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Research Article

LEGAL STANDARDS IN EDUCATION AND THEIR IMPACT ON SCHOOL FUNCTIONING: THE CASE OF THE CZECH REPUBLIC

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ABSTRACT

In the contribution, we present the legislative arrangement of Czech education, using the example of the role, rights, and duties of school principals. In the second part of the contribution, we present our proposals for improving the situation in impact and compliance with currently valid Czech standards. We propose options for optimizing the legal regulation of education and their effective implementation in practice. In summary, there should be a greater degree of transparency in the training of teaching staff and school principals, the introduction of an optional direct teaching obligation for school principals, the introduction of mechanisms to make teachers and principals more familiar with current legal school standards and changes to them, or the development of a unified and coherent concept of teaching within a single school. We are aware that our proposed solutions have their limits. The most significant is the increase in the administrative burden on school principals: however, we believe that without the introduction of transparent and verifiable mechanisms to check the fulfilment of certain obligations, it will not be possible to check the obligations in question.

KEYWORDS

Director, education legislation, interview, teacher, research investigation.

INTRODUCTION

The main objective of the paper is to assess the current legal Czech norms in education and evaluate their impact on the real functioning of Czech schools

through interviews with principals of primary and secondary schools.

Filipová (in Ďulíková, 2022, p. 134) summarizes the real impact of selected current standards. She, among

other things, remarks on different types of evaluation and teacher enrichment: “We take inspiration from inside the school and from outside. For two years, we have been in collaboration with other schools. We visited each other, we filmed and analyzed lessons together, and we shared suggestions and ideas. The video hospitalizations helped us, and now we are bringing them into the school”. The considerable workload of school principals in the empirical study *Overburdened Principals*. Who should relieve them? Černý (2022). Towards the end of the article, based on his findings, the author proposes a model of support for schools based on the role of municipalities in the education system. The adaptation of primary schools to distance education and various aspects related to it are discussed by Šalamounová (2022) in study *Primary schools in the process of adaptation to distance education: a multi-case study*. “The results of the analysis show that the crucial point of the whole adaptation process was the decision of the school management whether the school will be centralized, i.e. the whole school will continue to design teaching and other processes related to teaching in a unified way, or whether the school will follow the path of autonomy of teachers who will implement teaching according to their own plan as experts in their subject and their class” (Šalamounová, 2022, p. 35). As we have already indicated, the head teacher plays a pivotal role in how parents, especially of potential pupils, will view the school. In the article *What do parents expect from a school and how do they choose it?* (2022) is discussed by Dačevová and Němec. The authors present the results “through qualitative categories (frameworks), among which we can include: a safe school environment where children feel comfortable; informal education represented by a range of leisure activities; teacher competence (character qualities, organizational skills, and didactic skills). In terms of school selection strategy, the requirement for

transport accessibility of the school, friendship and recommendations from friends resonated strongly” (Dačevová, Němec, 2022, p. 57). Koldová, Rokos and Hašková (2022) discuss the role of the school principal and individual teaching staff in the implementation of integrated learning in the educational process. In the study it is mentioned, among other things, that “for the successful implementation of integrated learning in practice, active and motivated cooperation of actors at different levels in the school organization is necessary, including the creation of appropriate conditions at these levels” (Koldová, Rokos, Hašková, 2022, p. 235). The current situation of the Czech education system in connection with the immigration of Ukrainian refugees to the Czech Republic, in connotation with the role of the school principal in the process of integration of Ukrainian refugee children into the Czech educational process, is dealt with in the brochure *Inspiration for school career counsellors and Ukrainian parents on the topic of the choice of secondary school in the Czech Republic*.

Education system of the Czech Republic

The education system of the Czech Republic includes kindergartens, primary and secondary schools, conservatories, vocational schools, language schools with the right to take the state language examination, primary art schools, educational institutions, and universities.

Compulsory education in the Czech Republic begins at the age of five in the form of compulsory pre-school education, usually followed by compulsory schooling at the age of six, which lasts nine years. The Education Act governs schools from nursery to higher education, which is also normative for art schools, language schools and educational establishments.

The decentralization associated with the transformation of various aspects of civic and social life after the fall of the communist regime in Czechoslovakia was reflected in the Czech education system. The Parliament of the Czech Republic, the country's legislature, establishes committees and commissions (as its organs). In the field of education, these are the Committee on Science, Education, Culture, Youth and Sports in the Chamber of Deputies, and the Committee on Education, Science, Culture, Human Rights and Petitions in the Senate.

In November 2019, the Ministry of Education, Youth and Sports of the Czech Republic published a document entitled Main Directions of Education Policy of the Czech Republic until 2030+. In 2020, the Government approved the document Strategy of the Czech Education Policy to 2030+. The document sets out the main directions for the development of Czech education and the priorities for investment in it for the next ten years. The main objective "is to modernize education so that children and adults can cope in the dynamic and constantly changing world of the 21st century (p. 8). "The Education Policy Strategy 2030+ postulates two main strategic objectives:

(1) "to focus education more on the acquisition of competences needed for active civic, professional and personal life";

(2) "to reduce inequalities in access to quality education and to enable the maximum development of the potential of children, pupils and students" (pp. 15-22).

The school principal in the Czech context

According to Czech legislation, the headmaster is responsible for the educational process in all its aspects. "...he/she is responsible for designing,

innovating, but also implementing and evaluating the school's educational program, setting adequate criteria for its evaluation, selecting staff and providing support and conditions for their work." (Trojan, 2019, p. 75) In the Czech context of education, the school principal is also a teacher. Pisoňová (2017, p. 118 in Trojan, 2019, p. 76) argues: "In performing his/her function, the school principal fulfils a dual mission: he/she is a school manager and, at the same time, a pedagogical employee who teaches. Both require full professional commitment, and the school principal is expected to be not only the most capable manager of the educational processes in the school, but also a teacher with excellent pedagogical competencies and teaching performance."

The dominant task of Czech school principals is not education but creating the conditions for it. "Often it is more about the provision of support processes - space management, space utilization, workplace management and optimization, technical building management, energy management, waste management, indoor and outdoor cleaning, health, hygiene, safety and security, internal services - catering, reception services, meeting room management, secretarial services, etc., ICT, printing and copying services, archive services, internal mail, mail order, transport services, etc." (Trojan, 2019, p. 76)

According to Trojan (2019), the role of the director can be seen in two senses:

- the first is based on team roles related to human relations;
- the second is based on the concept of the division of activities (the circle of pedagogical management).

Trojan (2019, p. 91) differentiates the school principal's competences, which stem from education legislation, into three groups:

- "the competences of the principal as a statutory representative of the organization, who acts externally on behalf of the organization and thus gets involved in diverse interactions with other legal and natural persons;
- the competences of the director as representative of the employer, i.e., in employment relations;
- the competences of the head teacher as an educational institution, in the sense of the 'education' regulations..."

The primary regulation in addressing the competences of the school principal is Act No. 561/2004 Coll. (Education Act). The fundamental ones are §164 and §165, which define the basic powers and duties of the school principal. Several other competences of the head teacher relate to the educational process and related aspects.

Other competences of the headmaster are also derived from another law, namely the Teaching Personnel Act. An important competence of the headmaster is to determine the weekly hours of direct teaching activity for each teacher, either for the whole school year or for a half-year. The principal of a public school is limited by the implementing legislation, Government Regulation No 75/2005 Coll., on the determination of the scope of direct teaching, direct educational, direct special education, and direct pedagogical-psychological activities of teaching staff. "The law (...) limits this competence - the headmaster can only issue a plan after discussing it with the trade union (...). In a way, the limitation of the competence is also represented by

other conditions laid down by the law - the headmaster cannot issue a plan for further education of teaching staff purely subjectively but is also obliged to consider the learning interests of the teaching staff and the needs and budget of the school." (Trojan, 2019, p. 95) The principal, as a representative of the employer, also applies labour law in his/her activities. Trojan (2019, p. 98) defines the basic principles of labour relations as follows:

- "special legal protection of the employee's position;
- satisfactory and safe working conditions for the performance of work;
- fair remuneration of the employee;
- proper performance of work by the employee in accordance with the legitimate interests of the employer;
- equal treatment of employees and prohibition of discrimination against them.

Proposal for the optimization of the legal regulation of education and the possibilities of its effective implementation in the practice of schools

In this part of the article, we propose several options for optimizing the regulation of education and present possible ways to implement them in school practice. It is not our aim to present a comprehensive proposal for a solution. Based on interviews with school principals and in correspondence with the discussion of the results, we try to point out that certain pitfalls revealed in the interviews have possible solutions. Considering the conception of the work, we decided to present the

proposal of possibilities for optimizing the legal regulation of Czech education and its effective implementation in the practice of schools in a table (see Table 1). We emphasize again that this is a kind of

list that may inspire the relevant experts to elaborate on the individual items in more detail or to expand the list.

Table 1: Proposed options for optimizing the legal regulation of Czech education and its effective implementation in school practice.

Proposal for the optimisation of the legal standard	Proposal for its implementation in school practice
compulsory training in current legal standards (teachers and principals)	<ul style="list-style-type: none"> during a one-day or multi-day trip, subject matter experts would present to school principals and teachers the current legal standards related to education, with an emphasis on changes in these regulations this could be done in half-day seminars during the so-called preparatory week
compulsory occupational safety training (teachers and principals) compulsory participation of the school in the cultural and social life of the town or region	<ul style="list-style-type: none"> the implementation of this proposal could take place in the framework of the above-mentioned retreat (first training), which would simulate practical examples that participants may encounter in practice to avoid the formality of this training, participants would be required to complete a test (exam), which would be recorded

	<ul style="list-style-type: none">• this could be a presentation of pupils' achievements in school clubs (e.g., theatre performances, etc.)
development of the school's teaching concept	<ul style="list-style-type: none">• in most cases, teachers have been involved in the postulation of School Curricula, but these do not define the concept of teaching sensu stricto; as part of this innovation, individual subject committees would develop a more detailed concept for their fields of education, emphasizing inter-subject relations, the integration of cross-curricular themes or the presentation of educational results in the context of the school's participation in the cultural or social life of the city or region
regular inspections of school facilities by representatives of the Regional Sanitary Station	<ul style="list-style-type: none">• representatives of the Regional Hygiene Station would not deal with the consequences of an event, but some of them could be prevented by regular inspections• this proposal foresees the active cooperation of school principals (e.g. passing on the number of sick children and staff, etc.)

abolition of direct teaching duties of school principals	<ul style="list-style-type: none"> this proposal is a double-edged sword: 1. school principals would have more time for administrative work and other duties; 2. they would be detached from real teaching activities possible starting point is to provide for voluntary direct teaching work by principals, with the understanding that this would be work that would be reimbursed over and above the principals' time
compulsory mutual hospitalization of teachers	<ul style="list-style-type: none"> introduction of the obligation of mutual hospitalization between teachers with the same qualification, within the scope of 2 teaching hours per semester there would be no record of the hospitalization, but there would be an obligation to conduct a reflective dialogue between the participating teachers in the presence of the principal, who would then draw up a short record of the reflection
activities of the <i>Czech School Inspectorate</i>	<ul style="list-style-type: none"> the visit of the Czech School Inspectorate, the director of the school would be informed one day in advance in our opinion, this innovation can lead to a more realistic picture of the functioning of the school

developing the necessary competences of school principals	<ul style="list-style-type: none">• offering further education for school principals with an emphasis on developing the competences needed for adequate performance of their work• the training would be practically oriented and would also serve to transfer examples of good practice
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CONCLUSION

In the first part of the article, we introduced the system of Czech education, the functioning, and challenges of contemporary education, focusing on the current reforms, strategies, and financing of the Czech education system, and we focused on the scope of authorities, planning and strategy. Considering the aim of the dissertation, the most extensive part of the theoretical section of the thesis is the discussion of the contemporary school principal; among other things, we focused on the competences of the school principal and the legislative framework that defines his/her activity.

Eight possible proposals for the optimisation of the legal norm and their implementation in the practice of schools were proposed. The proposals we have postulated are rather illustrative.

We are aware that our proposed solutions have their limits. The most significant is the increase in the administrative burden on school principals: however, we believe that without the introduction of transparent and verifiable mechanisms to check the fulfilment of certain obligations, it will not be possible to check the obligations in question.

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