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## Impacts of the Amendment to the Regulation of Pre-primary Education on the Practical Domain in the Czech Republic

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**Abstract:** The Amendment to the Education Act introduced compulsory preschool education for children from the age of 5 and an obligation for parents to register their child for such compulsory education. From the perspective of kindergarten teachers, it has raised a number of unanswered questions connected with their work, primarily as a consequence of the enacted option of individual education for five-year-old children. In addition, the amendment stipulates new requirements for school management and administrations in Czech cities and towns.

**Keywords:** Preschool-aged child, kindergarten, preschool, pre-primary school, teacher, compulsory preschool education, child's legal guardian, principal, city, town.

### Introduction

A status equal to other educational levels of the lifelong education system of an individual has been acquired by preschool education step by step. Nursery teachers in history systematically strived for legislative anchoring of preschool education in the education system. The content of education in this age was seen by the society a less demanding than education content in older age (Opravilová, 2016, p. 11). However, the

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prominent Czech pedagogue V. Příhoda claimed already in 1940s that “pedagogical consideration of a preschool child is no less complex than consideration of education and upbringing of older pupils” (Příhoda, 1947, p. 20). The society’s view on preschool education, its purpose, need and objectives has been developing.

Since 1989, for the first time in history, several objectives of preschool education were defined in the *National Education Development Programme* (the *White Book*) (Ministry of Education, Youth and Sport, 2001). The greatest emphasis was laid on the intention to provide legal right to preschool education, not only to unlimited nursery care, to all children in the preschool age. The general aim of preschool education support was maximum development of talents and diverse skills of children in their preschool age and their motivation to active knowledge gathering. As the awareness of the critical relevance of the preschool period in development of every individual grew, the Czech society wished increased quality of preschool education and contribution to more factors to it. For that purpose the nursery became a type of school through legislative efforts in 2004. The document declared even further objectives for the area of preschool education. The reality of the mid second decade of 21<sup>st</sup> century documented, though that the objectives in the area of preschool education were only partially fulfilled.

Increased access and quality of preschool education became a preferred social and pedagogic theme again in the period 2015–2020. The main talking point within the educational community that specialises in educating preschool-aged children is currently the Amendment to Act No. 561/2004 Coll. on preschool, primary, secondary and higher vocational and other education, i.e. the Education Act, as well as the related legislative documents. The discussion also concerns other key legal regulations and secondary legislation currently in force, amending and significantly affecting the educational practice.

The situation and the development of the individual components of the educational system in several basic areas is influenced by society: defining the expected changes as development objectives and objects to which the objectives relate; the actors as the change implementers; the

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methods of the change implementation and the means to be used for achievement of the change. Amendments of existing legislation represent one of the significant means for the achievement of change.

### **Legislative and Document Amendments**

The term amendment refers to a legal regulation, which amends or adds, or renews, another legal regulation. The Czech term “*novela*” is derived from *Novellae*, a collection of ordinances of Emperor Justinian I. from 534–569, which was incorporated into the corpus of the Roman law *Corpus iuris civilis* as an addendum (Kincl, Urfus, Křejpek, 1995, p. 50). The process of amending, repealing a certain part of the current, or of adding new provisions to a former legal regulation is referred to as the amendment process. The rules applying to this process are contained in the legislative rules of the Government.

Where a draft or an amendment to a legal regulation may have implications for any legal relationships established before the amendment process, the implications must be regulated via transitional provisions. The transitional provisions must unequivocally determine the existing legal relationships and the extent to which the original legal regulation will apply to them after the effective date of its amendment. They may not directly or indirectly amend any other legal regulations. If a legal regulation that has not yet taken legal effect is about to be amended, the effective date of the amendment may not occur before the effective date of the amended act.

The amendment process also refers to so-called amendment acts, i.e. acts that amend certain acts in connection with the adoption of another act, where the effective date of the act which the amendment act follows upon, is postponed, and, at the same time, the effective date of the amendment act must be postponed as well. V. Knapp concludes on this matter that “an amendment, although tied in terms of its content, to the legal regulation being amended, constitutes a separate legal regulation. It has its own validity and its own effects. However, on its effective date, its content

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becomes the content of the amended legal regulation. The amendment is incorporated into the initial legal regulation. After the amendment, the legal regulation applies as amended ...” (1995, p. 114).

Legislative amendments in the school environment are based on the assumption that the changes and their impact will be positive in the area of education and will be positively accepted by all actors in the affected parts of the system of education.

### **Methodology**

The purpose of the research was to explore the difference between the current and the previous version of the act on education in the pre-school area of education and how and in what the preschool education changes affect the stakeholders. The basic method of data acquisition was content analysis of texts and subsequent comparison of results. The analysis affected certain predefined themes of the previous version of the act and its current amendment. The results of the currently required changes that were found are put in the context of their assumed impact within the Czech education and socio-political framework with regard to the child on which the required changes are focused.

The sequence of the research questions was targeted onto a single analysed object, the preschool education, with linear monitoring of the relevant factors.

The chosen analytical method may be expressed in detail by the following research questions:

- Which aspects of the education act amendment concerning pre-school education are seen as positive and progressive in relation to preschool child education?
- What requirements, of what nature and for whom, follow from the education act amendment?
- Are the required changes related to parental responsibility for their preschool child and how?

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- What is the relation of the required changes to the liabilities of nursery teachers?
  - How are the required changes related to the school management by its headmaster?
  - What requirements do the required changes place on municipal councils?
  - Are there any identifiable clear benefits of the current amendment of the education act in relation to preschool education?

## Results

The amendment to the Education Act has brought certain changes to the lives of preschool-aged children, their parents and to the pre-primary school teacher profession<sup>2</sup> and school managements; also it has laid down certain requirements for the administrations of Czech towns and cities.

### ***Obligations related to preschool-aged children***

First of all, the amendment has imposed the **pre-school education obligation on the children it applies to**. A child must comply with this obligation in one of the specified ways, which include attending a *kindergarten*<sup>3</sup> within the child's area of residence; attending another kindergarten, e.g. one with an alternative educational programme; attending preparatory classes for primary school; attending preparatory classes for special primary school; attending foreign schools within the territory of the Czech Republic; or completing *individual education* without attending a kindergarten. However, even if a child is educated individually by their parents, i.e., at home, they will have a guaranteed kindergarten place in

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<sup>2</sup> This term refers to the entire pre-primary school, i.e. kindergarten and preschool together, as a single preschool education institution.

<sup>3</sup> This refers to the last year before children enrol in primary education (Průcha, 2016, p. 166).

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case their individual tuition must be terminated. It should be noted that the Amendment introduces compulsory education, not compulsory kindergarten attendance.

The preschool education obligation **applies to an explicitly specified group of children**. It applies to children who are Czech nationals; children who are nationals of another EU member State; children who reside in the territory of the Czech Republic for more than 90 days; children who are authorised to reside in the territory of the Czech Republic either permanently, or temporarily for more than 90 days; children who are subject to proceedings for granting international protection. It does not apply to children with profound mental disabilities.

With effect as of 1 September 2017, preschool education is compulsory for children **during a certain period of their lives**, namely during the academic year that follows after they turn five. In addition, enrolment in preschool education is introduced during a certain period of the academic year, namely from 2 to 16 May of each year. On this basis, early childhood education becomes free of charge during the period it is compulsory.

**Compulsory preschool education** has become the basic postulate which the teaching reality springs from in the social environment, in the pedagogical theory, in research and institutional clinical component of preparatory education in the university subjects of Teaching and Preschool Pedagogy at all pedagogical faculties of the Czech Republic.

### ***Responsibility of the parents and legal guardians of a child***

Under the concept of preschool education, the parents or legal guardians of a child are obligated to enrol the child in preschool education during the specified period for enrolment in preschool education, in the calendar year, during which preschool education becomes compulsory of the child, even if the parents or legal guardians subsequently choose to educate the child individually.

The parents may also choose a different kindergarten than that situated in their area of residence, although their child is not entitled to a guaranteed kindergarten place in any other than their own area of

residence. The principal shall accept the child if there are any free places in their kindergarten.

The parents must provide the reasons for any absence of their child from the compulsory preschool education at the latest within 3 days of being requested to do so by the principal.

If the parents fail to enrol their child in compulsory preschool education after the child turns 5 and if they neglect the child's education at this age, they commit an offence. The offence is punishable by a fine of up to CZK 5,000. With effect as of 1 September of this year, the offence is formulated under the amendment to the Education Act.

### ***Obligations of pre-primary school teachers***

"The aim of the compulsory last year of preschool education is to improve the children's preparedness for school attendance in order to allow them to get used to being around other children and, later, to better adapt to the school environment and the obligations they will have to assume once they start school" (Prudíková, 2016, p. 6).

For professionals specialising in preschool education, this prompts certain questions:

If the aim is defined as follow: ... "to allow them to get used to being around other children and, later, to better adapt to the school environment and obligations," how can this aim be accomplished using individual tuition? Before the Education Act was amended, it was claimed that the last year before enrolling in primary education would be compulsory especially in order to allow for children with a disadvantaged sociocultural background to attend kindergarten so that they could be sufficiently prepared for compulsory education. This is also reflected in the aim defined by D. Prudíková (see above). Some other questions may be raised as well: For example, if the parents of a child announce that their child will be educated individually and they neglect the education, how will we be able to find it out in time? Or, if they announce their intention to educate their child individually and then enrol the child in a children's group or other private facility not listed in the register of schools. The Amendment

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to the Act specifies that if the parents or legal guardians pursue individual education of their child, the local kindergarten shall verify the extent to which the child has achieved the results expected in individual areas, or recommend the next steps to be taken with regard to the child's education. The dates or frequency of these verifications have not been set. Finding out that a child is not prepared for school during the verification process at the end of the school year is too late. Is the verification a one-off process or are there going to be several verifications during the school year? On what dates? And what measures are in place to ensure the parents and their child attend the verification?

The aim of evaluating the results of individual education should be to oversee, and—where necessary—for an experienced professional to provide any support and assistance to the parents who have decided to educate their child individually.

Since it may not be clear to the parents as to what they should prepare their child for during the individual education, who will be charged with the obligation to present the preschool education curriculum to the parents? Who is going to assume the responsibility for delivering the next steps to be taken in the child's individual education with regard to the results eventually achieved by the child? What is going to be the content of the verification considering that the curriculum is a general document? And what level is going to be regarded as acceptable?

So, preschool education is compulsory, and the target category under the current educational system consists of the key competences defined under the Framework Educational Programme for Preschool Education (hereinafter referred to as the "RVP PV"). For each competence, a level is defined, which is broadly regarded as achievable in relation to the competence concerned. It has been stated that framework educational programmes "define the expected levels of education specified for all those who pass through the individual stages of education" (RVP PV, 2016, p. 5). In addition: achieving the so-called expected results "is not compulsory for a child" (RVP PV, 2016, p. 16). Therefore, we ask the following questions: What are the results that we are going to require that the children achieve after passing through compulsory education; what are we going to require

that they remember; what are we going to require that they understand? What part of the expected level is sufficient in compulsory education respecting the child's individuality? Are all of the expected results expressed, or only some of them? Which are they? How many of the expected results do the children have to achieve in order to be regarded as prepared for school considering that the aim is to "improve their preparedness"? Pre-primary school practitioners also have questions to ask: Considering that children do not have ID cards, how will we know the parents have brought the child who is supposed to undergo the "verification"?

As part of her work, the teacher monitors the process of the children acquiring specific competences both with regard to the class as a whole and to individual children, proceeding in such a way that the children get as much out of the process as possible (RVP PV, 2016, p. 17). As defined by the RVP PV, specific aims express "what the teacher should" (RVP PV, 2016, p. 16) monitor and encourage in the child. In other words, the obligation imposed upon the teacher is not expressed in unequivocal terms, and such benevolence is not justified in any way.

The result of the "verification" is not an evaluation document that would have any further implications for the child. The verification should show the child's parents and the verifying teachers the current developmental level of the child, highlighting any areas in which the child should and could use assistance. And so, the teachers are left to spin in a circle, so to speak. We are back to the questions listed above.

### ***Obligations of the school principal***

School principals are responsible for the course of preschool education in accordance with the RVP PV. It is their obligation to preferentially accept children permanently residing within the kindergarten's school district. If any places are left, they may accept a child from another district.

They may ask the founder to increase the number of pre-primary school places by up to 4 children, apply with the founder for an exemption from the specified maximum number of children. Sadly, teachers are

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automatically expected to work with larger crowds of children. The view of the teacher who is bound to work with an increased number of children several hours a day is generally not considered.

School regulations lay down the conditions for excusing children from compulsory preschool education and require that their absence from kindergarten be justified.

They also set the dates for enrolment in pre-primary education and specify their place, as agreed with the founder. The enrolment date is publicly announced in a manner common within the local community. The date and place of enrolment applies both to five-year-old children who must be obligatorily enrolled by their parents, and younger children whom their parents intend to enrol in preschool<sup>4</sup>.

Parents may opt for a different pre-primary school than that within the child's area of residence. The principal of the local pre-primary school, however, is not responsible for securing a place for the child in the other pre-primary school.

A principal who decides to postpone a child's school attendance is charged to inform the parents or legal guardians of the child regarding the obligation to ensure the child's pre-school education and of the possible ways of meeting the obligation.

### ***Requirements for cities and towns***

As regards the requirement for pre-school education, adequate conditions need to be created to allow for the obligation to be met. Because most parents are expected to want their child to meet the pre-school education obligation by attending a kindergarten, cities and towns must secure a sufficient number of places in their kindergartens. The issue of a sufficient number of places is connected with school districts. Municipalities must issue a generally binding decree to assign to the pre-primary school founded by them a district, from the territory of which

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<sup>4</sup> In documentation related to the educational policy and research, this term is used to refer to an educational institution for children aged 4 to 5 (Průcha, 2016, p. 166).

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children will enrol in the pre-primary school. In this way each child will have a place in the pre-primary school they are assigned to. Pre-primary school districts must be identical with districts territorially defined in the context of compulsory primary school attendance. Each pre-primary school will preferentially accept children who permanently reside within a given area and meet the required age requirement for complying with the compulsory pre-school attendance obligation, if the child's legal guardians opt for attendance. A forest pre-primary school may not be a district pre-primary school. Private pre-primary schools are not assigned to areas of residence, and, by inference, they are not subject to the obligation to preferentially accept children permanently residing within their school district.

In the following years, the age of the children, at which they may be preferentially accepted to enrol in pre-primary schools is determined. With effect from 1 September 2017, children who reach at least the age of four before the start of the school year should be preferentially accepted by public pre-primary schools within the area of residence; with effect from 1 September 2018, children who reach at least the age of three at the beginning of the school year, shall be preferentially accepted; and with effect from 1 September 2020 children who, at the beginning of the school year, reach at least the age of 2 will be preferentially accepted. A child will have a place secured at their local pre-primary school even if their **individual education** had to be **terminated**.

Cities and towns must further submit to the pre-primary school concerned, sufficiently in advance before the date of enrolment in compulsory preschool education, a list of children who are entitled to a place in the district of the pre-primary school; provide the material conditions necessary for preschool education; monitor the demographic evolution within their territory and provide for the required capacities of pre-primary schools sufficiently in advance. In order to prevent, on the other hand, principals from being excessively pressured to accept children beyond the set threshold, pre-primary schools may only accept children not residing in their areas of residence during the year if they have any vacancies.

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Under the amendment to the Education Act, children, whose inclusion in preparatory classes may remove their developmental drawbacks, and who have had their compulsory school attendance postponement authorised, may attend preparatory classes for primary and special primary education. The postponement of compulsory school attendance now becomes a necessary pre-requisite to the inclusion of the child in the preparatory class. This was not the case in the past. Preschool-aged children also used to be included in preparatory classes, especially those whose parents had a socioculturally disadvantaged background, who expected their children would start getting used to the school environment already at that age. They also expected simpler organisation of their children's school attendance—preschool-aged children usually attended classes with their older, school-aged siblings.

### **Benefits of the current amendment to the Education Act**

- Defining districts for pre-primary schools will contribute to improving the current situation where a number of families are unable to place their child at a pre-primary school. Thanks to gradually allowing the inclusion of younger – four-year-old, three-year-old, two-year-old—children, their parents will be able to better organise their family and professional lives.
- Compulsory pre-school education will introduce children from socioculturally disadvantaged communities to an environment that would otherwise be probably denied to them, and we hope it will evoke desirable processes connected with compulsory education within each child's personality. Overall, it will contribute to increasing the quality of life of each child during this period of their lives.
- There will be a change in the financing of educational work which will create a fairer environment at pre-primary schools. The actual educational work will be paid. An implementing decree lays down the following:

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- maximum intensity of the direct educational contribution financed from the public budget,
  - rules regarding fixed pay components per 1 full-time educational worker,
  - rules regarding variable pay components per 1 full-time educational worker,
  - authorised coefficients reflecting the fullness of classes and the proportion of children with special educational needs.
  - Non-educational work will be financed as provided for under the rules regarding pre-primary schools and classes.

The rules will be centrally specified by the Ministry of Education and they will replace the much criticised system currently in force, under which the nationwide rules are only used to calculate the funds earmarked to specific regions, which subsequently enact their own rules, based on which they distribute the funds to individual pre-primary schools. The system then leads to differences in funding schools and educational establishments in individual regions.

- In its section on *Caring for the health and safety of children*, the amendment now specifies that only pre-primary school teachers may accept or hand over children, not an educational worker as was the case before that.
- In terms of primary education, the dates of enrolment for compulsory school attendance are very important. The enrolment period is set to 1 to 30 March. Until now, the dates were left at the schools' discretion.
- Rules on the postponement of compulsory school education have also been amended. Under the new regulation, the parents or legal guardians of a child must apply for postponement of compulsory school attendance already at the time of their registration for compulsory school attendance, i.e. during April. Not by 31 May of the year of the child's enrolment, as has been the case so far.

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## Conclusion

The amendment to the Education Act brings changes to Czech society in several areas - social, economic and public. A number of the changes have already given rise to questions both in terms of educational theory and the practical domain. And it seems the amendment has specifically prompted questions with regard to the work of teachers of all pre-school-aged children. Until we know the specific level the children must attain on completing their compulsory preschool education and to what extent, it will be impossible to formulate and determine indicators and criteria for the process of verifying school preparedness of children subject to individual education. It is also impossible to prepare reliable feedback to the responsible parents who choose the individual tuition for their child and pre-primary school teachers do not have any guidelines for their work either. Czech preschool theory and practice is bound to face tough challenges in the near future.

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