

- vantaged in terms of a social position; moreover, they are also obliged to do so if the reason for such inclusion is obvious (ordered institutional education, ordered protective education, the status of asylum seeker and so on);
- b) methodological guidance provided to schools is insufficient, *inter alia*, in the area of the education of pupils with SEN; the problem of children “balancing on the edge” emerged; this problem concerns children who do not suffer from light mental disorders, though their education programme requires some alterations;
  - c) methodological guidance provided to school advisory centres is inadequate in terms of the methods for ascertaining social disadvantages; the capacity of such centres is insufficient with regard to the number of assignments arising from the Education Act.
4. In December 2009 the CSI prepared comments on the draft amendment amending **Decree No. 73/2005 Coll. on Education of Children, Pupils and Students with Special Education Needs and Exceptionally Gifted Children, Pupils and Students**. (The decision to draw up the amendment to the Decree was later withdrawn and publication of the new Decree was taken into account; this is to replace currently valid Decree No. 73/2005 Coll.) After that the CSI delivered comments and also consulted later versions. The CSI made essential comments and raised, *inter alia*, the following reservations:
    - a) an ambiguous definition of activities to be carried out by teacher’s assistants in comparison with the current definition;
    - b) the first proposal contained absolutely meaningless definitions of social disadvantages; however, even after some alterations the definition of social disadvantages was very ambiguous (although a substantial shift had been seen);
    - c) problematic wording of Sec. 16 of the Education Act according to which school advisory centres are always obliged to determine whether the person is disadvantaged in terms of a social position; moreover, they are also obliged to do so if the reason for such inclusion is obvious (ordered institutional education, ordered protective education, the status of asylum seeker and so on);
    - d) an unjustified draft amendment according to which individual education plans should be developed for all areas (subjects); the CSI raised objections that the establishment of IEPs for those areas which require a different approach can only be justified as all other areas should be covered by the relevant SEP (in a further draft amendment this area was altered accordingly);
    - e) necessity to specify conditions for the education of pupils included in special education for diagnostic purposes.
  5. In December 2009 the CSI prepared comments relating to the draft Decree amending **Decree No. 72/2005 Coll. on Providing Advisory Services in Schools and School Advisory Centres**. (The decision to draw up the amendment to the Decree was later withdrawn and publication of the new Decree was taken into account; this is to replace currently valid Decree No. 72/2005 Coll.) As regards the new version (published in November 2010) the CSI stressed, in particular, differences between the terminology used in the Education Act and terms used in the draft Decree. Such differences could affect the definition of individual legal provisions.
  6. In October 2009 the CSI submitted to the MEYS a proposal to amend **Decree No. 13/2005 Coll. on Secondary Education and Education in Conservatoires, as amended**. The proposed amendment was as follows:
    - a) to establish a maximum number of teaching hours in one day and overall teaching load both for practical and theoretical instruction, and
    - b) to draw up an unambiguous legal regulation which would exclude the possibility of repeating the examination in the same subject in the same term before the commission.