

8th ICEEPSY 2017
**The International Conference on Education and Educational
Psychology, 2017**

**Development of Individual Education in Terms of Legislation in the
Czech Republic**

Yveta Pohnětalová (a)*

*Corresponding author

(a) University of Hradec Králové, Rokitanského 62, Hradec Králové 500 03, Czech Republic,
yveta.pohnetalova@uhk.cz, +420 493 331 369

Abstract

The paper content consists of individual education's analysis development in the Czech Republic, which has undertaken several different legislation adjustments since 90's of 20th century and is currently becoming a subject of increased interest not only by experts but also parents. There is a presentation of individual education analysis's development in the Czech Republic in terms of legislation from its beginning of transformation period up to now. Czech legislation uses a term of individual education, but generally most often used term is home education. Compulsory school attendance in the Czech Republic is embedded in the Charter of Fundamental Rights and Freedoms, and in order to enable individual education in another environment than in school institution, there was the amendment to the Act on Individual Education established as one of the forms of compulsory school attendance. The analysis of legislative documents of the Czech Republic in comparison with selected other countries revealed a number of similarities, as well as a number of specifics and differences in individual education approach. On this basis, there are limits of this way of education identified and options for further directions are outlined.

© 2017 Published by Future Academy www.FutureAcademy.org.UK

Keywords: Individual education; home education; legislation.



1. Introduction

The selected topic is the analysis of individual education in the Czech Republic from the 90s of the 20th century up to nowadays. Post-communist countries of Central Europe after the fall of the regime found themselves in the period of total society transformation in the 90's and also the field of education underwent through deep transformation. Alternative educational concepts gradually started to promote into education systems of these countries, which enabled parents to implement rights to educate their children. In that time there was also effort begun to emerge in terms of enacting the possibility of individual education (home education).

Legislatively, home education in the Czech Republic is enshrined in the School Act No. 561/2004 Coll. (Školský zákon, 2004), in § 41 as individual education. The Act regulates the conditions for authorization and cancellation individual education, testing, assessments of individually educated pupils and costs connected with individual education. Legislation of most other countries, where there is this way of education permitted, uses different terms, for example home education or education out of school. The terminology used differs, but the meaning remains the same. It is about education which takes place outside the school institution (alternative to school attendance), not only in home environment but also in nature, exhibitions, in a museum during leisure activities etc. |

2. Problem Statement

In the contemporary compulsory basic education in the Czech Republic a model of primary school is connecting primary and lower secondary grades, whereas primary grade is for five years (1st up to 5th year) and lower secondary is for four years (6th up to 9th year). According to International Standard Classification of Education 2013, primary education represents level 1 and lower secondary represents level 2 (ISCED 2013).

Before the year 1989 school was mainly perceived by parents as an institution in our country, where education was cultivated on the basis of professional leadership and child's education was developer, but the responsibility for education was given to teachers. In connection with democratic processes and changes after the year 1989, the relations between family and school were perceived in our country as a part of parental rights. Earlier and recent researches have shown that vast majority of parents agree with the fact that education tasks belong to school (Walterová et al., 2010, Pecháčková et al., 2014), but there is a growing number of parents who take responsibility of their children in terms of individual education.

2.1. Definition of Terminology

In the past education as such was aimed at survival and provision of food, later on with the society development knowledge and skills related to hunting started to be important, agriculture or certain craft. These skills were obtained through out family or at a certain person who did the given craft himself. And it was not an institutional education, but children leadership in their home environment by own relatives. This way had a look of individual education, where teachers were parents and later on by establishment of school the responsibility for education was moved to a teacher. Teaching was made by individual

learning, where a teacher paid attention to individual pupils gradually but everything was happening out of a family.

At present, education can be defined in the wider sense as overall man's cultivation, including apart from reading, writing and counting also information from different scientific fields which are connected with culture of the society. Individuals in developed countries gain this knowledge and skills mainly in school, i.e. in institutions, which is intended for that purpose. Within the Framework of home education we talk about a state, when a parent himself/herself teaches his/her child knowledge needed in a given culture. Learning might be provided out of home environment, but the core remains at home. Educator can be represented by mother, father, siblings or professions, for example for subject of music or foreign languages etc. Essential thing is that parents take responsibility for education of their child which takes place out of school environment.

Czech legislation uses term "individual education", as well as Slovak legislation. Among professionals there is considerable inconsistency in terminology. Some authors perceive terms such as individual education and home education as synonyms, others strictly separate or use the term home school. In English language professional texts appear terms meaning the same: "home education" and "home schooling". The term "individual education" can be taken from a wider perspective, not only educating children at home but also education of children with specific learning needs at school, education of children with long-term illness or education of young sportsmen, who continuously attend school and work according to individual educational plan. From this reason the term "home education" seems to be clearer, but Czech legislation works with the term "individual education", that is why the term is preferred in the article.

3. Research Questions

Formulation of research questions comes from defined goals. This study analyses individual education in the Czech Republic and outlines its options and limits in comparison with other countries. Following research questions had been set:

- What was individual education's status at the beginning of country's transformation period compared with current status?
- **What possibilities and limits of individual education are there in comparison with surrounding countries?**

4. Purpose of the Study

Individual education (as explained above, Czech legislation uses the term individual education as an equivalent to home education) has a long tradition mainly in the United States of America, however it is legalized in most European countries. In the Czech Republic there are many discussions among both experts and general public about suitability or inappropriateness of individual education and an ideal look of the legal framework of this way of education is still being completed and discussed. The present study survey may provide a deeper insight into this issue.

The primary objective of the presented paper is to analyse individual education from the beginning of the country's transformation period up to now. The concept paper's framework is based on theoretical base of legislation and therefore it creates the core of the issue. Includes, among others also parents' rights and their primary responsibility for optimal child's development. Secondary objective is to outline the possibility and limits of individual education in comparison with other countries. The reason for interest in individual education is, in addition to our humanitarian focus is an increasing interest of parents about this way of education and also the fact that in terms of research there is a certain absence of this issue in the Czech conditions.

5. Research Methods

[This is a study, which in the first part via legislative analyses and documents maps the development of individual education in the Czech Republic from the 90's of the 20th century up to now. These legislative documents and legislations have been analysed:

- School Law No. 561/2004 Coll.
- Civil Code No. 89/2012 Coll.
- Universal Declaration of Human Rights
- European Convention on Human Rights
- Charter of Fundamental Rights and Freedoms
- Convention on the Rights of the Child

In the second part there was a comparison with other countries. For a comparative analysis there had been selected post communist countries of Central Europe, specifically: Slovakia, Poland, Hungary and Germany. The paper was further drawn from scientific publications and studies, the sources are listed in the end of the article.

6. Findings

[In the following text there is firstly mapping of individual education development in the Czech Republic. There are briefly listed beginnings of individual education from the 18th century over the 20th century, in more details there is the development of this issue during the time of transformation of social establishment, from the 90's to the present. Followed by an analysis of legislation of the Czech Republic and a comparative analysis of individual education of selected post communist countries.

6.1. Development of Individual Education in the Czech Republic

Individual education has a rich history e.g. in the United States of America but it also has certain cultural tradition in the Czech Republic. At the time of introduction of Marie Therese's general education duties in the year 1774, this was a six-year attendance in trivial schools; home schooling was commonly used in aristocratic families by private educators. Almost one hundred years later in the year 1869 a School Act allowed private education either in private school or in home environment. School rules from

the year 1905 edited details about home education and its conditions in the years of pre-Munich Republic. Parents were entitled to educate their children at home and could request an exemption of attendance from a public school. At the end of compulsory school attendance the child had to undertake so called leaving exam from a public school. Gathering of more children from more families and learning together was not allowed. According to the view of Supreme Administrative Court the term home education meant learning which concerned individual pupils or a group of pupils without school-furnished rooms (Mokres, 2004). Home education was also allowed by the Czechoslovakian Act from the year 1936 and the Protectorate Act from the year 1940. The School Act from year 1948 meant the end of home education and so this cultural tradition was by the influence of communist regime was almost interrupted for over sixty years.

After the Velvet revolution in the year 1989 together with the regime change many questions about reform of education appeared. In the year 1997 an Association of Friends of Home school was established, whose main concept was to map a situation and to gather parents who were interested in home education of their children. Next intention was to stimulate public interest in school questions. In the year 1998 the Ministry of Education, Youth and Sports (hereinafter Ministry of Education) started an experimental verification of different organizational form of primary education in child's home environment. Experimental verification of home education was permitted since 1st September 1998 in church primary school in Prague and in church primary school in Liberec. During the first experimental year there were 31 children in Prague and 29 children in Liberec. In the school year 1999 – 2000 a primary school in Ostrava (Bačovská, 2011) joined in experimental verification of home education.

The evolution of the events in the year 2001 resulted in establishment of an Association for home education. That is a voluntary association of parents who educate their children, the association at the start of its activities tried to legislatively enforce the rights of parents to educate their children and to make from home education a certain standard and an integral part of the Czech educational system. At present it offers support and information to other interested parties about individual education and creates open space for a discussion on its web sites for parents, educators and public.

Experimental verification of individual education in the first grade of primary school lasted up to the year and from the 1st January 2005 from experimental form became a legal form of individual education in the first grade of primary schools, which is included in the school law under another type of a way of fulfilment of compulsory school attendance. So individual education was permitted for 1st level pupils of primary schools. Since the year 2007 experimental verification of pupils in 2nd level of primary school was launched, this was completed on 31st. August 2016. Now the amendment of School Act (2015) permits individual education also at the second level of primary school in Section 41, effective from 1st September 2016. The School Act entitles every primary school in the Czech Republic to issue a permission for individual education at the request of parents (legal guardians) provided that all legal conditions are met.

Table 01 shows number of pupils from the start of experimental verification in the school year 1998/1999 until its termination in the school year 2004/2005 and from the school year 2005/2006 there is numbers of pupils presented in legally embedded individual education until the year 2016. From the table is a clear increasing number of pupils in individual education, but in the last three school years there is

more significant increase. The increasing reason could be on one side demographic development and on the other side most likely a growing interest of parents in alternative approaches to education and the effort to educate their children differently from the way, methods and forms in comparison with the standard way in schools (Česká školní inspekce, 2016).

Table 01. Number of pupils development in EVIE up to a present state IE

	School year	Number of pupils		School year	Number of pupils
EVIE	1998/1999	62	IE	2007/2008	376
EVIE	1999/2000	171	IE	2008/2009	433
EVIE	2000/2001	246	IE	2009/2010	473
EVIE	2001/2002	283	IE	2010/2011	481
EVIE	2002/2003	301	IE	2011/2012	553
EVIE	2003/2004	327	IE	2012/2013	629
EVIE	2004/2005	341	IE	2013/2014	832
IE	2005/2006	546	IE	2014/2015	1038
IE	2006/2007	360	IE	2015/2016	1339

Explanatory notes: EVIE – Experimental verification of individual education, IE – Individual education
 Source: Thematic report of the Czech School Inspectorate, 2016

6.2. Analysis of Legislation in the Czech Republic

Article 26 of Universal Declaration of Human Rights (Všeobecná deklarace lidských práv, 2014) states that, everyone has the rights to education, which should be free of charge at least in initial stages. Primary education should be mandatory and should lead to the full development of human personality. It is also noted that parents have pre-emptive right for their children to choose a type of education.

Convention for the Protection of Human Rights and Fundamental Freedoms (Čapek, 2010) in the additional protocol in Article 2 states that no rights to education can be denied to anyone and that the state will respect parents' right to provide education in accordance with their own and philosophical beliefs.

Convention on the Rights of the Child (Úmluva o právech dítěte, 2016) as well as Universal Declaration of Human Rights sets the child's free of charge and compulsory primary education and also states that both parents share mutual and initial responsibility for child's upbringing and education.

From the above mentioned is clear that parents have the right and also duty to provide education of their children. Acts abroad distinguish "compulsory education" from "compulsory school attendance". Obligatory is child's education, not schooling. These terms are not perceived differently in the Czech Republic. In the Charter of Fundamental Rights and Freedoms (Ústava České republiky, 2015) is set that everyone has the right to education and this right is implemented by compulsory school attendance. For this reason, an amendment to the Act was adopted for legalization of individual education, in which individual education was established as one of the forms of compulsory school attendance (Školský zákon, 2004).

6.3. Comparative Analysis of Individual Education in Selected Countries

For comparative analysis there were post-communist countries of Central Europe selected, which had a similar stepping stone in the 90's of the 20th century as the Czech Republic and were facing a decision how to design education system together with democratic principles. These following countries had been selected: Slovakia, Poland, Hungary and Germany.

In the Czech Republic, Poland and in Slovakia statutory school attendance is mandatory. These countries had during legalization of individual education these possibilities: by amending the Act to allow an exemption from compulsory schooling for home educated children or to establish individual education as one of the forms of compulsory school attendance. Above mentioned countries they chose the second possibility (Kostecká, 2014). In the Czech Republic the compulsory school attendance is obligatory by constitutional law, i.e. the Charter of Fundamental Rights and Freedoms, where in article 33 par. 1 states, that everyone has the right to education and school attendance is mandatory for the period stipulated by law. The obligation of school attendance is also listed in Section 36 of the Education Act. Another way of fulfilment of compulsory school attendance is defined in § 40. It is understood as individual education that takes place without regular attendance in school (Školský zákon, 2004). Poland was the first post-communist country of Central Europe, where individual education was legalized, already in the year 1991. The amendment to the Polish Constitution in Section 70 par. 1 stipulates that everyone has the right to education, who is under 18 years of age. It is stated that the manner of performance is regulated by the law. Rights to education, the duty of education and school duty are listed in one place in the Polish Constitution. The Education System Act in Section 16 paragraph 8 allows education "out of school", as another form of school attendance. In Slovakian Education Act from the year 2008 in Section 19 par. 1 it states that, no one can be exempted from compulsory school attendance in primary and secondary schools. Nevertheless, Section 23 speaks about individual education that takes place without regular attendance in school (Dueholm, 2006) From above is clear that in questions of compulsory school attendance and compulsory education there is certain terminological ambiguity.

Hungary changed in its legislation compulsory school attendance for compulsory education, therefore legislation was easier. From Hungarian Act about public education follows that school education is only one from possibilities to meet education duty. In Section 7 par. 1 states, that compulsory education can be filled either through schooling or through the status of "a private student" on the basis of parents' choice, this came into force already in the year 1993. Hungary was after Poland the second country which had legalization of individual education (Kostecká, 2014). In comparison with these countries the situation was different in the Czech Republic. Individual education in primary education started to be in the year 1998 by a form of experimental verification and then in the year 2004 was this way of education legalized and its realization started on 1st September 2005.

Individual education is allowed in all countries of European Union, apart from the Federal Republic of Germany. This is a country where strict observance of the law on compulsory education. Individual education cannot be performed there, because the Act does not explicitly allow it. Individual education can be permitted only within specific individual cases, not by the law (Kostecká, 2014).

As shown by the Education Act (Školský zákon, 2004), individual education in the Czech Republic is not limited by the time and place, but for its implementation there should be several numbers

of conditions met. One of the conditions is to file an application, where significant reasons for individual education must be listed. The application is written by parents who pass it on primary school headmaster, where their child had been accepted to meet compulsory school attendance. Individual education without any authorization process of the designated institutions is allowed in Hungary, in other countries of selected countries parents have to request individual education. This is true both for the Czech Republic, as well as for Poland and Slovakia. If individual education is legal in the given country, therefore it is possible for the whole time of compulsory school attendance, or for the period of compulsory education. |

7. Conclusion

| Compulsory school attendance in the Czech Republic is embedded in the Charter of Fundamental Rights and Freedoms, and to enable individual education in a different environment than in the institution of school, by an amendment of Education Act (Školský zákon, 2004) individual education was established as one of the forms of compulsory school attendance. From the comparison with other countries there are certain similarities, but also specifications. As far as establishment of individual education legalization, Poland was first, Hungary second, third the Czech Republic and on the fourth place was Slovakia. The Federal Republic of Germany does not allow individual education. Certain caution is seen at the beginnings of individual education in the Czech Republic which follows from implementation of experimental verification in the year 1998. As a result of external pressure, from an Association of home education and from committed parents, experimental verification was extended twice until the year 2004. Still, primary education was concerned. Only in 2007 the experimental verification of individual education started in second level of primary school and was enacted 2016. So it is obvious, that individual education since the beginning of transformation period until now has an increasing trend in the Czech Republic and as a table 01 shows that this possibility is used by more and more numbers of parents for their children.

Terminological ambiguity in the issues of compulsory school attendance and compulsory education in the legislation of the monitored countries complicates the grasp of the issue. Existing legislation of monitored countries set up compulsory school attendance and therefore it was necessary to perambulate this duty somehow. In Hungary the legislators went through a change of terminology and the term of compulsory school attendance turned into compulsory education. Such a terminology change might mean a significant shift in terms of the school's role, whose position as an exclusive provider of education weakens (Kostelecká, 2014). The current legislation of selected countries allows individual education and makes it accessible to an ever-larger group of children in compulsory education, nevertheless there are strict conditions set which limit it. For instance the necessity to submit a request of child's legal guardians to headmaster of a relevant school where significant reasons for individual education must be presented, whereas with a question according to what and how these reasons are defined. Individual education without any application is possible in Hungary; in other selected country parents must submit a request for individual education. Although in individual education parents assume responsibility for the course and results of education, school still maintains an exclusive position as an institution that continuously monitors, evaluates and certifies. |

Acknowledgments

The paper was based on the Specific Research of Faculty of Education of University Hradec Králové No. 2105, with a title Didactic Aspects of Home Education:

References

- Bačovská, Marta (2011). Domáci vzdělávání u nás a v zahraničí, Seminární práce, Vyšší odborná pedagogická škola, Litomyšl, p. 61.
- Čapek, Jan (2010). Evropská Úmluva o ochraně lidských práv. Praha: Linde.
- Česká školní inspekce (2016). Tematická zpráva: Individuální vzdělávání žáků na 1. stupni základních škol (tzv. domácí vzdělávání). Retrieved from: <http://1url.cz/ntz0e>.
- Dueholm, Natalia (2006). History of homeschooling movement in Poland. Retrieved from: <http://www.hslda.org/hs/international/Poland/200612191.asp>.
- ISCED (2013). ISCED Fields of Education and Training 2013 (ISCED-F 2013): Manual to accompany the International Standard Classification of Education 2011. Montreal: UNESCO Institute for Statistics, 2014, p. 20.
- Kostecká, Yvona (2014). Doma, nebo ve škole? In *Studia paedagogica*, 19(1), pp. 65–82.
- Morkes, František (2004). Devětkrát o českém školství. Praha: Pedagogické muzeum Jana Amose Komenského, p. 50.
- Novela školského zákona (2015). Novela zákona o předškolním, základním, středním a vyšším odborném a jiném vzdělávání, č. 82/2015 Sb. Retrieved from: https://www.zkola.cz/management/prehledpredpisu/Documents/561-2004_zneni_82-2015_ruzna%20ucininnost.pdf
- Pecháčková, Yveta et al. (2014). Family and School – Partners or Rivals? In *Procedia-Social and behavioral sciences*. Elsevier, No 7 February, pp. 757 – 763. Retrieved from: http://ac.els-cdn.com/S1877042814012440/1-s2.0-S1877042814012440-main.pdf?_tid=8ec9f1d0-8044-11e7-80e0-00000aabb0f26&acdnat=1502641940_802674d8820deb4b3cac6b659d2d21be
- Školský zákon (2004). Zákon o předškolním, základním, středním a vyšším odborném a jiném vzdělávání, č. 561/2004 Sb. Retrieved from: http://www.msmt.cz/uploads/skolsky_zakon.pdf
- Úmluva o právech dítěte a související dokumenty (2016). Praha: Ministerstvo práce a sociálních věcí ČR.
- Ústava České republiky (2015). Úplné znění Usnesení České národní rady č. 2/1993 Sb., o vyhlášení Listiny základních práv a svobod jako součásti ústavního pořádku České republiky. Praha: Armex.
- Všeobecná deklarace lidských práv (2014). Informační centrum OSN, Praha, p. 68. Retrieved from: http://www.osn.cz/wp-content/uploads/2015/12/UDHR_2015_11x11_CZ2.pdf
- Walterová, Eliška et al. (2010). Školství – věc (ne)veřejná? Názory veřejnosti na školu a vzdělávání. Praha: UK Karolinum.