

# **ACT No. 563**

of 24<sup>th</sup> September 2004

on Pedagogical Staff and on the Amendment to Some Other Acts

The Parliament has resolved upon the following Act of the Czech Republic:

## **PART ONE**

### **PEDAGOGICAL STAFF OF SCHOOLS AND SCHOOL FACILITIES**

#### **TITLE 1 GENERAL PROVISIONS**

##### **Section 1 Subject and Scope of Application**

(1) This Act shall regulate the prerequisites for the performance of duties by pedagogical staff, their further education, and the career scheme.

(2) This Act shall cover pedagogical staff of schools and school facilities included in the Register of Schools and School Facilities<sup>1</sup> (hereinafter referred to as “schools”) and pedagogical staff at facilities providing social care.

##### **Section 2 Pedagogical Worker**

(1) A pedagogical worker shall be a person who performs direct teaching, direct educational function, or direct special educational needs activities or direct pedagogical-psychological activities directly affecting learners thus implementing education and training pursuant to the special legal regulation<sup>1</sup> (hereinafter referred to as “direct educational function”) who is an employee of a legal person carrying out the activities of a school, or an employee of the state, or a head teacher unless such a person is in a labour-law relation to a legal person carrying out the activities of a school or who is not an employee of the state<sup>2</sup>. A pedagogical worker shall be also an employee performing direct educational function in facilities providing social care.

(2) Direct educational function shall be performed by:

- a) a teacher;
- b) an educator,
- c) a special educational needs teacher,
- d) a psychologist,
- e) a teacher responsible for leisure activities,
- f) a teacher’s assistant,

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<sup>1</sup> Act No. 561/2004 Coll., on Pre-School, Basic, Secondary, Tertiary Professional and Other Education (the Education Act).

<sup>2</sup> For example Act No. 1/1994 Coll., on Employment, as amended

- g) a coach, or
- h) a pedagogical manager

## TITLE II

### PREREQUISITES AND REQUIREMENTS FOR PERFORMING ACTIVITIES OF PEDAGOGICAL STAFF

#### *Sub-title 1*

#### *Prerequisites for Performing Activities of a Pedagogical Worker and Prerequisites for Performing the Office of Head Teacher*

#### Section 3

#### **Prerequisites for Performing Activities of a Pedagogical Worker**

(1) A person satisfying the following prerequisites may be a pedagogical worker. Such a person:

- a) shall be fully qualified to carry out direct educational function which he/she shall perform;
- b) shall be without a criminal record;
- c) shall be in appropriate health; and
- d) shall prove his/her knowledge of the Czech language unless stated otherwise herein.

(2) For the purpose of this Act, a person “without a criminal record” shall be understood as a person who has not been sentenced by a final and conclusive judgement of a court

- a) for an intentional criminal offence; or
  - b) for a negligent criminal offence committed relating to the performance of activities of a pedagogical worker,
- unless his/her conviction has been erased.

(3) A natural person shall prove that he/she is without a criminal record prior to signing his/her employment contract by submitting an extract from the Criminal Register not older than three (3) months.

(4) With regard to labour-law relations, pedagogical staff shall be obliged to submit to their head teachers or directors of facilities providing social care an extract from the Criminal Register if they have been sentenced by a final and conclusive judgement of a court which would result in the precondition of being without a criminal record no longer being met.

(5) Assessment under sub-section 1 (d) shall be regulated by a special legal regulation.<sup>3</sup>

(6) With regard to the nationals of European Union Member States and their family members, or nationals of third countries, recognition of professional qualifications and satisfaction of the prerequisite of being without a criminal record shall be regulated by special legal regulations.<sup>4</sup>

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<sup>3</sup> Ministry of Health Decree No. 49/1967 of the Ministry's of Health Journal on assessing health capacity necessary for performing certain work (registered under item 2/1968 Coll.,) as amended

<sup>4</sup> For example Act No. 18/2004 Coll., on Recognising Professional Qualifications and Other Capabilities of Nationals of the European Union Member States and on the Amendment to Some Other Acts (the Act on Recognising Professional Qualifications)

## Section 4 **Knowledge of the Czech Language**

(1) A natural person who gained the relevant qualifications laid down herein in a language other than the Czech language shall be obliged to prove knowledge of the Czech language by taking an appropriate examination, unless stated otherwise herein.

(2) An examination in the Czech language may be taken at a higher education institution with the life-long learning programme<sup>5</sup> or at an institution for the further education of pedagogical staff<sup>1</sup>, or at a language school authorised to organise state language examinations.<sup>1</sup>

(3) Such examination shall not replace the professional qualifications for teaching the Czech language at basic, secondary, and tertiary professional schools.

(4) Proving knowledge of the Czech knowledge shall not be required of a natural person who

- a) will work at a school with a language instruction other than the Czech language;
- b) has successfully passed a school leaving examination in the Czech language and literature;
- or
- c) teaches a foreign language or conversation in a foreign language.

## Section 5 **Prerequisites for Performing the Office of Head Teacher**

(1) A head teacher shall be a natural person who has satisfied the prerequisites under Section 3 and who has acquired experience in performing the direct educational function or an activity requiring the same or similar knowledge, or who has worked in a senior managing position or has been involved in research and development for not less than

- a) three (3) years for head teachers of nursery schools;
- b) four (4) years for head teachers of basic schools, basic schools and school facilities, with the exception of facilities for institutional education, facilities for protective education and school facilities for preventative educational care;
- c) five (5) years for head teachers of secondary schools, language schools, conservatories, tertiary professional schools, and school facilities for institutional education, facilities for protective education, and school facilities for preventative educational care.

(2) The head teacher of a school established by the Ministry of Education, Youth and Sports (hereinafter referred to as the “Ministry”), by a region, municipality or voluntary union of municipalities whose subject of activities are educational tasks (hereinafter referred to as “union of municipalities”), may only be a person who, in addition to the prerequisites stipulated in sub-section 1, has acquired, not later than two (2) years from the date he/she started to perform his/her duties as head teacher, knowledge of school management by graduating from a programme for head teachers organised within the further education of pedagogical staff under Section 24 (4) (a).

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<sup>5</sup> Act No. 111/1998 Coll. on Higher Education Institutions and on the Amendments and Supplements to Other Acts (the Higher Education Act), as amended

(3) The duty to complete a programme for head teachers of schools established by the Ministry, a region, municipality or union of municipalities shall not relate to head teachers who acquired their knowledge of school management by completing an accredited study programme<sup>5</sup> of school management organised by a higher education institution or by completing any other programme of life-long education organised by a higher education institution accredited for teaching organisation and school management.

#### *Sub-title 2*

#### *Professional Qualifications Acquired by Pedagogical Staff*

#### Section 6

#### **Nursery School Teachers**

(1) Nursery school teachers shall acquire their qualifications through:

- a) higher education acquired on an accredited study programme in the field of pedagogical sciences focused on education of pre-school age;
- b) tertiary professional education by completing an accredited educational programme of a tertiary professional school<sup>1</sup> in the field focused on preparing teachers of pre-school education;
- c) secondary education accomplished by a school-leaving examination acquired by completing a secondary educational programme<sup>1</sup> in the field focused on preparing teachers of pre-school education; or
- d) education under sub-section 2 (a).

(2) Nursery school teachers who perform direct educational function in a class or at a school established for children with special educational needs shall acquire professional qualifications by

- a) completing an accredited study programme at a higher education institution in the field of pedagogical sciences focused on special educational needs; or
- b) completing education specified for teachers of pre-school education under sub-section 1 and by completing higher education acquired on an accredited bachelor's study programme of pedagogical sciences focused on special educational needs, or by education on a programme of life-long learning carried out by a higher education institution and focusing on special educational needs.

#### Section 7

#### **Teachers of the First Level of Basic School (Primary School Teachers)**

(1) Teachers of the first level of basic school shall acquire professional qualifications through higher education by completing an accredited master's study programme in the field of pedagogical sciences focused on

- a) educating teachers of the first level of basic school;
- b) pedagogy of pre-school age and higher education by completing an accredited bachelor's study programme in the field of pedagogical sciences focused on educating teachers of the first level of basic school or by completing a programme of life-long learning organised

by a higher education institution and focused on educating teachers of the first level of basic school;

- c) educating teachers of the second level of basic school and higher education by completing a bachelor's study programme in the field of pedagogical sciences focused on educating teachers of the first level of basic school or by completing a programme of life-long learning organised by a higher education institution and focused on educating teachers of the first level of basic school; or
- d) educating teachers under sub-section 2 (a).

(2) A teacher of the first level of basic school who performs direct educational function in a class or at school established for children with special educational needs shall acquire professional qualifications through

- a) higher education by completing an accredited master's study programme in the field of pedagogical sciences focused on special educational needs for teachers; or
- b) education specified for teachers of the first level of basic school under sub-section 1 and higher education by completing an accredited bachelor's study programme in the field of pedagogical sciences focused on special educational needs or by completing a programme of life-long learning organised by a higher education institution and focused on special educational needs.

## Section 8

### **Teachers of the Second Level of Basic Education (Lower Secondary Level Teachers)**

(1) Teachers of the second level of basic school shall acquire professional qualifications through higher education by completing an accredited master's study programme

- a) in the field of pedagogical sciences focused on educating teachers of general subjects taught at the second level of basic school;
- b) in the field of pedagogical sciences focused on educating teachers of general subjects taught at the second level of basic school and general subjects taught at secondary schools;
- c) in the field of pedagogical sciences focused on educating teachers of general subjects taught at secondary schools;
- d) in a field appropriate to the nature of the subject to be taught, and through higher education by completing an accredited bachelor's study programme in the field of pedagogical sciences focused on educating teachers of the second level of basic school, or by completing a programme of life-long learning organised by a higher education institution and focused on educating teachers of the second level of basic school;
- e) in the field of pedagogical sciences focused on educating teachers of the first level of basic school and through higher education by completing an accredited bachelor's study programme in the field of pedagogical sciences focused on educating teachers of general subjects taught at the second level of basic school or by completing a programme of life-long learning organised by a higher education institution and focused on educating teachers of the second level of basic school; or
- f) under Section 12, however only for teaching a foreign language.

(2) A teacher of the second level of basic school who teaches in a class or at school established for children with special educational needs shall acquire professional qualifications through

- a) higher education by completing an accredited master's study programme in the field of pedagogical sciences focused on special educational needs teachers; or
- b) education specified for teachers of the second level of basic school under sub-section 1 and higher education by completing an accredited bachelor's study programme in the field of pedagogical sciences focused on special educational needs or by completing a programme of life-long learning organised by a higher education institution and focused on special educational needs.

## Section 9

### Secondary School Teachers

(1) Teachers of general subjects taught at secondary schools shall acquire professional qualifications through higher education by completing an accredited master's study programme

- a) in the field of pedagogical sciences focused on educating teachers of general subjects taught at secondary schools;
- b) in the field of pedagogical sciences focused on educating teachers of general subjects taught at the second level of basic school and general subjects taught at secondary schools;
- c) in a field appropriate to the nature of the subject to be taught and through higher education by completing an accredited bachelor's study programme in the field of pedagogical sciences focused on educating secondary school teachers, or by completing a programme of life-long learning organised by a higher education institution and focused on educating secondary school teachers;
- d) in the field of pedagogical sciences focused on educating teachers of the second level of basic school and through higher education by completing an accredited bachelor's study programme in the field of pedagogical sciences focused on educating teachers of general subjects taught at secondary schools, or by completing a programme of life-long learning organised by a higher education institution and focused on educating secondary school teachers; or
- e) under Section 12, however only for teaching a foreign language.

(2) A teacher of vocational subjects to be taught at secondary schools shall acquire professional qualifications through higher education by completing an accredited master's study programme

- a) in the field of pedagogical sciences focused on educating teachers of vocational subjects to be taught at secondary schools; or
- b) in a field appropriate to the nature of the subject to be taught and through higher education by completing an accredited bachelor's study programme in the field of pedagogical sciences focused on educating secondary school teachers, or by completing a programme of life-long learning organised by a higher education institution and focused on educating secondary school teachers or by studying pedagogy as a major subject at a higher education institution under Section 22 (1) (hereinafter referred to as "studying pedagogy").

- (3) A teacher of practicum shall acquire professional qualifications through
- a) higher education by completing an accredited study programme in a field appropriate to the nature of subjects to be taught in practicum and through higher education by completing an accredited bachelor's study programme in the field of pedagogical sciences focused on educating secondary school teachers or by completing a life-long learning programme organised by a higher education institution and focused on educating secondary school teachers, or by studying pedagogy;
  - b) tertiary professional education by completing an accredited educational programme at a tertiary professional school in a field appropriate to the nature of subjects to be taught in practicum and through higher education by completing an accredited bachelor's study programme in the field of pedagogical sciences focused on educating secondary school teachers, or by completing a life-long learning programme organised by a higher education institution and focused on educating secondary school teachers, or by studying pedagogy; or
  - c) secondary education accomplished by a school-leaving examination acquired by completing an educational programme of secondary education in a field appropriate to the nature of the subject to be taught and through higher education by completing an accredited bachelor's study programme in the field of pedagogical sciences focused on educating secondary school teachers, by completing a life-long learning programme organised by a higher education institution and focused on educating secondary school teachers, or by studying pedagogy and practical experience in the relevant field of not less than three years.

(4) A teacher of practicum in the field of medical study subjects must also be qualified in that medical profession under a special legal regulation in the field<sup>6</sup> which he/she is to teach.

(5) A teacher of vocational training (at the relevant workplace) shall acquire professional qualifications through education specified for teachers of practicum under sub-section 3 and through secondary education with an apprenticeship certificate by completing an educational programme of secondary education in a field appropriate to the nature of the subject to be taught.

(6) A secondary school teacher who teaches in a class or at a school established for pupils with special educational needs shall acquire professional qualifications through education specified for secondary school teachers under sub-sections 1 through 5 and through higher education by completing an accredited bachelor's study programme in the field of pedagogical sciences focused on special educational needs or by completing a life-long learning programme organised by a higher education institution and focused on special educational needs.

## Section 10

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<sup>6</sup> Act No. 95/204 Coll. ,on the Conditions for Acquiring and Recognising Professional Qualifications and Specialised Qualifications to Perform the Professions of a Physician, Dentist, and Pharmacist  
Act No. 96/2004 Coll., on the Conditions for Acquiring and Recognising Professional Qualifications to Perform Non-medical Health Care Professions and to Perform Activities relating to Health Care Provision and on the Amendment to Some Related Acts (the Act on Non-medical Health Care Professions)

## **Teachers of Artistic Vocational Subjects at Basic Artistic Schools, Secondary Vocational Schools, and Conservatories**

(1) A teacher of artistic vocational subjects at a basic artistic school, a secondary vocational school or a conservatory shall acquire professional qualifications through

- a) higher education by completing an accredited study programme in the field corresponding to the nature of the artistic subject to be taught and through higher education by completing an accredited bachelor's study programme in the field of pedagogical sciences, or by completing a life-long learning programme organised by a higher education institution and focused on pedagogy, or by studying pedagogy;
- b) tertiary professional education by completing an eight-year or six-year educational programme in the relevant field at a conservatory<sup>1</sup> corresponding to the nature of the artistic subject to be taught;
- c) tertiary professional education by completing an accredited educational programme at a tertiary professional school in a field appropriate to the nature of the artistic subject to be taught and through higher education by completing an accredited bachelor's study programme in the field of pedagogical sciences or by completing a life-long learning programme organised by a higher education institution and focused on pedagogy, or by studying pedagogy;
- d) secondary education accomplished by a school-leaving examination acquired by completing the corresponding part of an educational programme of a conservatory and through higher education by completing an accredited bachelor's study programme in the field of pedagogical sciences, or by completing a life-long learning programme organised by a higher education institution and focused on pedagogy, or by studying pedagogy; or
- e) secondary education accomplished by a school-leaving examination acquired by completing the educational programme of a secondary vocational school in a field appropriate to the nature of the creative subject to be taught and through higher education by completing an accredited bachelor's study programme in the field of pedagogical sciences or by completing a life-long learning programme organised by a higher education institution and focused on pedagogy, or by studying pedagogy.

(2) A head teacher of a basic artistic school, secondary vocational school, or conservatory may, in well justified cases, decide that he/she shall withdraw the prerequisite of professional qualifications of a teacher of an artistic subject who performs artistic-pedagogical activities provided that such a teacher has been an performing artist<sup>7</sup>. Such decision must be issued in writing. For the purpose of labour-law relations the prerequisite of professional qualifications of a teacher at the relevant school shall be satisfied by the issue of such a decision.

### Section 11

#### **Tertiary Professional School Teachers**

(1) A teacher of general subjects or vocational subjects teaching at a tertiary professional school shall acquire professional qualifications through higher education by completing an accredited master's study programme in a field appropriate to the nature of the general subject or vocational subject to be taught.

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<sup>7</sup> Act No. 121/2000 Coll. on Copyright, on Rights relating to Copyright and on the Amendment to Some Other Acts (the Copyright Act)



(2) A teacher of practicum and vocational training shall acquire professional qualifications through:

- a) higher education by completing an accredited study programme in a field appropriate to the nature of the subjects to be taught in practicum;
- b) tertiary professional education by completing an accredited educational programme at a tertiary professional school in a field appropriate to the nature of the subjects to be taught in practicum; or
- c) secondary education accomplished by a school-leaving examination acquired by completing an educational programme of secondary education in a field appropriate to the nature of the subject to be taught and having practical experience in the relevant field of not less than three (3) years.

(3) A teacher of practicum and vocational training of medical study subjects must be also qualified in that medical profession under a special legal regulation<sup>6</sup> in the field he/she is to teach.

(4) A head teacher of a tertiary professional school may, in well-justified cases, decide that he/she withdraw the prerequisite of professional qualifications of a teacher of an artistic subject who performs artistic-pedagogical activities provided that such a teacher has been a performing artist. Such decision must be issued in writing. For the purpose of labour-law relations the prerequisite of professional qualifications of a teacher at the relevant school shall be satisfied by the issue of such decision.

## Section 12

### **Teachers of Language Schools Authorised for State Language Examinations**

A teacher at a language school authorised to organise state language examinations shall acquire professional qualifications through higher education by completing an accredited master's study programme

- a) in the field of pedagogical sciences focused on educating teachers of foreign languages; or
- b) in the field of social sciences focused on foreign languages and through higher education by completing an accredited bachelor's study programme in the field of pedagogical sciences, by completing a life-long learning programme organised by a higher education institution and focused on education, or by studying pedagogy.

## Section 13

### **Teachers at Institutions for the Further Education of Pedagogical Staff**

A teacher at an institution for the further education of pedagogical staff shall acquire professional qualifications through

- a) higher education by completing an accredited master's study programme in the field of pedagogical sciences; or
- b) higher education by completing an accredited master's study programme different to the programme stipulated in letter a)

and by pedagogical practical experience or practical experience in a field appropriate to the nature of educational subjects for not less than seven (7) years and in a scope corresponding at least to a half of the determined working hours per week.<sup>8</sup>

#### Section 14

### **Teachers of Religion**

A teacher of religion shall acquire professional qualifications through higher education by completing an accredited master's study programme

- a) in the field of theological sciences;
- b) in the field of pedagogical sciences focused on educating teachers of religion; or
- c) in the field of pedagogical or social sciences and through higher education by completing an accredited bachelor's study programme in the field of pedagogical sciences focused on educating teachers of religion, or by completing a life-long learning programme organised by a higher education institution and focused on educating teachers of religion.

#### Section 15

### **Teachers of Vocational Training in a Facility Providing Social Care**

A teacher of vocational training in a facility providing social care shall acquire professional qualifications as a teacher of vocational training under Section 9 (5) and at the same time by completing an accredited educational programme focused on special educational needs and organised by an institution for the further education of pedagogical staff.

#### Section 16

### **Educator**

(1) An educator shall acquire professional qualifications through

- a) higher education by completing an accredited study programme in the field of pedagogical sciences focused on education related activities or social pedagogy;
- b) higher education under Sections 7 through 12 with the exception of Section 11;
- c) tertiary professional education by completing an accredited educational programme at a tertiary professional school in a field focused on education related activities or social pedagogy;
- d) tertiary professional vocational education by completing an accredited educational programme different to the programme stipulated in letter c) and through higher

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<sup>8</sup> Section 83 of the Labour Code

- education by completing an accredited bachelor's study programme in the field of pedagogical sciences focused on education related activities or social pedagogy, or by completing a life-long learning programme organised by a higher education institution and focused on education related activities or social pedagogy, or by studying pedagogy;
- e) secondary education accomplished by a school-leaving examination acquired by completing an educational programme at a secondary vocational school in the field focused on educating educators; or
  - f) secondary education accomplished by a school-leaving examination acquired by completing the educational programme of a secondary school.

(2) An educator who performs direct educational function at a boarding school or at its department established for children and pupils with special educational needs, at a school facility for institutional education or protective education, or at a school facility for preventative educational care shall acquire professional qualifications through

- a) higher education by completing an accredited study programme in the field of pedagogical sciences focused on special educational needs for educators; or
- b) education specified for educators under sub-section 1 and by completing an accredited bachelor's study programme in the field of pedagogical sciences focused on special educational needs or by completing a life-long learning programme organised by a higher education institution and focused on special educational needs.

## Section 17

### **Teachers Responsible for Leisure Activities**

A teacher responsible for leisure activities shall acquire professional qualifications through

- a) higher education by completing an accredited study programme in the field of pedagogical sciences focused on leisure activities or social pedagogy;
- b) higher education under Section 7 through 12 with the exception of Section 11;
- c) tertiary professional vocational education by completing an accredited educational programme at a tertiary professional school in a field focused on leisure activities or education related activities or social pedagogy;
- d) tertiary professional education by completing an accredited educational programme different to the programmes stipulated in letter c) and by completing a life-long learning programme organised by a higher education institution and focused on leisure activities or social pedagogy or education related activities, or by studying pedagogy,
- e) secondary education accomplished by a school-leaving examination acquired by completing the educational programme of a secondary vocational school in a field focused on leisure activities or education related activities, or
- f) secondary education accomplished by a school-leaving examination and by completing a life-long learning programme organised by a higher education institution and focused on leisure activities or education related activities, or by studying pedagogy.

## Section 18

### **Teachers at Special Educational Needs Classes or Schools**

A teacher at special educational needs classes or schools shall acquire professional qualifications through higher education acquired by completing an accredited master's study programme in the field of pedagogical sciences focused on special educational needs.

#### Section 19

##### **Psychologists**

A psychologist shall acquire professional qualifications through higher education by completing an accredited master's study programme in psychology.

#### Section 20

##### **Teacher's Assistants**

A teacher's assistant shall acquire professional qualifications through

- a) higher education by completing an accredited study programme in the field of pedagogical sciences;
- b) tertiary professional education by completing an accredited educational programme at a tertiary professional school in the field focused on educating teacher's assistant or social pedagogy;
- c) secondary education accomplished by a school-leaving examination acquired by completing an educational programme at a secondary vocational school in the field focused on educating teacher's assistants;
- d) secondary education accomplished by an apprenticeship certificate acquired by completing an educational programme of secondary education and by studying pedagogy; or
- e) basic education and by completing an accredited educational programme for teacher's assistants organised by an institution for the further education of pedagogical staff.

#### Section 21

##### **Coaches**

A coach shall acquire professional qualifications through

- a) higher education by completing an accredited master's study programme in the field of pedagogical sciences focused on educating teachers of physical training and by acquiring a certificate of at least 2<sup>nd</sup> class to be a coach of relevant specialisation;
- b) higher education by completing an accredited master's study programme in the field of physical training and sports and by acquiring a certificate of at least 2<sup>nd</sup> class to be a coach of relevant specialisation;
- c) higher education by completing an accredited bachelor's study programme in the field of physical training and sports and by acquiring a certificate of at least 2<sup>nd</sup> class to be a coach of relevant specialisation;
- d) secondary education accomplished by a school-leaving examination acquired by completing an educational programme of secondary education or secondary education completed by an apprenticeship certificate acquired by completing the educational

programme of secondary education and a special school for coaches at any of the Faculties of Physical Training and Sports and by acquiring a certificate of at least 2<sup>nd</sup> class to be a coach of relevant specialisation.

## Section 22

### **Common Provisions on Acquiring Professional Qualifications**

(1) Studying pedagogy shall be understood to be education accomplished by completing an accredited educational programme in the field of pedagogical sciences organised by an institution for the further education of pedagogical staff

- a) for secondary school teachers of vocational subjects, for tertiary professional school teachers of practicum and vocational training, for teachers of artistic vocational subjects at basic artistic schools, secondary vocational schools, and conservatories as well as for teachers at language schools authorised to organise state language examinations, in the scope of at least 120 hours with the content focus on pedagogy, psychology, and didactics; and
- b) for educators, teachers of leisure activities and teacher's assistants in the scope of at least 80 hours with the content focus on pedagogy and psychology.

(2) A prerequisite of professional qualifications of teachers performing direct educational function with children, pupils, and students who are deaf-mute shall be to prove knowledge of the sign language.

## TITLE III

### DIRECT EDUCATIONAL FUNCTION

## Section 23

### **Scope of Direct Educational Function**

(1) The scope of hours of direct educational function per week shall be specified for a pedagogical worker by the head teacher for a period of an academic year and for a semester of an academic year<sup>1</sup>. A director of an institution providing social care shall specify the scope of hours of the direct educational function for a calendar year,

(2) The head teacher of a school established by the Ministry, a region, municipality or union of municipalities shall specify the scope of hours of direct educational function per week under an implementing legal regulation. In contracting or approving shorter than specified week working hours the scope of direct educational function shall be proportionally reduced.

(3) The head teacher or director of a facility providing social care may order a pedagogical worker to carry out direct educational function beyond the specified hours in the scope of not more than four (4) hours per week and may negotiate with him/her two (2) more hours.

(4) Direct educational function beyond the specified scope of hours shall also be direct educational function carried out whilst substituting an absent pedagogical worker.

(5) The Government shall lay down by its Regulation the scope of direct educational function of pedagogical staff at schools established by the Ministry, a region, municipality or union of municipalities.

#### TITLE IV

### FURTHER EDUCATION AND THE CAREER SCHEME OF PEDAGOGICAL STAFF AT SCHOOLS ESTABLISHED BY THE MINISTRY, A REGION, MUNICIPALITY OR UNION OF MUNICIPALITIES AND AT FACILITIES PROVIDING SOCIAL CARE

#### Section 24

#### **Further Education of Pedagogical Staff**

(1) Pedagogical staff whilst performing direct educational function shall have the duty of further education for renewing, strengthening, and supplementing their qualifications.

(2) Pedagogical staff may participate in further education increasing their qualifications. Under a special regulation<sup>9</sup> increasing qualifications shall be understood as their acquisition or extending.

(3) A head teacher shall organise further education of pedagogical staff in accordance with a plan of further education which shall have been laid down after preceding negotiations with a relevant trade union body. When laying down the plan of further education it shall be necessary to take into account the study interests of a pedagogical worker, the school needs and budget.

(4) Further education of pedagogical staff shall be held

- a) at higher education institutions, at institutions of further education of pedagogical workers and at other facilities (hereinafter referred to as “educational institutions”) on the basis of accreditation granted by the Ministry;
- b) by self-education;
- c) by the further education of medical staff under a special legal regulation<sup>6</sup> in the case of teachers of medical subjects.

(5) Evidence of the completion of further education under sub-section 4 (a) shall be a certificate issued by an educational institution which organised further education.

(6) The Ministry shall lay down by an implementing legal regulation types and conditions of further education of pedagogical staff and the manner of its accomplishment. The Ministry of the Interior shall lay down by an implementing legal regulation types and conditions of further education of pedagogical staff and the manner of its accomplishment for those pedagogical staff of schools established by the Ministry of the Interior.

(7) Pedagogical staff participating in further education under sub-section 4 (b) shall be entitled to twelve (12) working days off per academic year; for the period of days off pedagogical staff shall be entitled to their salary equalling the amount of loss of earnings. Should an employment contract be only for a part of an academic year then the relevant

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<sup>9</sup> Section 142 (1) of the Labour Code

pedagogical worker shall be entitled to receive one twelfth of days off under the first sentence of this sub-section for each month of duration of the employment contract. The head teacher of a school shall assign days off as being days not obstructing school operations.

## Section 25

### **Educational Institution Accreditation and Educational Programme Accreditation**

(1) For the purpose of this Act the Ministry shall accredit educational institutions and their educational programmes focused on the further education of pedagogical staff on the basis of the application of a natural person or legal person (hereinafter referred to as the “applicant”) and upon conditions laid down herein. The Ministry shall maintain the Register of Applicants containing data stated in Section 26 (1) or Section 27 (1) respectively. Personal data of natural persons maintained in the Register shall be processed by the Ministry in compliance with a special legal regulation.<sup>10</sup>

(2) Educational institution accreditation shall be granted for a term of six (6) years. Educational programme accreditation shall be granted for a term of three (3) years. Prior to the lapse of a term under the first and second sentences the holder of the educational institution accreditation or educational programme accreditation may apply for its renewal.

(3) Educational institution accreditation or educational programme accreditation shall not be subject to transfer and shall not be devolved to legal successors.

(4) The Ministry shall inspect the activities of accredited educational institutions when carrying out accredited programmes.

(5) Should any deficiencies in carrying out an educational programme be found by the Ministry within its inspection the Ministry shall request the educational institution to correct, within a reasonable period of time, any and all deficiencies. If the educational institution does not do so within the specified period of time the Ministry shall withdraw the educational institution accreditation or the educational programme accreditation.

(6) The Ministry shall withdraw the educational institution accreditation or the educational programme accreditation also in the event that the educational institution has experienced such circumstances which would justify rejection of the application for educational institution accreditation or educational programme accreditation.

(7) In inspecting activities carried out by an accredited educational institution the Ministry shall proceed under a special legal regulation.<sup>11</sup>

## Section 26

### **Educational Institution Accreditation**

(1) An application for educational institution accreditation shall contain the name, surname, registered seat and identification number of the applicant, if the applicant is a natural person, or the business name, registered seat or a seat of an organisational unit, statutory body and identification number, if the applicant is a legal person.

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<sup>10</sup> Act No.101/2000 Coll., on the Protection of Personal Data, as amended.

<sup>11</sup> Act No. 552/1991 Coll., on State Inspection, as amended

(2) An application for educational institution accreditation must be submitted along with an application for accreditation of at least one educational programme of further education of pedagogical staff under Section 27.

(3) The following must be enclosed with an application for educational institution accreditation:

- a) the licence for carrying out educational activities under a special legal regulation<sup>12</sup>;
- b) an overview of personnel, technical and material equipment of the applicant for educational institution accreditation in the field of further education of pedagogical staff;
- c) an overview of to-date activities of the applicant for accreditation;
- d) the educational programme the accreditation is being applied for.

(4) The Ministry shall grant a natural or legal person educational institution accreditation provided that such a person satisfies conditions stipulated in sub-sections 1 through 3 whilst taking into account the assessment of the Accreditation Commission.

(5) The Ministry shall not grant educational institution accreditation if a natural or legal person

- a) did not enclose with the respective application documents under sub-section 3 above;
- b) included in the respective application incorrect or incomplete data and they have not corrected or supplemented such data within the period of time specified by the Ministry;
- c) enclosed an educational programme which did not satisfy requirements laid down in Section 27 (3);
- d) enclosed an educational programme which has not been recommended for approval by the Accreditation Commission.

(6) The Ministry shall maintain a list of all accredited educational institutions and programmes which the Ministry shall always publish at the beginning of an academic year in the Journal of the Ministry and on the Ministry's websites.

## Section 27

### **Educational Programme Accreditation**

(1) An application for educational programme accreditation shall contain the name, surname, registered seat and identification number of the applicant if the applicant is a natural person, or the business name, registered seat or a seat of an organisational unit, statutory body and identification number if the applicant is a legal person.

(2) An application for educational programme accreditation must be submitted along with

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<sup>12</sup> Act No. 561/2004 Coll., on Pre-School, Basic, Secondary, Tertiary Professional and Other Education (the Education Act).

Act No. 111/1998 Coll., as amended  
The Trade Licence Act  
The Commercial Code



- a) an authenticated copy of accreditation of the educational institution which will carry out the educational programme or an application of a natural or legal person for educational institution accreditation;
- b) the educational programme.

(3) The educational programme shall contain

- a) its name, type, form and targets; the type of educational programme shall express the kind of further education of pedagogical staff; the form of educational programme shall express whether it is education in the form of classroom lessons, distance learning or is a combination of both;
- b) subjects to be taught and their description;
- c) an educational plan specifying the time sequence and content of subjects to be taught and the term of education;
- d) a list of trainers including their names, surnames and professional qualifications for the educational programme in question.

(4) The Ministry shall grant a natural or legal person accreditation of an educational programme should the educational programme satisfy the conditions stipulated in sub-section 3 above whilst taking into account the assessment of the Accreditation Commission.

(5) The Ministry shall not grant accreditation if a natural or legal person

- a) did not enclose with the respective application documents under sub-section 2 above;
- b) included in the respective application incorrect or incomplete data and they have not corrected or supplemented such data within the period of time specified by the Ministry;
- c) enclosed an educational programme which did not satisfy requirements under sub-section 3;
- d) enclosed an educational programme which has not been recommended for approval by the Accreditation Commission..

## Section 28 Accreditation Commission

(1) The Ministry shall establish the Accreditation Commission as its advisory body for granting accreditation under Sections 25 through 27.

(2) The Minister of Education, Youth and Sports shall appoint and recall members of the Accreditation Commission. The Ministry shall lay down in the implementing legal regulation the composition of the Accreditation Commission and rules for its activities.

(3) The Accreditation Commission shall assess in particular

- a) how conditions for granting accreditation have been satisfied;
- b) the content of an educational programme; and
- c) the professional qualifications of trainers.

(4) On the basis of the assessment of facts specified in sub-section 3 the Accreditation Commission shall issue its opinion on the relevant application.

Section 29  
**Career Scheme**

(1) The career scheme shall be a set of rules determined for the inclusion of pedagogical staff into career grades.

(2) A career grade shall be specified by a description of activities, professional qualifications or other prerequisites of qualifications and a system of appraisal which a pedagogical worker is obliged to satisfy in order to be able to carry out such activities.

(3) The inclusion of a pedagogical worker into a higher career grade shall be conditional upon

- a) performing activities
  - 1. specialised, teaching method related, or methodological or more demanding mainly in terms of psychological exertion and demands placed on preparation;
  - 2. managing; and
- b) satisfying professional qualifications under Sections 6 through 21 and with regard to activities specified by the Ministry by the implementing legal regulation also upon satisfying other qualification prerequisites.

(4) Other qualification prerequisites shall be as follows:

- a) pedagogical experience which shall be understood as performance of direct educational function;
- b) a certificate of qualifications to perform specialised, teaching method related, or methodological or managing activities issued by an accredited educational institution (hereinafter referred to as the “certificate of qualifications”).

(5) Conditions upon which a pedagogical worker shall be included into a career grade, a description of activities, the length of teaching experience, the conditions upon which a certificate shall be acquired and a system of appraisal shall be laid down by the Ministry in the implementing legal regulation issued under Section 24 (6).

(6) The certificate of qualifications under sub-section 4 (b) issued to a pedagogical worker must include the following data:

- a) the name, surname, academic title, date and place of birth of the pedagogical worker;
- b) the number of the certificate;
- c) the number of the career grade and description of activities under sub-section 3 for which the pedagogical worker is qualified;
- d) the date of issue;
- e) the seal of the educational institution; and
- f) the signature of an authorised officer.

(7) The Ministry shall maintain a Register of all certificates issued by educational institutions under sub-section 4. Personal data of natural persons maintained in the Register shall be processed by the Ministry in compliance with a special act.<sup>10</sup>

## TITLE V

### COMMON TRANSITIONAL AND FINAL PROVISIONS

#### Section 30

Pedagogical staff pursuant to this Act shall be also pedagogical staff who, as of the date of the entering of this Act into effect, shall satisfy qualifications for performing the activities of a pedagogical worker under current legal provisions.

#### Section 31

Other qualifications acquired within the further education of pedagogical staff as of the date of the entering of this Act into effect under current legal provisions shall not be prejudiced.

#### Section 32

A natural person who does not satisfy the prerequisite under Section 3 (1) (b) may perform direct educational function after the date of the entering of this Act into effect

- a) not longer than for a period of five (5) years unless they commence studies through which they will acquire the required qualifications and if they complete such studies successfully;
- b) if higher education institutions providing education in vocational subjects taught at secondary and tertiary professional schools do not enable access to higher education in an accredited educational programme for the relevant study field; in such case acquisition of the highest possible education in the relevant field shall be satisfactory.

#### Section 33

A head teacher of a school established by the Ministry, a region, municipality or union of municipalities who has not acquired knowledge in school management by graduating from the study programme for head teachers within the further education of pedagogical staff under Section 24 (4) (a) and performs the office of head teacher as of the date of the entering of this Act into effect, may perform such an office for not longer than for a period of five (5) years from the date of the entering of this Act into effect unless he/she has performed the office of head teacher for a period of at least ten (10) years.

#### Section 34

Unless stated otherwise proceedings on granting accreditation to an educational institution or educational programme shall be governed by general provisions of

administrative proceedings<sup>13</sup>. The Ministry shall decide on an application for granting an educational institution or educational programme accreditation within 120 days of its delivery.

#### Section 35

The employment relations of pedagogical staff of schools established by the Ministry of the Interior, the Ministry of Defence and the Ministry of Justice shall be governed by special legal regulations.<sup>14</sup> The Provisions of Section 5, Section 9 (2), (3) and (5), Section 11, Section 24 and Section 29 shall apply to pedagogical staff of schools and school facilities established by the Ministry of the Interior accordingly.

#### Section 36

The provisions of Section 5 (1) (a), (b) and (c) shall not apply to a person performing the office of head teacher as of the date of this Act's entering into effect.

#### Section 34

#### **Repealing Provisions**

The following shall be repealed:

1. Government Regulation No. 68/1997 Coll., laying down the scope of teaching duties of teachers and the scope of educational duties of other pedagogical staff working in the educational system.
2. Government Regulation No. 153/1999 Coll., amending Government regulation No. 68/1997 Coll., laying down the scope of teaching duties of teachers and the scope of educational duties of other pedagogical staff working in the educational system.
3. Government Regulation No. 400/2002 Coll., amending Government Regulation No. 68/1997 Coll., laying down the scope of teaching duties of teachers and the scope of educational duties of other pedagogical staff working in the educational system.
4. Decree No. 139/1997 Coll., on conditions of professional and pedagogical qualifications and on the prerequisites of qualifications of education advisors.

## **PART TWO**

### **Amendment to the Labour Code**

#### Section 38

Act No. 65/1965 Coll., the Labour Code as amended by Act No. 88/1968 Coll., Act No. 153/1969 Coll., Act No. 100/1970 Coll., Act No. 146/1971 Coll., Act No. 20/1975 Coll., Act No. 72/1982 Coll., Act No. 111/1984 Coll., Act No. 22/1985 Coll., Act No. 52/1987 Coll., Act No. 98/1987 Coll., Act No. 188/1988 Coll., Act No. 3/1991 Coll., Act No. 297/1991 Coll., Act No. 231/1992 Coll., Act No. 264/1992 Coll., Act No. 590/1992 Coll., Act No.

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<sup>13</sup> Act No. 71/1967 Coll., on Administrative Procedure (the Rules of Administrative Procedure), as amended.

<sup>14</sup> Act 186/1992 Coll., on Employment Relations of Members of the Police of the Czech Republic, as amended. Act No. 221/1999 Coll., on Professional Soldiers, as amended.

37/1993 Coll., Act No. 74/1994 Coll., Act No. 118/1995 Coll., Act No. 287/1995 Coll., Act No. 138/1996 Coll., Act No. 167/1999 Coll., Act No. 225/1999 Coll., Act No. 29/2000 Coll., Act No. 155/2000 Coll., Act No. 220/2000 Coll., Act No. 238/2000 Coll., Act No. 257/2000 Coll., Act No. 258/2000 Coll., Act No. 177/2001 Coll., Act No. 6/2002 Coll., Act No. 136/2002 Coll., Act No. 202/2002 Coll., Act No. 309/2002 Coll., Act No. 311/2002 Coll., Act No. 312/2002 Coll., Act No., 274/2003 Coll., Act No. 362/2003 Coll., and Act No. 46/2004 Coll. is amended as follows:

1. Section 29a shall be followed by new Section 29b which, including footnotes No. 4a and 4b, shall be as follows:

#### “Section 29b

The provisions on employment contracts under Section 29a shall not apply to pedagogical staff of schools and school facilities<sup>4a</sup> established by the Ministry of Education, Youth and Sports, a region, municipality or a voluntary union of municipalities whose subject of activities are tasks to be carried out in the educational system (hereinafter referred to as “union of municipalities”) and to pedagogical staff at facilities providing social care.<sup>4b</sup>

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<sup>4a</sup> Act No. 563/2004 Coll. on Pedagogical Staff and on the Amendment to Some Other Acts

<sup>4b</sup> Section 66 of Decree No. 182/1991 Coll. implementing the Act on Social Security and the Act of the Czech National Council on the Scope of Competencies of Social Security Authorities of the Czech Republic.”.

2. In Section 82 the following sub-section 4 shall be inserted after sub-section 3:

“(4) The Ministry of Education, Youth and Sports shall issue the Decree laying down the employment rules for employees of schools and school facilities<sup>4a</sup> established by the Ministry of Education, Youth and Sports, a region, municipality, or union of municipalities. The first sentences of sub-section 3 shall not apply.”.

Current sub-sections 4 and 5 shall be numbered as sub-sections 5 and 6.

3. In Section 82 the sentence “The second sentence shall not apply in the case of sub-section 4” shall be added at the end of sub-section 5.

#### Section 39 **Transitional Provision**

Until the Employment Rules are issued under the Labour Code, Section 58 (b) of Act No. 29/1984 Coll., on the System of Basic Schools, Secondary Schools and Tertiary Professional Schools (the Educational Act), as amended, shall apply.

### **PART THREE**

**Amendment to the Act on the Execution of Institutional Education or Protective Education at School Facilities and on Preventative Educational Care at School Facilities and on the Amendment to Some Other Acts**

Section 40

Act No. 109/2002 Coll., on the Execution of Institutional Education or Protective Education at School Facilities and on Preventative Educational Care at School Facilities and on the Amendment to Some Other Acts shall be amended as follows:

1. Sub-section 1 of Section 18 including the relevant footnotes shall be repealed.

Current sub-section 2 and 3 shall be numbered as sub-sections 1 and 2.

2. The word “worker” in Section 18 (1) shall be replaced by the wording “worker<sup>8a</sup> at the facility or centre”.

3. Footnote No. 8a shall be as follows:

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“<sup>8a</sup>Section 2 (1) of Act No. 563/2004 Coll. on Pedagogical Staff and on the Amendment to Some Other Acts.”

4. The wording “at a facility or centre” shall be inserted in Section 18 (2) after the word “staff”.

**PART FOUR**

**Amendment to the Act on Wages and Compensation for Being on Call in Organisations Covered from the State Budget and Some Other Organisations and Bodies**

Section 41

Act. No. 143/1992 Coll., on Wages and Compensation for Being on Call in Organisations Covered from the State Budget and Some Other Organisations and Bodies, as amended by Act No. 590/1992 Coll., Act No. 10/1993 Coll., Act No. 40/1994 Coll., Act No. 118/1995 Coll., Act No. 201/1997 Coll., Act No. 225/1999 Coll., Act No. 132/2000 Coll., Act No. 217/2000 Coll., Act No. 492/2001 Coll., Act No. 308/2002 Coll., Act No. 309/2002 Coll., and Act No. 421/2002 Coll. is amended as follows:

1. Section 8 shall be followed by new Section 8a which, including footnotes No. 8a and 8b, shall be as follows:

“Section 8a

**Compensation for Direct educational function beyond the Specified Scope of Hours**

A pedagogical worker<sup>8a</sup> shall be compensated for each hour of direct teaching, direct educational function, direct special educational needs activities or direct pedagogical-psychological activities directly affecting learners and thus implementing education and training pursuant to a special legal regulation<sup>8b</sup> beyond the scope of hours specified by the head teacher, the director of the school facility or the director of the facility providing social care under a special legal regulation, at the amount of a double average hourly compensation.

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<sup>8a</sup> Section 2 of Act No. 563/2004 Coll. on Pedagogical Staff on the Amendment to Some Other Acts

<sup>8b</sup> Act No. 561/2004 Coll., on Pre-School, Basic, Secondary, Tertiary Professional and Other Education (the Education Act).”.

2. Section 9 shall be followed by new Section 9a which shall be, including footnote No. 8c, as follows:

“Section 9a

A pedagogical worker who, in addition to his/her direct educational function<sup>8a</sup>, also performs specialised activities for execution of which other qualifications are required<sup>8c</sup> shall be compensated by the amount of CZK 1,000 up to CZK 2,000 a month.

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<sup>8c</sup> Act No. 563/2004 Coll. on Pedagogical Staff and on the Amendment to Some Other Acts

3. In Section 23 (1) letter g) is repealed.  
Current letters h) and i) shall be denoted as letters g) and h).

**PART FIVE**

**EFFECTIVENESS**

This act shall enter into effect on 1 January 2005

**Authorised signatures**

**Zaorálek**

**Klaus**

**Gross**