nurse	Up to 1–50 students	0,5
22	Hall of residence or student home nurse	51–500 students	1
23	Hall of residence or student home nurse	Over 500 students	2
24	Nurse in student homes for persons with special educational needs	1–50 students	0,5
25	Nurse in student homes for persons with special educational needs	51–500 students	1
26	Nurse in student homes for persons with special educational needs	Over 500 students	2
27	Musical instrument repair person	Primary art schools specialising in music with 1–200 students	0,5
28	Musical instrument repair person	Primary art schools specialising in music with over 200 students	1
29	Life guard	Educational institutions with swimming pools	1
30	Systems administrator	Per institution	1

*Annex 3 to Act CXC of 2011*

**Qualification and training requirements for teaching positions in educational institutions**

	A	B	C
1	Stages of educational work/educational institutions	Teaching position	Qualifications required for employment
2	Pre-school education	Pre-school teacher	Pre-school teacher training
3	Primary school	Teacher	Teacher training
4	Grades 5–6	Teacher	Subject teacher, teacher qualified to teach the given subject
5	Grades 7–8	Teacher	Subject teacher
6	Grades 9–12 in secondary	Secondary school teacher	Subject teacher with higher education

	school/secondary education		qualifications or master's degree
7	Secondary education in vocational schools/Grades 9–11	Teacher	Subject teacher
8	Preparatory stage of obtaining educational qualifications	Teacher in vocational theory education	Subject teacher
9	Preparatory stage of obtaining educational qualifications	Subject teacher, specialised teacher, practical teacher	Subject teacher, special subject teacher with higher education qualifications in the field of specialisation, secondary school qualifications and at least an intermediate-level vocational qualifications recognised by the state in the field of specialisation, as well as a minimum of 5 years of professional experience in the given field
10	Primary art school and secondary vocational school of art	Teacher	Subject teacher qualified to teach art; artists in the given art field
11	Art vocational school	Teacher	Subject teacher with university or master's degree in teaching; artists in the given art field
12	Hall of residence	Hall of residence teacher	Hall of residence teacher, special education teacher, social pedagogue, teacher organising recreational activities, educational and career guidance teacher, talent developing teacher, religion teacher, teacher aligned to the pedagogical stage of the education work
13	In primary school advanced level education of arts, foreign language and literature, and minority language and literature	Teacher	Subject teacher
14		Librarian low grade teacher	Librarian, teacher, IT librarian and teacher or teacher or social pedagogue
15		School psychologist	Psychologist and teacher, psychologist specialising in counselling and school psychology
16		Developmental teacher	Any teacher (pre-school, primary school, social pedagogue) with qualifications authorising its holder to hold individual and group sessions for screening children and students with learning, behavioural and adjustment problems; special education teacher specialising in children with learning disabilities, speech therapy or psycho-pedagogy.
17		Social pedagogue	Social pedagogue
18		Conductor teacher	Conductor (teacher) Conductor (pre-school teacher)
19		Speech therapist	Special education teacher specialising in speech therapy
20		Special education teacher	Special education teacher specialising in the area aligned to the type of disability; special education teacher with a university or master's degree
21	Minority pre-school education	Minority pre-school teacher	Minority pre-school teacher
22	Minority primary school education	Minority teacher	Minority teacher
23	Minority education in Grades 5–12	Cultural domain subject teacher teaching in the minority language	Subject teacher and teacher authorised to teach in the given language of instruction, or qualified language teacher or teacher holding a minimum intermediate-level state language proficiency certificate the given language; teacher's degree or qualification authorising its holder to teach the given subject in the given year based on the certificate accredited

			in Hungary
24	Minority education in Grades 5–12	Minority language teacher	Minority language teacher
25	In every type of school and grade	Foreign language teacher	Foreign language teacher
26	In every type of school and grade	Physical training teacher	Physical training teacher
27	In every type of school and grade	Music teacher	Music teacher
28	Bilingual school education	Teacher	Subject teacher and teacher authorised to teach in the given language of instruction, or qualified language teacher or teaching holding a minimum intermediate-level state language exam in the given language; teacher's degree or qualification authorising its holder to teach the given subject in the given year based on the certificate accredited in Hungary

*Annex 4 to Act CXC of 2011*

**Number of children/students in the class and group**

1	A	B		
	Type of institution/education	Number of children/students per class or group		
2		BA minimum	BB maximum	BC average
3	Pre-school	13	25	20
4	Special education class	5	13	9
5	Primary school Grades 1–4	14	27	23
6	Primary school Grades 5–8	14	27	23
7	Secondary school and vocational secondary school	26	34	28
8	Secondary school with 6 and 8 grades	26	34	28
9	Theory in trade schools	16	28	24
10	Practical training in vocational secondary schools and trade schools	6	12	8
11	Primary art school specialising in music	6	15	8
12	Primary art school specialising in other arts	8	20	10
13	Cultural domain subject in art vocational schools	14	29	23
14	Professional theory in art vocational secondary schools	6	12	10
15	Daytime activities in halls of residence	18	26	25
16	Night duty in halls of residence per building and gender	–	120	–
17	Classes within the framework of the Bridge Programme	8	10	9

*Annex 5 to Act CXC of 2011*

**Number of classes per week of the director of the institution (number of pre-school activities in the case of pre-school teachers)**

	A	B	C	D	E
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1	Type of institution	At least 450 children enrolled	200–449 children enrolled	50–199 children enrolled	Under 50 children enrolled
2	Pre-school	6	8	10	12
3	Primary school	2	4	6	8
4	Secondary school	2	4	6	8
5	Hall of residence	4	6	8	10
6	Pre-school for children with special educational needs	4	6	8	10
7	Primary school for children with special educational needs	2	4	6	8
8	Secondary school for children with special educational needs	2	4	6	8
9	Hall of residence for children with special educational needs	4	6	8	10
10	Primary school specialized in arts	2	4	6	8

**Number of classes per week of the deputy director of the institution, director of the member institution, deputy director of the member institutions and deputy of the institutional unit (number of pre-school activities in the case of pre-school teachers)**

	A	B	C	D	E
1	Type of institution	At least 450 children enrolled	200–449 children enrolled	50–199 children enrolled	Under 50 children enrolled
2	Pre-school	20	22	24	26
3	Primary school	4	6	8	10
4	Secondary school	4	6	8	10
5	Hall of residence	8	10	12	14
6	Pre-school for children with special educational needs	15	17	19	21
7	Primary school for children with special educational needs	4	6	8	10
8	Secondary school exclusively reserved for children with special educational needs	4	6	8	10
9	Hall of residence exclusively reserved for children with special educational needs	8	10	12	14
10	Primary school specialized in arts	4	6	8	10

*Annex 6 of Act CXC of 2011*

**Weekly time frame of financed activities for children and students**

1	A	B			C			D	E				
	Grade	Number of classes per week			Weekly timeframe of the classes			Number of extra classes in minority school education	Number of healthcare and pedagogical habilitation and rehabilitation classes per week for students with special educational needs				
2		BA without P.T.	BB P.T.	BC classes with P.T.	CA authorized	CB extra religion classes in	CC extra classes in 6 and 8	DA minority	EA mentally disabled	EB sight disability	EC visual, hearing	EE deaf and autistic	EF other



						religious educational institutions	grade secondary schools				impair- ment, motor and speech impair- ment		
3	Pre-school	61		61	61	2							
4	1st grade	20	5	25	52	1		2	3	7	8	10	3
5	2nd grade	20	5	25	52	1		2	3	7	8	10	3
6	3rd grade	20	5	25	52	1		2	3	7	8	10	3
7	4th grade	22	5	27	55	1		2	3	7	8	11	3
8	5th grade	23	5	28	51	1	2	2	3	8	9	11	3
9	6th grade	23	5	28	51	1	2	2	3	8	9	11	3
10	7th grade	26	5	31	56	1	2	2	4	8	10	12	4
11	8th grade	26	5	31	56	1	2	2	4	8	10	12	4
12	Language preparatory and Bridge grades	25	5	30	56	2		3	4	9	10	13	4
13	9th grade	30	5	35	57	2	2	3	4	9	10	13	4
14	10th grade	31	5	36	57	2	2	3	4	9	11	14	4
15	11th grade	30	5	35	58	2	2	3	5	11	12	15	5
16	12th grade	30	5	35	58	2	2	3	5	11	12	15	5

*Annex 7 of Act CXC of 2011*

**Teachers' guaranteed wages by grade expressed as a percentage of the wage base**

	A		B	C	D	E	F
1	Category/year		Traineeship (%)	Teacher I (%)	Teacher II (%)	Master teacher (%)	Research teacher (%)
2	1.	0–2/4	100				
3	2.	3–5		120			
4	3.	6–8		130			
5	4.	9–11		135	150		
6	5.	12–14		140	155		
7	6.	15–17		145	160	200	220
8	7.	18–20		150	165	205	225
9	8.	21–23		155	170	210	230
10	9.	24–26		160	175	215	235
11	10.	27–29		165	180	220	240
12	11.	30–32		170	185	225	245
13	12.	33–35		175	190	230	250
14	13.	36–38		180	195	235	255
15	14.	39–41		185	200	240	260
16	15.	42–44		190	205	245	265

*Annex 8 of Act CXC of 2011*

**Supplementary payments paid to employees of educational institutions and their rate expressed as the**

**percentage of the wage base**

	A	B	C
1	Supplementary payment	Lowest threshold	Highest threshold
2	Director of the institution	40	80
3	Class teacher/group teacher in halls of residence	10	30
4	Head of a professional team of teachers of the same subject	5	10
5	Deputy director of the institution	20	40
6	Minority teacher	10	10
7	Special education needs teacher	5	10
8	Teachers teaching multiple subjects	5	10
9	Teachers teaching subject in short supply	5	10
10	Supplementary pay for work in difficult circumstances	10	30