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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

REPLIES
TO THE QUESTIONS OF THE VENICE COMMISSION
prepared at the Ministry of Education of the Slovak Republic
ON THE ACT OF THE NATIONAL COUNCIL NO. 270/1995 COLL.
ON THE STATE LANGUAGE
OF THE SLOVAK REPUBLIC

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1. How does the system of establishing new schools work?

Who can establish schools or school facilities in Slovakia?

Schools included in the system of schools and school facilities can be established by natural persons not licensed to carry out business or by natural persons who are licensed to carry out business or by other legal entities. From this follows that the currently valid law enables to establish schools to a wide range of subjects, e.g. natural persons – non-entrepreneurs, natural persons – entrepreneurs, limited liability companies, joint-stock companies, civil associations, non-profit organizations, municipalities, self-governing regions, bodies of local state administration in school system etc.

There are following schools and school facilities according to who established them:

- state-run
- private
- church-affiliated

The School Act guarantees the equality of schools and school facilities irrespective of their founders, also the equality of education acquired in state schools, schools run by state-recognized churches or religious societies (church-affiliated schools) or schools run by other natural or legal persons (private schools).

Which legislation regulates the establishing of schools and school facilities?

Schools and school facilities are established pursuant to Act No. 596/2003 Coll. on State Administration in Education and in School Self-government and on Amending and Supplementing other Relevant Acts as amended (from now on “Act on State Administration in Education”) and pursuant to the Guideline No. 1/2004-E issued by the Ministry of Education of the Slovak Republic on 1 April 2004, which regulate the procedure of state administration authorities in education and of the founders of schools and school facilities when establishing, excluding or making changes in the network of schools and school facilities and when establishing and closing schools and school facilities.

Pursuant to these legal regulations, everyone interested in establishing a school or a school facility has to ask the Ministry of Education of the Slovak Republic, prior to establishing a school or a facility, to include a given school or school facility into the schools network. The conditions and particulars of the application for inclusion into the schools network are stipulated in Section 16 of the Act on State Administration in Education. The Ministry of Education examines the application and in case it contains all compulsory particulars, it issues a decision on the inclusion of a school or a school facility into the schools network, which includes:

- object of the statement (i.e. includes in/ excludes from/ schools network, agrees with the change in network etc.)
- name of a particular school or school facility
- **in the case of schools with the language of instruction of national minorities, the language of instruction in a school is to be stated**
- teaching or study programs (in the case of secondary schools)
- the date of initiating school or school facility activities

The process pursuant to Section 16 of the Act on State Administration in Education applies to all founders, i.e. the founders of state-run, private and church-affiliated schools and school facilities and to all types of schools. From this follows that the same process applies to establishing kindergartens, primary schools, elementary schools of art, and other schools which create the schools network but it also applies to establishing school facilities, e.g. free-time centers, school centers for special-interest activities, school canteens, school children clubs or special-pedagogical counseling centers or centers for pedagogic-psychological counseling and prevention.

What does the application for inclusion into the network contain? Which documents are to be attached to the application?

As mentioned previously, conditions and particulars of the application for inclusion into the schools network are stipulated in Section 16 of the Act on State Administration in Education. This application is submitted to the Ministry of Education until June 30 of the year preceding the year when the establishment is to take place, i.e. the applications are submitted one year in advance. The Ministry usually includes schools and school facilities into the schools network by September 1 of the following calendar year, unless it decides differently. Applications, which are filled in according to the provisions of Section 16 of the Act on State Administration in Education should be submitted in a hard copy.

To the application is to be attached:

- proof that the premises are provided for – this can be an extract from the property sheet, rental contract, contract about the future contract etc.
- certification issued by respective state administration authorities that the premises of school, school facility, practical training center conform to the sanitary code requirements regarding safety and health protection at work as well as regulations on fire protection – certification of Regional Institute of Public Health, Fire and Rescue Department and Labor Inspectorate to the relevant premises.
- statement by the municipality if it is not the municipality which is the founder (when applying for the inclusion of a school into the school network); in case of non-state kindergartens, non-state language schools, non-state elementary schools of art and non-state school facilities on the municipality area for children and pupils under 15 years of age, the approval by the municipality.
- the approval by self-governing region in case of non-state language schools, non-state elementary schools of art and non-state school facilities on the self-governing region area for pupils over 15 years of age.

Furthermore, when entities other than self-governing regions (i.e. private or church entities) establish secondary vocational school the statement by self-governing region is to be attached to the application; in case of vocational training the statement of respective central state administration body, employer's union or legal entity with competences in the area of vocational training and preparation.

The statement of respective regional school authority is to be attached to the application for establishment of a school carrying out systematic vocational preparation, i.e. primary schools, secondary grammar school, secondary vocational school, conservatory (school of the arts) and schools for children and pupils with special educational needs.

The school education program should also be attached to the application.

Natural persons licensed to carry out business or other legal entities attach to the application the following certifications (issued by the following entities):

- respective district court (no older than 3 months) that they are not bankrupt or in dissolution and that they have not filed a petition for bankruptcy that was rejected for the lack of property – these facts have to be proved by the district court, the solemn proclamation of a founder does not suffice
- tax office that in Slovakia or in the country where its seat is registered they have no back taxes (no older than 3 months)
- health insurance company that they have no health insurance debts (no older than 3 months)
- social insurance company that they have no sickness insurance debts and pension security debts, no unemployment insurance contribution arrears (no older than 3 months)
- extract from the crime register (no older than 3 months) and solemn proclamation of a natural person, evtl. of the statutory representative (in the case of a legal entity) that no criminal proceedings were initiated against them.

How long does the process of approving applications last?

Pursuant to Act No. 71/1967 Coll. on Administrative Proceedings (Administrative Order) as amended, the administrative proceeding is initiated on the delivery of the application to the Ministry of Education.

The Ministry, as the administrative body, examines the application whereby it takes into account the statement of regional school office as well as efficient and complex location of schools and school facilities responding to local and regional requirements. If the application does not contain all particulars, the Ministry of Education can return the application to the applicant, eventually it can ask the applicant to complete all particulars and so suspend the proceeding.

If the application is complete and it contains all particulars, the Ministry of Education decides on the inclusion of a school or a school facility into the schools network within 60 days of the submission of the application.

What are the duties of the founder after the inclusion of a school or a school facility into the schools network?

After the inclusion of a school or a school facility into the schools network, the founder issues the foundation deed of a school or school facility. Section 22 of the Act on State Administration in Education stipulates the particulars of this document. The founder is obliged to do any changes to this document only after receiving the decision of the Ministry of Education on the change in schools network. Any changes in the foundation deed are then done in the form of an appendix to the foundation deed.

After issuing the foundation deed, the founder registers a school or school facility at respective institutions, i.e. the statistical office, tax office, social insurance company, health insurance company etc.

The school or school facility launch their activities on the day given in the decision of the Ministry of Education. If the school or school facility do not launch their activities on the given date, the Ministry of Education can itself decide to exclude the given school or school facility from the schools network.

2. Under what conditions is it possible to establish a Hungarian language school?

Schools with Hungarian language of instruction can be established by the same procedure that applies to other schools and school facilities in the Slovak Republic.

3. How many hours do Hungarian language schools have to teach the Slovak language? Is that sufficient to get a reasonable knowledge of the Slovak language?

Grades 1.- 9.

ISCED 1, ISCED 2:

Framework teaching plan for primary schools with the language of instruction of national minorities

State Education Program

Education Area	Subject/grade	1.	2.	3.	4.	5.	6.	7.	8.	9.
Language and Communication	Slovak Language and Literature	5	5,5	5,5	5	5	4	4	5	5
	Nationalities language and Literature	5	5,5	5,5	5	5	4	4	5	5
	first foreign language			3	3	3	3	3	3	3
	second foreign language						1	1	1	1

School Education Program

	1.	2.	3.	4.	5.	6.	7.	8.	9.
Hours of elective courses	4	2	2	2	4	5	4	3	3

Secondary Grammar School

ISCED 3A: Framework teaching plan for Secondary Grammar Schools with the language of instruction of national minorities

State Education Program

Education Area	Subject/grade	1.	2.	3.	4.
Language and Communication	Slovak Language and Literature	2	2	2	2
	Nationalities Language and Literature	2	2	2	2
	first foreign language	4	4	4	4
	second foreign language	2	2	2	2

School Education Program**1. 2. 3. 4.**

Hours of Elective courses	4	4	7	16
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8-year Secondary Grammar School

Framework teaching plan for 8-year Secondary Grammar Schools with the language of instruction of national minorities

State Education Program

Education Area	Subject/grade	1.	2.	3.	4.	5.	6.	7.	8.
Language and Communication	Slovak Language and Literature	4	4	5	5	2	2	2	2
	Nationalities Language and Literature	4	4	5	5	2	2	2	2
	first foreign language	3	3	3	3	4	4	4	4
	second foreign language	1	1	1	1	2	2	2	2

School Education Program**1. 2. 3. 4. 5. 6. 7. 8.**

Hours of Elective courses	5	4	3	3	4	4	7	16
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The number of hours of Slovak language classes is sufficient. The number of hours given by state education program provides for a good command of Slovak language. If school administration decides to add more hours of the Slovak language class, it does so within the hours prescribed by the school education program.

4. How many Hungarian language schools are there, as compared to the number of Slovak language schools?

A) Data for the school year 2008/2009 – schools, classes, pupils – national minorities

Schools and full-time pupils according to the language of instruction

Type of school	Number of schools						
	together	from that with the language of instruction					
		Slovak	Slovak-- Hungarian	Slovak.- Ukrainian	Hungarian	Ukrainian	other
Kindergarten	2871	2508	80	3	270	8	2
primary	2237	1949	29	1	245	7	6
Secondary Grammar Schools	251	221	7		19	1	3
Conservatories (school of the arts)	13	13					
Secondary vocational schools	499	449	40		13		
Special	387	356	16		15		
together	6258	5496	172	4	562	16	11

Type of school	Number of classes				
	together	from that with the language of instruction			
		Slovak	Hungarian	Ukrainian	Other
Kindergarten	6908	6377	507	14	10
primary	23556	21596	1881	38	41
Secondary Grammar Schools	3581	3334	225	5	17
Conservatories (school of the arts)	110	110			
Secondary vocational schools	7741	7342,8	398,2		