

# **The legal nature of the curriculum documents of the Czech Republic's educational system**

## **ABSTRACT**

This thesis treats the selected set of curriculum documents within the Czech legal framework laid down by the Act No. 561/2004 Collection of Law, on Pre-school, Basic, Secondary, Tertiary Professional and Other Education (the Education Act), as amended. The focus aims towards the Framework Educational Programmes (FEP) and School Educational Programmes (SEP), for which the relevant FEPs were issued. The National Educational Programme according to the Education Act as amended effective until 30. September 2020 is also taken into consideration on a theoretical level.

In the times of expecting considerable state-level curriculum documents contents changes, and consequent changes on the school level, this thesis aims to analyse substantial legal aspects of each type of curriculum documents and their mutual effects and to assess, whether the current legal framework reflects their presumed use and meaning appropriately. With that goal, the key notions are defined first though and a brief insight into the curriculum historical development is provided.

The thesis identifies an insufficiency within the valid legislation as the legal forms the curriculum documents should take are not laid down and consequently examines whether and how this legal loophole of the education system needs to be addressed.

The legal reasoning of the thesis leading to the conclusions on the necessity of such remedy is based on an application of the paired methods of abstraction and concretization, analysis and synthesis, and induction and deduction. Also, shortcomings of the reasoning, as well as practical shortcomings of the relevant jurisprudence of the Supreme Administrative Court and the Constitutional Court of The Czech Republic, are pointed out. The necessity of the remedy is expressing particularly strongly concerning the FEPs, as the courts had deduced their legal form of internal regulation which, however, excludes a direct judicial review of their compliance with the law, and which puts school headmasters into an unenviable position.

Since the court's current decision-making practice has not facilitated efficient bridging of the abovementioned gap in the legislation by sole interpretation, solution alternatives are submitted, and the legislator is provided with the reasoned recommendation *de lege ferenda*. That consists of explicitly stipulating the legal forms of public administrative activities for both

FEP and SEP. The form of measure of a general scope or an implementing regulation is recommended regarding the first referred to, the form of internal regulation regarding the latter.

**Key words:** curriculum document, education, the Education Act, forms of public administrative activities, measure of a general scope, internal regulation, framework educational programme, FEP, school educational programme, SEP.