

# Classification of foreigners

The classification of foreigners is governed by the Education Act and the methodological guideline of the Ministry of Education, Youth and Sports (MEYS). When evaluating the children of foreigners from the subject “Czech language and literature”, the level of knowledge of the Czech language will be taken into account.

The results of education of pupils who are not citizens of the Czech Republic and are attending compulsory schooling in the Czech Republic are evaluated in accordance with Sections 51 to 53 of the Education Act and Sections 14 to 17 of Decree No 48/2005, on primary education and certain requirements for compulsory school attendance.

When evaluating these pupils, the level of knowledge of the Czech language is considered to be serious circumstance in accordance with Section 15(2) and (4) of the Decree which affects the performance of the pupil. When evaluating these pupils on the educational content of the educational field “Czech Language and Literature” as specified by the Framework Education Programme for Primary Education (or the content of the subject “Czech Language and Literature” according to the current curricula for primary education), the level of knowledge of the Czech language at the end of three consecutive terms after starting school attendance in the Czech Republic is always considered to be a circumstance in accordance with Section 15(2) and (4) of the Decree affecting the pupil’s performance.

At the end of the first term, even foreign pupils do not have to be evaluated on the school report, even on a substitute date. However, if a pupil is not evaluated at the end of the second term, he would have to repeat the year.

Citizens of the Slovak Republic have the right to use the Slovak language in the course of their study, except in the subject “Czech Language and Literature”.

## Language support (in accordance with Section 16 of the School Regulations)

**New foreign pupils are therefore legally entitled to free language education.** But what about pupils who have lived in the Czech Republic for a longer period of time, can communicate in Czech relatively well but lack the language skills for more difficult tasks in the Czech language and other subjects? Are they entitled to support? If so, what support? How to work with pupils for whom it is difficult to organize language training according to Section 20 (are they the only ones in school)?

Pupils with insufficient knowledge of the language of instruction are considered as pupils with special educational needs (SEN) as of September 2016 due to the amendment to the Education Act and the Implementing Regulation (Decree 27/2016, on the education of pupils with special educational needs and gifted pupils) .

The new five-level system of support measures, the language support of pupils with **Czech as second language** (CSL) is mainly related to **measures in the second and third levels of support. In both cases, it is necessary to have** the recommendation of a school counselling

facility (SCF). It is therefore necessary to **notify parents** at whose **request** an examination in SCF is carried out and with whose **consent** the proposed support measures will be implemented.

### **What are pupils entitled to under support measures (SMs)?**

- a) Level 2 support measures concern pupils with **insufficient knowledge of the language of instruction** (approximate level of Czech at B1–B2).

#### **Recommended support measures:**

- Special textbooks and aids (textbook of Czech for foreigners);
- 1 hour per week of **pedagogical intervention** (for work with the pupil or class at school) – focused, for example, on support in Czech as a second language;
- 1 hour per week for **special pedagogical care** provided by a special pedagogue of the school.

For pupils with CSL (pupils with the need for support due to different cultural and living conditions) in primary and secondary schools, it is necessary to strengthen the teaching of Czech or the teaching of Czech as a second language **within the maximum possible number of compulsory teaching hours**; pupils are **entitled to 3 hours of CSL/week, no more than 120 hours /year**.

- b) Level 3 support measures concern pupils with **no knowledge of the language of instruction** (approximate level of Czech at A0–A2).

#### **Recommended support measures:**

- Adjustment of the education content,
- Special textbooks and aids (textbook of Czech for foreigners);
- 3 hours per week of pedagogical interventions (including 1 hour a week working with class) – e.g. support in CSL;
- 3 hours per week for special pedagogical care provided by a special pedagogue of the school, or, where applicable, psychological intervention;
- Support of teaching by another pedagogical worker in the range of 0.5 FTE (this can be for example a specialist for teaching Czech as a second language). In pupils with CSL (pupils with increased need for CSL education) in primary and secondary schools, **3 hours of CSL/week are recommended, but no more than 200 hours/year**.
- Within level 3 support measures, the counselling facility may also recommend to the pupil **extension of the length of education** – see Decree No 27/2016, *“If special educational needs so require (especially in pupils from a different cultural environment or living in different living conditions), it is possible, if necessary, to extend the duration of the primary, secondary and tertiary vocational education by one year.”* This is suitable for pupils who, after arriving in the Czech Republic, are assigned to the 9th year, but due to lack of knowledge of the language of instruction, they fail in the study. We recommend that pupils of this age should only be assigned **to the next lower year**, given the upcoming entrance exams to secondary school.

Support measures at levels 4 and 5 concern children with CSL only in combination with disabilities.

## Primary school

The Education Act requires equal access for all in admission to education; the school must therefore provide foreign nationals residing in the territory of the Czech Republic with access to primary education under the same conditions as to the citizens of the Czech Republic, without them being required to prove the legality of their stay.

All foreigners have the right to free education at primary schools, the right to school meals, as well as to the interest-based education provided at a school facility. The school may not make accepting pupils with CSL conditional on any requirements. The only reason for not accepting a pupil with CSL is the full capacity of the school. We keep encountering cases of schools imposing conditions for the admission of these children. It should be remembered that this constitutes a violation of the Education Act.

Decree No 48/2005 (Section 10) obliges the headteacher of the school to notify the pupil's legal representative **within one week after the pupil has been admitted** to the school about the possibility of attending classes for language preparation. Alternatively, the school itself may include such pupils in the class. For more information, see language preparation pursuant to Section 20 of the Education Act, including the current list of schools providing free language preparation in the Czech Republic.

Support of pupils with CSL with the amendment to the Education Act No 561/2004, together with Decree 27/2016, brings important changes for all children and pupils who need support in classes. These also include **children and pupils with CSL**.

### **Free preparation for school integration and support for teaching the mother tongue**

The regional authority with local competence according the place of residence of the pupil, in cooperation with the founder of the school, ensures:

(a) free preparation for integration into primary education, including the teaching of the Czech language adapted to the needs of those pupils,

(b) where appropriate, in cooperation with the pupil's country of origin, support for the teaching of the mother tongue and the culture of the country of origin, which shall be coordinated with regular teaching in elementary school.

As regards the education of pedagogical staff who will educate these children, the regional authority will also ensure their preparation for this activity. Primary schools where children of asylum seekers living in asylum facilities as well as outside asylum facilities are educated also provide for their basic language preparation.

## **Basic legislative framework for the education of children and pupils – foreigners**

The fundamental rights are guaranteed to all, regardless of gender, race, colour, language, belief, religion, political or other opinion, national or social origin, belonging to a national or ethnic minority, property, gender or other status. They belong to citizens, but also to foreigners. These fundamental rights are expressed in applicable legislation.

### **The legislative framework consists of:**

- international conventions under Article 10 of the Constitution of the Czech Republic (Convention for the Protection of Human Rights and Fundamental Freedoms, Convention on the Rights of the Child, Convention on Refugees, etc.)
- Charter of Fundamental Rights and Freedoms – European legislation (regulations and directives)
- the Residence of Foreigners Act
- the Asylum Act
- the Temporary Protection Act
- the Education Act – related acts, decrees, ministerial guidelines...

The specific rights and obligations regarding the residence of foreigners can be found in the following laws:

- the Asylum Act
- the Temporary Protection Act
- the Residence of Foreigners Act