

## **The Constitutional Court petition of the Ombudsman requesting the annulment of the provisions of the Act on Public Education and on Vocational Training**

**The Commissioner for Fundamental Rights has asked the Constitutional Court to examine the provisions of the Act on Public Education and to overview the Act on Vocational Training. Failing the necessary preparation period because of the short time until the entering into force of the two Acts the principle of the rule of law might be hurt. According to Szabó Máté the Act on Public Education limits the right of parents to upbringing contrary to the Fundamental Law and contrary to international agreements and concerning the date of starting school it does not take into account the expressed will of the parents.**

According to the Commissioner for Fundamental Rights the Act on Public Education does not take into account that following the principles of upbringing many parents do not wish to send their children to kindergarten in the first years of childhood. The legal regulation does not guarantee that only those children from their third year participate in kindergarten education, whose personality development is positively influenced this way and later the kindergarten education helps their integration into school education. Therefore the Act on Public Education limits the parents' right to choose the way of upbringing for their children contrary to the Fundamental Law and contrary to international agreements on children's rights – stated the Ombudsman.

On the grounds of the Act on Public Education the child has to start school at the age of six or at the latest at the age of seven. The maturity for starting school is not only pedagogical or medical question but it might be influenced by numerous individual, familial factors, the judgement of which is not the task of an outside expert but of the parents having the primary right and responsibility to raise up the child. According to Szabó Máté it is against the Fundamental Law and international agreement that by virtue of the Act on Public Education parents cannot decide that their children start school at the age of seven rather than at the age of six. The decision is made by the principal of the kindergarten and by the expert committee examining school maturity even despite of the will of the parent.

In his Constitutional Court petition Szabó Máté expresses that because of the short deadline teachers, parents and children cannot be prepared in time for the consequences that the Act alters the legal and organisational system of education during the school year. They have no real opportunity to make their decisions after carefully learning the content of legal provisions or to adjust their behaviour to the regulations of law.

In his other petition the Commissioner for Fundamental Rights initiated that the Constitutional Court overviews the Act on Vocational Training referring to the shortage of preparation time. The Ombudsman also raised the problem whether it is in conformity with the state responsibility of ensuring free secondary school education if the gratuitousness of the first vocational education can be withdrawn without considering individual, personal reasons.