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## **Transforming the Hungarian educational system. A report on the Draft Act on Public Education of the Hungarian ministry of Culture and Education**

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# Transforming the Hungarian Educational System

A Report on the Draft Act on Public Education of the  
Hungarian Ministry of Culture and Education  
by Prof. Hermann Avenarius  
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Frankfurt am Main, July 1992

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## Introduction

I was commissioned by UNESCO as a consultant to provide general advice to the Hungarian national authorities on the draft educational laws being prepared and (to) submit to UNESCO in English a report on the results of the mission'. To this end I went to Budapest from 31 May to 6 June, 1992 and interviewed politicians, administrators, representatives of teachers unions, educational experts and journalists. (A list of the interviewees is enclosed.) During my stay in Hungary I was excellently assisted by the Hungarian National Commission for UNESCO, in particular by Ms. Marta Szabo.

The Hungarian Ministry of Culture and Education is preparing an Act on Public Education which is to replace the respective Act of 1985. In a first step, as early as 1990, it invited a group of experts to submit a concept paper. The Ministry considered this paper as being too liberal' and substituted it with a version of its own in November, 1991. After fierce disputes about the aims and ideas laid down in this text the Ministry published in January, 1992 a revised discussion paper 'Concept of the Act on Public Education'. This has served as a basis for the codified draft of the Act finished in February, 1992. The draft has not yet been decided upon by the cabinet.

The debates on the future Education Act are part of the general political scenery in Hungary. There is a dividing line between the block of Christian-National parties, which after the election of March/April 1990 established the governing coalition, and the urban Liberals, who together with the Hungarian Socialist Party (MSZP) form the opposition. Among the governing parties the Hungarian Democratic Forum (MDF) with 161 deputies has a key position. The two other groups are the Independent Peasants Party (Független Kisgazda Part) with 45 mandates - a group now split, due to internal conflicts, into two factions - and the Christian Democratic People's Party (Kereszteny-Demokrata Neppart) with 22 mandates. The

strongest group within Opposition is the Alliance of Free Democrats (SZDSZ) having 94 deputies; the other liberal Party is the Alliance of Young Democrats (FIDESZ) with 22 mandates. The MSZP comprises 33 deputies.

In this polarized political situation any initiative undertaken by the Government, appears in the view of Opposition parties to be conservative and restaurative. The Government, on the other hand, condemns its critics as supporting policies being destructive and too radical. This polarization applies also to the debate on the Act on Public Education.

Opposition in Parliament, teachers unions and part of the media fear that Government tries to assume an etatistic control over schools using public education as a tool for indoctrination and for restoring pre-war structures and values. The Ministry and the majority parties backing Government consider this reproach unfair and believe, on the other hand, that the educational Programme of their critics which emphasizes far-reaching autonomy of schools and aims at a secularized education, free from religious and any other ideological interference, leads to confusion, endangers the quality of schooling and neglects the necessary value orientation function of education.

Under these circumstances any consultancy is difficult. Too easily comments and recommendations may be regarded as siding with this or that part in the political spectrum. Therefore, instead of interfering in the controversial debate, I will preferably pose questions and refer to experiences in Western Europe, especially in Germany.

My comments which refer to the English version of the discussion paper of January, 1992, do not cover each and every

aspect of the paper but only deal with some basic points. It lies in the nature of things that my remarks refer predominantly to critical issues of the draft Act.

## 1. Structure of the School System

According to the Education Act of 1985 the school system consists of the following:

The general school, comprising eight grades, starts at the age of six years. It is divided into a lower section and an upper section, each with four grades. After finishing general school, the students may continue their respective studies in different institutions of secondary education:

- the four-grade academic secondary school (gimnazium);
- the four-grade or five-grade vocational secondary school for technicians, administrators, nurses etc.;
- the three-grade vocational training school (trade school) for skilled workers.

Those successfully finishing the academic or vocational secondary school are qualified to apply for being admitted to institutions of higher education (university or technical university respectively). The system also provides for institutions of special education for handicapped students.

This rather rigid system has partly been changed in the meantime. Since 1990, it has become possible to introduce alternative types of schools combining, for instance, a four-grade primary school with an eight-grade secondary academic school or a six-grade primary school with a six-grade secondary academic school.

The future Act on Public Education, as delineated by the discussion paper (3.1. -2, 3.4.), designs the school system as follows:

- the kindergarten for children between the ages of three and six years, compulsory after completion of the fifth year;

- the six-grade elementary school;
- the four-grade lower secondary school with three branches: basic school (in particular for students leaving school with sixteen years at the end of compulsory education), general secondary school and secondary grammar school;
- the two- or three-grade higher secondary school, either as a grammar school or as a vocational school.

Schools for special education round out the system.

It is not necessary to discuss in detail the pros and cons of the envisaged school structure which is more or less similar to educational systems to be found in Western European countries. There are, however, some issues which deserve critical reflection.

One of the aims of the new Act is to introduce differentiation from grade 7, but also to Open up the possibility that the different branches of the secondary school operate as comprehensive schools with mixed curricula (discussion paper, 3.3.). This may Support a certain permeability of the system giving students the opportunity to cross over from one branch of school to another. On the other hand, the authors of the discussion paper seem to be rather fatalistic, since they concede that the already existing hidden differences between schools may now become evident and may be accompanied by social selection which 'we do not want to have, but cannot stop by legislation (discussion paper, 3.3.).

It is not quite clear whether the new scheme is binding on municipalities and other public or private institutions which are responsible for maintaining schools. if exceptions to the rule are deemed possible - e.g. a four-grade primary school followed by an eight-grade grammar school - at least the criteria for such deviations from the general system should be determined in the Act. To give an example: If the establishment of a grammar school endangers the existence of the gen-



eral secondary school in the same municipality, such innovation should not be allowed.

An open problem are the repercussions of the planned structural change on vocational education.

Under the old system students from the age of fourteen who were to be trained as skilled workers attended highly specialized boarding schools on a part-time basis while the rest of the time was spent at big combines for practical training purposes. Though this sort of vocational education had its disadvantages - overspecialization, misusing young people as labour force, taking them from home too early - one should not underestimate its merits: the combination of theoretical and practice-oriented training as it is common in the so-called dual system of German speaking countries. It remains to be seen whether the basic branch of the lower secondary school whose grades 9 and 10 may include vocational training, can compensate for the lack of practical experience in a plant's workshop. Doubts arise, moreover, if there is a sufficient number of teachers who are competent vocational educators, though this difficulty could be diminished by including trainers from the former combines into the teaching staff.

As a possible alternative to the present basic school concept one could think of an open, flexible approach: The first two grades of the basic school would provide general education; after this the dual system would be reintroduced, as far as neighbouring suitable plants - or workshops in specifically designed training centres - could be used for on-the-job training. By no means should one fall back on the former overspecialization. Rather one should try to orient the training towards broadly defined occupational fields. In this alternative, full-time schools training skilled workers would have a transitional character, as a substitute for the dual system to be established in the long run.

similar considerations are valid for the organization of the higher secondary vocational school. At least in some occupational branches (e.g. banking, business, engineering) the need for adjusting education to job realities argues in favour of introducing the dual system also at this level of schooling.

The Act on Public Education, however, limits its scope of application to general education. Courses in vocational training and the related degrees will be determined upon by the future Act on vocational training (cf. discussion paper, 3.3.1. ). This means that matters which are narrowly connected are not regulated in one and the same Act. Because of the coherence of the issues to be ruled, the Ministry might be well advised to aim at having both bills enacted simultaneously if ever possible.

## **2. Teacher Training**

The new school system can only function if there are teachers who are prepared for the teaching tasks in the different levels and branches of school. At present, teachers in the lower section of general school (grades 1-4) are trained - without specialization in individual subjects - at teacher training institutes in a four-year course; teachers for the upper section of general school get their four-year education - usually in two subjects - at teacher training colleges, while teachers in academic secondary schools, vocational secondary schools and vocational training schools pass a five-year training programme in two subjects at universities or technical universities.

The quality of teacher training is widely criticized by both politicians and professionals. It appears attractive only for the less talented students, lacks practice orientation (this applies in particular to teacher training for secondary schools at universities and technical universities) and offers

no chance of upward mobility for experienced and capable teachers from lower to higher levels of the school.

Under these circumstances there is a need for a reform of teacher training, by adopting it to the new structure of the school system and by improving its quality. It is surprising that the planned Act on Public Education does not deal with the future teacher training. Though it determines general educational requirements for the appointment of teachers being employed on a full-time basis (cf. discussion paper, 5.2.) it does not deal with content, method, duration and organization of their training. Evidently, the necessary legal provisions could be regulated in a separate bill; this should, however, be enacted simultaneously with or at least not too long after the Act on Public Education.

### **3. Compulsory Education**

According to the future Education Act, compulsory education comprises the years from age 5 to 16. The child completing his or her 5th birthday has to go to kindergarten at the beginning of the following school year, starting on September 1; he or she shall enter school at the age of 6 if declared ready for school by the kindergarten. Compulsory education lasts up to the end of grade 10 or the year in which the student completes his or her 16th year of age (for details see discussion paper, 2.2.).

Compulsory education had already been extended to the age of 16 by the 1985 Act on Education, but with the significant limitation that a child who completed general school and does not attend secondary school nor any other form of education can be released in justified cases from compulsory education (sect. 53 par. 1 of the 1985 Act). This meant in practice that in many cases students finished school already at the age of 14.

The intention of the new Act to extend compulsory education to all youth of 15 and 16 years, without exception, seems to be a welcome step. One may ask, though, whether the school system will be able to absorb the additional number of students. The discussion paper itself expresses certain doubts about the feasibility of this innovation by saying that 'continuing to keep unmotivated teenagers in schools may create pedagogical problems for which Hungarian teachers are unprepared both in theory and in practice'.

Compulsory education means - as one can read in the discussion paper (2.2. , cf. also 4.3. -3) - 'that it is mandatory for the parents, guardians of every child living on the territory of the Hungarian Republic to send the child to school between the ages of 5 and 16'. But nothing is said about what will happen if they do not comply with this obligation. One could imagine that particularly parents in rural areas do not want to send their children after the age of 14 to school, since they may depend on them as labour in farming. Under these circumstances it would be difficult to enforce mandatory schooling by means of coercion. Hence, before enforcing compulsory education on the 15 and 16 years old, the responsible authorities should try to convince people of the advantages of this new policy. It might be even advisable to defer this project for two or three years and to offer students who have left school at the age of 14 a 'second chance' in adult educational institutions so that they can make up for the previously missed opportunity.

One detail should be mentioned: According to the discussion paper (2.2. -6, 2.2. -7), the organization performing guardianship, on the initiative of the school, can 'in justified cases' extend the age of compulsory education up to 18; the conditions of compulsory education can be met, again 'in justified cases', by a private student who is registered in a private (recognized or authorized) school.

To prevent an improper application of such a broad discretion the Act should specify what the word 'justified' means.

#### **4. Ownership and Maintenance of Schools**

This important issue is in its substance not to be regulated by the Act on Public Education, but has already been ruled by Act LV of 1990 and Act XX of 1991, both concerning local self-government. According to these Acts, the Hungarian Republic shall perform its educational tasks primarily by local self-government. The responsibilities are divided between municipalities, counties and the central Government, essentially as follows (cf. discussion paper, chapter 1 sect. 8, 2.3.-2, 2.3.-4, 2.3.-5, 2.3.-7):

- pre-school education (kindergarten), basic education (within the limits of compulsory education) and boarding schools are to be provided by the municipalities and the districts of the City of Budapest;
- the responsibility for secondary schools and boarding schools lies with the counties or the City of Budapest, provided that a municipality or a Budapest district respectively is unable to perform these tasks; counties and the City of Budapest are also responsible for pre-school and basic education of disabled children;
- the maintenance of secondary vocational schools attended by students from all over the country shall be the duty of the central Government.

Municipalities, counties and the City of Budapest can meet their relevant obligations by maintaining their own institutions or by providing places in outside institutions. Besides, local self-governments may establish by agreement a joint educational authority to which the responsibility for maintenance of schools can be transferred.

One can only endorse the strong role local self-government should play in education. Schools in the hands of municipalities and counties can better respond to the needs and wishes of their people than central Government. Moreover, decentralisation of the school system has the advantage of being less bureaucratic and of speeding-up decision-making processes. On the other hand, not each and every municipality - there are altogether 2,915 in the country, many of them rather small ones - will be able to establish and maintain kindergartens and elementary schools, let alone secondary schools. Besides, one should keep in mind that local self-governments are also the employers of the teaching staff. This may result in great differences in the quality of schools: Rich urban municipalities can afford better pay and working conditions for their teachers than poor local self-governments in distant rural areas. But this situation cannot be changed by the Act on Public Education, and a modification of the above-mentioned Acts on local self-government, passed according to Art. 44/C of the Constitution by a two-third majority, is not to be expected in the near future.

One of the most disputed regulations in the future Education Act is the right of local self-governments to transfer the execution of educational responsibilities to private institutions. They 'can perform their educational obligations through institutes maintained by other legal entities and natural persons (e.g. foundations, churches, associations, etc.) in case such institutions perform their basic tasks as stipulated by the Act on Public Education, and their work fits into the national training and examination system and meets the professional requirements specified by law' (discussion paper, chapter 1 sect. 9). The possibility of a transfer of duties from public to private, especially church institutes - this must not be confused with the basically undisputed right of church-

es and others to maintain private schools 1<sup>1</sup> has provoked bitter arguments. It is perceived as contradictory to the principle of separation of State and Church (Art. 60 par. 3 of the Constitution) and as violating the fundamental rights of religious freedom and of freedom of conscience (Art. 60 par. 1 of the Constitution).

And, indeed, one may ask, if such ruling is practical, reasonable and fair. It could mean that a municipal school, maintained, for instance, by a Catholic institution, would have to be attended by students who are non-Catholics or even non-Christians. (According to a statistic of 1991, only 17 per cent of the population perceive themselves as being active members of a denomination.) Apart from its constitutional questionability, this procedure will hardly benefit the interests of the churches nor will it contribute to the development of peaceful relations among the different sectors of society.

## 5. Financing of Schools

The future Act on Public Education provides that local self-governments maintaining schools are entitled to receive a yearly standard cost subsidy from central Government (for details see discussion paper, 2.5.). It shall support the basic tasks of schools as specified by legal regulations and other guiding principles (e.g. the basic national curriculum, examination requirements). The amount of the subsidy will be calculated by the Minister of Culture and Education according .....

1 According to Act XXXII of 1991 concerning the restitution of previously church owned property, the churches can reclaim their former property within a period of ten years if it is to be used for divine service, health care, social welfare or educational purposes.  
The restitution of schools may raise difficulties if the churches are unable to procure the necessary financial resources and to find a sufficient number of teachers who identify themselves with the respective denomination.

to actual cost requirements, dependent on the number of students, size of groups, type of school and building parameters, but also on specific demands (e.g. small schools, students requiring special education) and will be part of the national budget. The local self-government must not use the subsidy for any other purpose.

Private institutions operating schools (churches, foundations, etc.) are also entitled to receive the above-mentioned standard cost subsidy if they provide educational services which are obligations of local self-governments and if they are participating in the provision of basic public education (discussion paper, 2.4.-2). An agreement must be concluded with the local self-government which is responsible for the given region. In addition to the federal subsidy, the local self-government has the right to contribute to the maintenance of non-state run institutions.

Experience shows that the standard cost subsidy will hardly cover the overall expenses local self-governments have to procure for educational purposes. Already in the past, the central Government's financial support to municipalities and counties in the form of the so-called normative budget was not sufficient to meet the actual expenditures. In Budapest, for instance, the federal grant per each student attending kindergarten, general school or secondary grammar school in 1990/91 was 15,000, 30,000 or 44,000 Forint respectively, while the overall costs per student were 60,000, 45,000 or 55,000 Forint. (1,000 Ft. = 15.25 US\$.)

This means that in the end local self-governments will have to supplement the standard cost subsidy from their own resources so that the equipment and the educational quality of schools will depend largely on the financial potency of the given municipality or county. The inevitable outcome will be unequal educational opportunities for students according to whether they live in rich urban towns or in poor rural areas.



The rather undifferentiated support system, based only on generalized parameters, should better be changed in favour of a more compensatory procedure that takes into account the strong or weak financial resources of the respective local self-government.

## **6. Right to Education**

According to Art. 70/F of the Constitution, the Hungarian Republic guarantees each citizen the right to education. It validates this right by disseminating and generalizing public education, by compulsory general school free of charge, by secondary and higher education which is open for everybody according to his or her abilities and by financial support of students.

The right to education may be infringed, however, by the maximum size of classes the Act on Public Education is going to tolerate: 32 students per class in elementary schools, 36 in secondary schools (discussion paper, 6.2.-1). In classes with so many children teachers will hardly be able to do an efficient job.

One of the remarkable innovations of the Act is that it will give the students or their parents respectively the right to free choice among schools. They can choose the institution best suited to the abilities of the child whether in kindergarten, regular or special school (discussion paper, 2.1.d, 2.3.-2, 4.1.-2). As long as students comply with the learning requirements of the receiving institution, they can, at least in principle, attend any school, public or private, in the country.

At first glance, this reform appears to be a major progressive step towards the development of a democratic and free educa-

tional system. There remain, however, some doubts. Negative results of the principle of free choice may be:

- additional costs: Students are entitled to receive compensation for inter-urban transport; the costs of boarding schools have to be fully transferred to the institution concerned; the local authority where the student resides has to pay to the operator of the school the difference between the federal standard subsidy and the actual costs of the student (cf. discussion Paper, 2.5.-4);
- difficulties in planning: The operators of educational institutions as well as the institutions themselves depend in their planning on advance knowledge of the number of students attending school in the future; the free-choice principle endangers far-sighted policy-making;
- inequality of educational opportunity: The right to choose schools freely could lead to privileging children whose parents, because of their higher financial resources, social standing and educational level, are able to make use of this right;
- cultural draining of rural areas: Since rural municipalities in providing educational facilities can hardly compete with better-off urban municipalities, the school will lose talented youth; schools may not any more function as attractive cultural centres of the local community.

With these disadvantages in mind, one may ask, if there are alternative solutions, e.g. the obligation of pupils to attend the elementary and lower secondary school in whose district they reside so that the right to free choice is reserved to students who are going to higher secondary schools.

## 7. Content of Education: Curriculum and Examinations

(cf. chapter 3 of the discussion paper)

### 7.1 The Basic National Curriculum

The future Act on Public Education will contain general objectives of education for the different levels of the school system (kindergarten, elementary school, lower secondary school, higher secondary school). Within this framework, the Minister of Culture and Education will be authorized to outline a Basic National Programme (or Basic National Curriculum) which is also mandatory on recognized private schools. Later on, after reaching the necessary social consensus, this curriculum will be passed by Parliament as a supplement to the Act on Public Education.

The Basic National Programme shall represent the common cultural core. Based on it, the schools will be given the right to develop their own curriculum, including schedules, on which, however, certain limitations shall be set by the by-laws of the Act to guarantee the minimum time to be spent on key subjects. There will be three branches of the Basic National Programme in secondary education: the basic school curriculum, the general secondary school curriculum and the secondary grammar school curriculum.

In the political debate in Hungary the introduction of a national curriculum is fiercely disputed. The objections relate partly to the concept as such, partly to specific elements of the concept.

Some critics question the need of having a national curriculum at all. They fear the reincarnation of a strong, powerful, centralistic state similar to that in the Communist era; in their view, the central Government should refrain from any curricular steering of the educational system and leave the development of teaching Programmes to the schools themselves.

These opponents want education to be organized according to the free-market model in which content and quality of schools would be guaranteed by competition. The role of the central Government would consistently be limited to establish an examination system by which also the performance of schools would be assessed.

One may argue, on the contrary, that any examination system cannot function without standards, standards that have to be more or less identical all over the country. This requires a common core curriculum which helps to secure that at least all important cultural fields are included in the teaching of the individual schools. Therefore, the approach of the Ministry aiming at introducing a basic curriculum as a minimum requirement that is to be supplemented by the school's own curriculum appears to be reasonable. It combines necessary national uniformity with desirable local variety; paves the way, on the one hand, for equal opportunity independent of the school the student attends, and gives, on the other hand, the teachers sufficient freedom to adopt the central curriculum to the local needs and the actual situation of the learning group.

In practice, however, teaching and learning in school is determined not so much by rather abstract curricula but by textbooks. According to the discussion paper (7.4.) it is the right of the teaching staff to make decisions, in consultation with parents, on textbooks to be used in school. This gives the impression that the teaching staff could choose any textbook available, no matter whatever its quality and content. To secure that textbooks used by the individual school are in tune with the Basic National Programme it would be advisable to include a provision in the Act which states that they require prior approval by the Minister. Possibly, this is what is meant by a formulation in the introduction to chapter 8 of the discussion paper (lit. a) according to which the Minister of Culture and Education 'monitors the market of textbooks'.

The most disputed issue in the curricular context is religious education. There is - at least from reading the discussion paper - no explicit regulation of this matter in the draft Act. The discussion paper (chapter 1 sect. 4) emphasizes, though, that 'education and teaching shall be organized on the basis of liberty of conscience and reconciliation between people of different outlook on life.' In the second version of the concept paper (November, 1991) the formula was still that public education had to be \*neutral<sup>9</sup>. The change in wording has raised concern in many circles that the new definition opens the way for the Ministry to include religious instruction as a regular subject in the national curriculum.

I will not comment on the controversy whether religious instruction should be part of the teaching programme of public schools or not and will, instead, describe the legal situation in Germany just as a possible example of how the problem could be solved.

According to the German Basic Law, religious instruction is a regular subject at public schools. The State has to organise, staff, finance and supervise it, but must do so in conformity with the principles of the respective denomination. Therefore, teachers giving religious instruction need not only academic and practical qualification for this subject, but also an authorization by their church. On the other hand, no teacher can be obliged against his or her will to give religious instruction. The Basic Law guarantees the right of parents to decide whether their child shall attend this subject or not. According to a law of 1921, still in force, in the case of a pupil of the age of 12 years onwards, the parents' decision cannot be made against his or her will; from 14 years on the student him- or herself decides if he or she will attend.

It may not be surprising that in an increasingly secularized society the attraction of religious instruction decreases. There is a growing tendency among students, especially at grammar schools and vocational schools, to withdraw from this

subject - at least mentally. This has been the reason for some Länder in the Federal Republic of Germany to oblige students refusing religious instruction to take part in an alternative subject called ethics.

## 7.2 The Examination System

The draft Act on Public Education provides the introduction of a uniform examination system. There will be, corresponding to the three curriculum branches in secondary school, three types of examinations:

- the basic examination to be taken after a minimum of ten years of schooling, certifying a basic cultural standard a citizen should have;
- the general examination to be passed after ten or twelve years of schooling, proving a cultural standard of intermediate level;
- the baccalaureate to be taken after twelve or thirteen years in school, certifying a generally high cultural standard<sup>2</sup>.

The examinations are to be public. A supervisor from outside the school, listed in the national examination register (cf. discussion Paper, 5.3. -4), must be present. Students are supposed to know at least one year in advance the content on which they are to be tested, the method of examination, the criteria of evaluation and the norms of grading.

The examination system shall be standardized, i.e. exams Passed in all schools of the same level should be of identical .....

2 The Act on Public Education will not deal with occupation-specific examinations of vocational education; their regulation is reserved to the future Act on vocational training.

value. The discussion paper itself (3.3.2. ) admits that the establishment of a uniform and standardized examination system requires a presently non-existent professional evaluation expertise and social consensus. It assumes that the development of these is rather a lengthy process. But it appears that there are no provisional regulations about how exams will be organized in the meantime.

Doubts, however, relate not only to the rather technical difficulties in developing such a perfectionist assessment model. One may, moreover, dispute its desirability as such. Uniform examinations are not always a suitable instrument to measure the abilities of students. Because of their formality, they tend to favour examinees with superficial, memorized knowledge. Standardized exams will also influence the teaching process which has to produce, inevitably, standardized abilities and skills.

Another issue should be mentioned: The discussion paper says nothing about the assessment of students at other levels of the educational system: e.g. at the transition from elementary school to one of the branches of the lower secondary school. Also the criteria for promoting a student to the next higher grade or for crossing over from one branch to another are not dealt with.

## **8. School and Minorities**

As determined by the future Act on Public Education, children belonging to a national or ethnic minority<sup>3</sup> have the right to obtain education in their own mother tongue, free of charge, and to learn from teachers who speak their tongue (discussion  
.....

3 National minorities are among others: Germans, Slovaks, Serbians, Croatians, Rumanians. Ethnic minorities are in particular the Roma.

paper, 2.1.e). They complete the requirements of the Basic National Programme (cf. 7.1 of this report) in their mother tongue and culture without neglecting the knowledge of Hungarian language, history and culture (discussion paper, 3.2.-9).

To validate these principles, local self-governments, in areas inhabited by national or ethnic minorities, have the duty to operate kindergartens and school groups for the respective minority. In case of at least eight applicants, the municipality or county has to employ a teacher, preferably a member of the minority, whose mother tongue is that of the minority. The local government may, instead, offer the students the possibility of attending a minority language school in another location (discussion paper, 2.3-3).

The regulations concerning the educational opportunities of minority children appear to be fair, even generous. From reading the discussion paper there are, however, some open questions.

As we have seen, in an area inhabited by minorities it is the obligation of the local government, at least in principle, to provide minority schools or classes. On the other hand, the discussion paper states that 'the provision of education of national minorities in their mother tongue' and 'the provision of the special needs of ethnic minorities' are federal duties (2.3.-7). Taken verbally, this seems to be contradictory. Possibly, the federal duties, mentioned above, do not mean that central Government has to establish and maintain minority schools on its own but to secure that local self-governments comply with their respective obligations.

The financial repercussions of maintaining minority schools appear to be regulated only fragmentarily.

If minority students attend a school of their mother tongue in another location, the local government where they reside 'may apply for support from the State which can only be used to



contribute to the maintenance of school for national/ethnic minorities operating in another location\* (discussion paper, 2.3.-3). But nothing is said, at least *expressis verbis*, about central Government's grants for local governments which themselves maintain schools for their own minorities. The standard cost subsidy (cf. chapter 5 of the report) **is** to be calculated only on the basis of generalized parameters; it does not take into account the additional expenses created by maintaining minority schools.

## **9. Management of Schools**

The draft Act on Public Education envisages far-reaching autonomy for the individual school (cf. discussion paper, 6.1.). Each school is an independent legal entity which, of course, does not mean that it is exempt from complying with legal regulations. Its pedagogical freedom is restricted only by law, in particular by the general educational objectives specified in the Act. The school may complete the Basic National Programme by developing its own curriculum, though this has to be approved by the maintaining authority.

The school is responsible for the financial management of the funds allocated to it; it shall enact rules on organization and operation. Budget and rules must be approved by the operator of the school.

Considering this remarkable size of autonomy, much depends on who decides on what. The Act provides a complex self-governing structure (discussion paper, 6.1.-7). It consists of the principal and the teaching staff, the students\* council (whose members are elected by the students) and the school support board (composed of representatives of the maintaining authority, the teachers and the community of parents in equal proportions). A parents\* council is also mentioned in the discus-

sion paper but without any further explanation about its composition and tasks.

It would be beyond the scope of this report to describe in detail the distribution of competences among the different organs. Generally speaking, school support board and students' council, on the one hand, usually have consultative functions, principal and teaching staff, on the other, the final say in their respective areas of responsibilities. The future Act underlines in particular the powerful role of the principal (discussion paper, 7.3.). While the teaching staff has to decide on general-policy matters - e.g. developing the educational Programme of the school, compiling or choosing the local curriculum, selecting textbooks to be used in school, approving the annual work plan, developing and approving the internal order of the school, but also deciding on disciplinary actions against students (cf. discussion, 7.4.) - the head is responsible for the lawful, reasonable and efficient management of the school and for the professional standard of education. He/she appoints the teachers and other employees; as their direct superior (also in disciplinary matters) he/she supervises them and assigns responsibilities to them.

In view of the principal's eminent position his/her qualifications and the way how he/she is selected and appointed are of utmost importance.

According to the discussion paper (5.3.-6, 7.2.), the head shall be an educator with the qualification to teach and with teaching experience (at least eight years) in the highest grades of the given type of school. He/she shall be appointed by the maintaining authority on the basis of public competition. The discussion paper does not fix the selection procedure but points out, instead, three alternative possibilities (7.2.-2):

- The applications shall be evaluated by the staff and the school support board. An individual, whose nomination is rejected by two-third of the staff or whose nomination is not recommended by the school support board, cannot be appointed. 'In case of dispute the expert opinion of the Regional Teaching Centre will have to be applied for.' (The role of the Regional Teaching Centres is referred to in chapter 10 of this report).

It is not clear what the last sentence, identified by quotation marks, really means. If the appointment of a principal by the operator requires the endorsement of (more than one-third of) the teaching staff and of the school support board as well, the lack of consent of either of these two organs leads to the result that the candidate may not be appointed. So a 'case of dispute' cannot occur.

- The applications shall be evaluated by the staff and the school support board. Should there be a disagreement between staff and the maintaining authority of the school regarding the person of the principal, the Regional Teaching Centre has the right to comment.

Much depends on what "right to comment" means. Is that comment by the Regional Teaching Centre only an advice or is it binding? This should be clarified.

- The principal shall be appointed 'by the school support board after consulting with the teaching staff and the Regional Teaching Centre'.

Once again, the wording is at least equivocal. Since it is the maintaining authority which appoints the head (see above) what is probably meant is that the principal shall be 'selected' by the school support board before the maintaining authority decides upon the appointment.

In any case, the appointment of a head should not be based on the consent of the teaching staff. Experiences in Western European countries show that teachers, if given the right to elect

the principal and thus their future superior, understandably prefer rather weak personalities who take the line of least resistance. Such candidates are not qualified for a function which requires individuals capable of and prepared for strong leadership roles. Teachers may be consulted but should not have a decisive influence on the appointment of a head.

The regulation on the term of principal's office is also left open in the discussion paper. The following possibilities are taken into consideration (7.2.-3):

- The appointment of the head for his/her first term shall be for a period of two years. Thereafter the term will be five years and can be extended several times. In case of the five-year extension the Regional Teaching Centre shall be consulted; its comment is binding (cf. discussion paper, 8.4.-2).
- The appointment shall be for a term of five years and can be extended several times. For the first extension of five years the Regional Teaching Centre having the final say shall be consulted.

In a separate section (7.2-4), the discussion paper states that 'with the appointment of the principal he/she becomes an employee for an unspecified term'. To avoid inconsistency, one has to interpret this regulation as a third alternative concerning the term of the head's office.

Here again, critical questions arise.

For a newly appointed principal it may be reasonable to demand a probatory period of one, perhaps even two years. But if he/she fulfils the expectations during that span he/she should get tenure. A head who has to fear every fifth year that his/her appointment is not extended will lack independence, an independence which is required to exercise the functions of a principal as to be determined by the Act.

The Act provides that a principal before being appointed for a second term (still better: for tenure) must have attended successfully an educational management Course (discussion paper, 5.3.-7). This innovation may contribute to the professional development of heads and should be strongly endorsed.

The professional development of teachers in general - and the attraction of their job, too - may be advanced by another remarkable provision: They are entitled, after every seventh year, to a one-year study leave with at least 50 per cent of their salary. The study leave can be used e.g. for writing a textbook, self-training, research to obtain a degree or qualifying in a foreign language (discussion paper, 5.4.-15).

#### **10. Supervision of Schools**

According to Act XX of 1991, the legal control of schools shall be exercised by the Commissioners of the Republic, while the pedagogical and professional control is vested in the Minister of Culture and Education (discussion paper, chapter 1 sect. 5). In performing this responsibility the Ministry will be assisted by authorities on regional level. These so-called Regional Teaching Centres whose catchment areas will be identical with that of the Commissioners of the Republic, are still to be established. They shall report directly to the Minister who appoints their heads and staff. The duties of these centres are among others (discussion paper, 8.4.):

- to analyze and evaluate the educational status of the region; the data necessary for this task have to be delivered by local governments and the schools themselves;
- to provide expert opinion regarding the local curricula (on request or in case of disagreement), regarding the lawfulness and the educational suitability of structural changes of a school (on the initiative of the principal or the school support board), regarding applications to fill

vacant posts of principals, regarding professional matters (on request of the maintaining authority, the school support board, the teaching staff or the principal);

- to issue mandatory opinion on plans to close down schools (under the aspect whether this would not deteriorate public education in the region), on the reappointment of principals, on the dismissal of teachers employed on a permanent contract (discussion paper, 5.4.-4);
- to mediate in conflicts between school and maintaining authority (discussion paper, 7.1.-3, 7.1.-4).

Nothing is said in the discussion paper about what 'expert opinion' means. Is it just an advice based on special knowledge which may be followed or not, or can it be ignored only in justified cases?

Two more questions should be considered:

One may doubt whether the eight Regional Teaching Centres are near enough to the schools to advise and supervise them. Probably, centres at county level - Hungary is divided in nineteen counties, twenty county-independent towns and the City of Budapest - would be in a better position to respond to the needs and demands of schools in their areas.

Supervision in the sense of legal control should not be the exclusive task of executive bodies but also and above all the responsibility of independent administrative courts which the citizen (student, parent, teacher a.s.o.) can appeal to if violated in his/her rights. The discussion paper, however, does not contain any information whether the future Act on Public Education or any other Act offers the possibility to resort to this legal remedy.

## **Concluding Remarks**

While the modified Hungarian Constitution provides that laws concerning the Constitutional Court, the Audit Office, the police, the armed forces, local self-government and the courts have to be passed by a two-third majority of members of Parliament being present (Art. 32/A Par. 6, Art. 32/C Par. 4, Art. 40/A Par. 1 and 2, Art. 44/C, Art. 50 Par. 4), no such qualified majority is prescribed for the adoption of laws on education. This is astonishing since education is a matter of utmost social and political importance. Its objectives and organization should be based, as far as possible, on a national consensus if only for the reason to prevent a change of the school system at any future alteration of parliamentary majority.

To recommend that the Ministry of Culture and Education, in spite of the lack of a respective provision in the Constitution, should aim at the Act on Public Education being adopted by qualified majority is, however, too simple an advice. Though a broad consensus in educational politics is desirable, one may understand that the Ministry is not prepared to accept a compromise which it perceives either as wishy-washy or as inconsistent with Governments basic intentions.

The Ministry, nevertheless, should not precipitate the enactment of the draft law. The discussion paper shows that there are a lot of issues which deserve further reflection. Some of them have been mentioned in this report. Though the political debate on the future Act is extremely controversial it may help to improve the quality of the draft and to increase its acceptance in the public at large.

## List of Interviewees

Dr. Karoly Baranyi, Head of Department, Ministry of Culture and Education

Dr. Zoltan Bathory, Director, National Institute of Public Education

Dr. Krisztina Dobos, Deputy State Secretary, Ministry of Culture and Education

Tamas Fodor, M.P. (SZDSZ), Vice-Chairman, Parliamentary Committee on Culture, Education and Media

Dr. Karoly Ginter, Hungarian National Commission for UNESCO

Dr. Rosza Hoffmann, Head Mistress, Nemeth Laszlo Gimnazium; elected Representative of the Independent Pedagogical Forum

Dr. Maria Honti, Head of Department, Budapest City Council School Board

Dr. Gabor Horn, President p.i., League of Democratic Trade Unions

Dr. Judit Kadar-Fülöp, Chief Adviser, Ministry of Culture and Education

Prof. Bela Köpeczi, President, Hungarian National Commission for UNESCO; former Minister of Culture and Education

Dr. Tamas Kozma, Director, Hungarian Institute for Educational Research

Dr. Ferenc Kulin, M.P. (MDF), Chairman, Parliamentary Committee on Culture, Education and Media

Andor Mihals, Sociologist, Assistant to the Parliamentary Group of SZDSZ

Magda Nemethy, Teacher, Toronto (Canada)/Budapest

Dr. Tibor Pophazi, Hungarian Institute for Educational Research

Geza Saska, President, Budapest City Council School Board



Szilard Sasvary. M.P. (FIDESZ), Chairman. Parliamentary sub-  
Committee on Education

Tamas Schüttler. Editor-in-chief. Uj Pedagogiai Szemle (New  
Educational Review)

Marta Szabo, Hungarian National Commission for UNESCO

Szabols Szunyogh. Editor-in-chief, Köznevelés (Public Educa-  
tion)