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Act LXXIX of 1993 on Public Education

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Act No. LXXIX of 1993 on Public Education¹

CHAPTER III

EMPLOYEES IN PUBLIC EDUCATION

The Scope of Employees in Public Education

Article 15

(1)² Educational-teaching work – kindergarten education, school education and teaching, hall of residence education and teaching and the act of directly attending to children / students with a pedagogical purpose within the scope of pedagogical assistance service – may only be done in a legal relationship as civil servant or a legal relationship by employment in an educator's position, with the exception of external teachers. Those persons who hold qualifications and special qualifications specified in this Act and other statutes may be engaged as educators [hereinafter called educators]. No legal relationship of the civil law may be established to fill an educator's position with the exception of external teachers. The activity of educators is assisted by experts and special advisers.³

¹ Announced on 3rd August 1993.

² Established by Section (1) of Article 12 of Act LXII of 1996. Entered into force on 1st September 1996. Amended by Subsection c) of Section (4) of Article 65 of Act LXVIII of 1999.

³ See the Ministry of Education Decree 28/2000 (IX.21.).

(6)⁴ Subsection a) of Section (2) of Article 41 of Act No. XXXIII of 1992 on the Legal Status of Civil Servants may not be applied in case of engagement at institutions of public education.

Order of Operation

Article 40

(1) The provisions pertaining to the operation, internal and external relations of an institution of public education are determined by the organisational and operational code.

(11)⁵ The institutional quality management programme specifies the long-term principles of the operation of the institution and the notions serving its implementation. The process of the operation of the institution and the tasks of management, planning, control, assessment and evaluation within the scope of the process of the operation shall be specified in the institutional quality management programme. The institutional quality management programme has to contain the aspects and the order of the evaluation of the performance of those performing managerial tasks as well as the employees and the order of the evaluation including the fact that the evaluation of performance may conclude with the following results: remarkably suitable, suitable, not very suitable or unsuitable. The period and methods of the full-scale institutional self-assessment and its relation to the maintainer's quality management system shall be defined in the quality management programme. The results of the national assessment and evaluation have to be taken into consideration when executing the quality management programme. The teaching staff evaluate the execution of the institutional quality management programme and the results of the national assessment and evaluation yearly, asking for the opinion of the parental organisation (association) and taking the individual development of students and the performance of each class into consideration. Those measures which ensure that the professional objectives and the operation of the institution continually approach each other shall be specified on the basis of the evaluation. The evaluation of the teaching staff and the parental organisation (association) and the proposed measures have to be despatched to the maintainer. The proposed measures enter into force through the approval of the maintainer. The maintainer has to publish the evaluation and the proposed measures on their website or, in default of that, in the customary manner of the institution.⁶

⁴ Embodied in Section (1) of Article 35 of Act LXI of 2008. Entered into force on 1st January 2009.

⁵ Established by Section (2) of Article 35 of Act LXI of 2008. Entered into force on 1st January 2009.

⁶ See Section (5) of Article 133 of this same Act.

Article 94

(1) The minister responsible for education is given the authorisation to regulate the following by decree:⁷

n)⁸ the organisation of the pedagogical assistance service, the order of the use of pedagogical assistance service, the operation of the institution providing pedagogical assistance service; the preparation of the expert opinion, the order of check, the conditions when consideration may be requested for the use of the pedagogical assistance service, the order of the school entrance procedure, the order of the determination and the extent of the administrative service fee related to examining students at schools, to the accreditation procedure, to the compilation of the registers of experts, examiners and mediators, to registration as experts, examiners or mediators and to certain services, the rules of the payment of the specified amount, the issues of the use of the amount received as well as the issues of the determination of the remuneration related to the act of examining, expert and other service activity;

(2)⁹ The minister responsible for education exercises their jurisdiction specified in Section (1) in agreement with

b) the minister responsible for welfare provision with regard to uniform kindergarten-crèches,
c)¹⁰ the minister responsible for fiscal policy with regard to the administrative service fee related to certain services stated in Subsection n) of Section (1).

(3)¹¹ The government is given the authorisation to regulate the following by decree:¹²

p)¹³ the issues related to the remuneration of the educators participating in the secondary school leaving examination, the principles of the determination of the examination fee determinable by the educational authority and related to the participation in the secondary school leaving examination, the issues of the determination, payment and use of the administrative service fee related to the issuance of the student identity card and the educator identity card, the order of the determination and payment of the administrative service fee related to the information system of public education, the order of the use of the amount

⁷ Established by Section (1) of Article 5 of Act LXXXII of 2008. Entered into force on 1st January 2009.

⁸ Established by Section (2) of Article 5 of Act LXXXII of 2008. Entered into force on 1st January 2009.

⁹ Established by Section (4) of Article 9 of Act XXXI of 2008. Entered into force on 3rd July 2008.

¹⁰ Embodied in Section (3) of Article 5 of LXXXII of 2008. Entered into force on 1st January 2009.

¹¹ Embodied in Section (6) of Article 71 of LXII of 1996. Entered into force on 1st September 1996.

¹² Established by Section (4) of Article 5 of Act LXXXII of 2008. Entered into force on 1st January 2009.

¹³ Established by Section (5) of Article 5 of Act LXXXII of 2008. Entered into force on 1st January 2009.

received, the order of the determination, collection and payment of the administrative service fee related to the claim for the educator identity card and the order of the use of the amount received, the order of the determination of the administrative service fee related to the accreditation procedure related to in-service teacher training and the remuneration related to certain service activities, the use of the amount received, the order of payment, the establishment of the educator grant.¹⁴

*Annexe 2 to Act LXXIX of 1993*¹⁵

[To Section 40 of the Act]

Personal and special data recorded and handled at institutions of public education

*The Information System of Public Education*¹⁶

7.¹⁷ The information system of public education also contains the data which are necessary for passing judgement on and certifying the legitimate claim for allowances and for fulfilling obligations guaranteed by statutes, i.e., the gender, the photograph and the national insurance identification code of the student, the service used and the working schedule of teaching in addition to those prescribed in Clause 6.

¹⁴ See Government Decree 296/2008 (XII.11.).

¹⁵ Amended by Article 101 of Act LXII of 1996.

¹⁶ Embodied in Section (3) of Article 88 of Act LXI of 2003. Entered into force on 1st September 2003. See Article 12/D of Government Decree 20/1997 (XI.13.) on the entry into force and introduction of the provisions pertaining to the identification number.

¹⁷ Embodied in Article 236 of Act LXXXI of 2008. Entered into force on 1st January 2009.