



## LATVIA by Edvins Danovskis

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### Overview

In Latvia the system of general education is organized in several stages: pre-school (mandatory for children from the age of five), basic education (grades 1 to 9) and secondary education (grades 10 to 12). The process of general education is ensured by schools founded by local government; however, the process of education in the country (defining the curriculum, exam dates, etc.) is organized centrally. The education system underwent legal reforms in 1998- 1999, when the Education Law and the General Education Law were adopted.

Thus far the most important legal turning point in the organization of education system was the provision included in the Education Law requiring that from September 2004, in state and local government institutions of general secondary education which implement minority education programs, starting with grade 10 instruction was to be provided in the state language (Latvian) in conformity with the standard of secondary education. Mastering the curriculum through Latvian had to be ensured in no less than three-fifths of the total teaching hours in the academic year, including foreign languages. This provision was contested in the Constitutional Court, but was recognized as being compatible with the Constitution, as well as with the European Convention for the Protection of Human Rights and Fundamental

Freedoms, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the International Convention on Elimination of any Form of Race Discrimination.<sup>1</sup>

## *The structure of schooling*

The school system in Latvia is predominantly centrally organized. The basic principles of the system (stages of education, funding of schools, basics of the curriculum, rights and obligations of teachers and learners) are the same throughout the country. There are three types of educational institutions in Latvia—educational institutions founded by the state, by local governments, and by private persons.

All comprehensive schools in Latvia are founded by local governments and institutionally subordinated to the respective local government, but functionally (regarding issues of curriculum, organization and quality of education) subordinated to the Ministry of Education and Science and the State Service of Education Quality.

The costs of providing education in local government schools are covered both from the State and from local government budgets. The funding ratio is defined by the Education Law and other legal acts. For example, the remuneration for teachers' work (except in pre-school institutions) and development and publishing of curriculum materials are covered by the national government, but the local government budget covers school maintenance costs (electricity, water, repairs), remuneration of support staff (such as guards, cloak-room and cleaning staff), student meals, transportation, and preventive health measures. Local governments also establish Boards of Education, entrusted with providing methodological support to schools.

The mandatory curriculum of education and the basic assessment principles are centrally defined in the state standard of education, approved by the Cabinet of Ministers. Institutions of education elaborate the program of education, and in the scope defined by acts of legislation an educational institution has discretion as regards its implementation. These programs of education are accredited. In turn, the content of a concrete subject (for example, mathematics or Latvian language) is elaborated by the institution of education, but in compliance with the state standard defined for the respective subject (the content of the subject, knowledge and skills to be acquired).

The Education Law stipulates that the head of a local educational institution is hired

by the local government Council, with previous approval of the Ministry of Education and Science. The Ministry of Education and Science has the right to propose dismissal of the head of an educational institution. The hiring and dismissal of teachers and other employees of the educational institution is organized by the educational institution. The list of pedagogical professions and positions, as well as general and special requirements for the position of teacher are set by the Education Law and Cabinet of Ministers Regulation. The procedure of paying and the amount of remuneration is also defined centrally - by Cabinet of Ministers Regulation. It must be emphasized that persons employed in educational institution are employees (employed on the basis of employment agreement), not civil servants.

The State Service of Education Quality, subordinated to the Ministry of Education and Science, monitors the quality of education and legal compliance.

## *The legal framework*

The right to education is constitutionally enshrined in Article 112 of the Constitution of the Republic of Latvia, which stipulates: “Everyone has the right to education. The State shall ensure that everyone may acquire primary and secondary education without charge. Primary education shall be compulsory.” Thus, the State has the constitutional duty to ensure not only that education is provided by state and local government schools free of charge, but also study aids and other resources that are necessary for the study process. This constitutional obligation has acquired special relevance in the recent years, because schools sometimes request parents to provide workbooks or textbooks. The Ombudsman of the Republic of Latvia has stated that failure to provide the books needed for mastering the educational program to a pupil is a violation of Article 112 of the Constitution.<sup>2</sup>

The Constitutional Court recognised that even though Article 112 of the Constitution, in contrast with, for example, Article 7 of the Constitution of the Federal Republic of Germany, does not envisage the possibility of acquiring education at private educational institutions, yet the aforementioned Article of the Constitutions does not prohibit it. However, it follows from Article 112 of the Constitution that the state has an obligation to control education provided by private educational institutions, to ensure that it is equal to that provided by state schools.<sup>3</sup>

The Education Law adopted in 1998 is the “umbrella law” for the system of education.<sup>4</sup> The Education Law defines the types of educational institutions, the procedure for establishing and closing them, basic regulations on the instruments for determining curriculum (state educational standards, subject standards, programs of

education), types of educational programmes, basic requirements set for teachers, as well as the rights and obligations of teachers and learners, as well as regulation on the financial and material resources of the system of education.

General education (pre-school education, basic and secondary education) is regulated by the General Education Law<sup>5</sup> (1999). The General Education Law sets detailed requirements with regard to the organisation of operations of educational institution, basic regulation on the curriculum of general education (documents defining educational curriculum, duration of studies, documents certifying education). The Vocational Education Law<sup>6</sup> sets out the basic regulation on vocational basic and vocational secondary education.

Cabinet of Ministers Regulations have an important role in regulating the system of education. The most important Regulations, issued by the Cabinet of Ministers in the field of education in compliance with the Education Law are the following:

- 1) on the forms of state recognised documents of education, the criteria and procedure for issuing documents of education;
- 2) on the procedure according to which the state finances basic and secondary education programmes implemented by private educational institutions;
- 3) on the procedure for registering children who have reached the mandatory schooling age;
- 4) on the procedure for registering and accrediting educational institutions;
- 5) on the procedure for registering and accrediting programs of education;
- 6) on the list of pedagogical professions and positions;
- 7) on requirements set for teachers with regard to education and professional qualification;
- 8) on the procedure by which the state organises and finances publication and acquisition of study aids;
- 9) on the procedure for assessing and approving the conformity of text-books with state education standard for basic and secondary education;
- 10) on the procedure for paying remuneration to teachers and on the amount of remuneration.

- 11) on guidelines for state pre-school education;
- 12) on state education standards;
- 13) on the minimum costs per one learner of implementing educational programmes;
- 14) on the procedure by which educational institution ensures library and information services;
- 15) on the procedure for ensuring preventive health care to learners, accessibility of first aid, as well as on the safety of learners at educational institutions and events organised by them;
- 16) on teachers' work-load;
- 17) on the procedure for teachers' professional development;
- 18) on the procedure for organising state examinations in accredited programs of education.

### *Freedom to establish non-state schools*

The Education Law provides that an educational institution may be established by a private person – a natural person, a company (limited liability company, share company) or other legal person under private law (society, foundation or religious organisation). In difference to educational institutions founded by the state or local governments, privately founded educational institutions have the right to set a tuition fee. Legal acts do not set limits to the amount of this fee.

If a privately founded educational institution implements an accredited program of general education, it is obliged to admit to the program a person, who meets the requirements of the educational program. A refusal to admit a private person to an educational program, as well as expelling a person from educational program in Latvia are considered to be administrative acts, the legality of which is to be verified by the administrative court, irrespective of who is the founder of the educational institution. This is because an educational institution, by implementing an educational program accredited by the state, acts on behalf of state.

The law sets out special provisions with regard to educational institutions established by religious organisations. The third part of Section 31 of the Education Law (prohibition of differential treatment) stipulates that it is entitled to take into account the person's religious affiliation, readiness and capability to act in good faith and loyalty in relation to the dogma (doctrine) of the particular religion, as well as a set of moral and behavioural norms, principles and ideals, which form the basis of the conviction of the believers' faith. It means that an educational institution founded by a religious organisation can justify decisions on admitting to and expelling a person from educational program with the considerations referred to in this Section.

## *Homeschooling*

Cabinet of Ministers Regulations envisage two exceptional cases allowing acquisition of educational program at home:

- 1) if a child studies in grades 1-4 of basic education, the school principal, on the basis of parents' written request, has the right to decide that the learner can acquire a part of the envisaged curriculum at home and that his parents are responsible for that. A decision like that can be taken, if parents substantiate that because of the health condition of the learner or because of psychological reasons special learning conditions are necessary, which the educational institution is unable to provide, and that appropriate learning conditions have been created at home, and if parents and administration of the educational institution have agreed upon the procedure for providing advice to parents and the procedure by which teachers of the educational institution evaluate learner's study achievements of the year;
- 2) if a person is admitted to the educational program as an external student – in the basic education program from age of 18 or for acquiring general secondary education. In such a case the person acquires knowledge and skills in conformity with the requirements set in state standard on secondary education by self-study and takes examinations to obtain assessment in a subject for the year or to obtain a document of education.

In addition to the aforementioned, due to a child's health condition or psychological readiness a child can start acquiring basic education a year later (i.e., from the age of 8). Programs of special education are envisaged for children with health and development disorders, but these are provided at an educational institution.

Article 8 of the Education Law provides self-study and education in the family as

forms for the acquisition of education; however, these forms of education acquisition can be implemented only in the aforementioned cases.

### *School choice not limited by family income*

Parents may choose any state or local government institution of education; the right to choose an educational institution is not connected with the parents' place of residence. Since basic and secondary education in Latvia is free of charge, parents' income is irrelevant. However, it must be taken into account, that if all places are already filled, a child can be denied admittance to a programme of education. In such a case the local government provides information to the child's parents on free places in other educational institutions within the territory of the local government. However, in any case, all local governments are obliged to ensure that the children residing in their administrative territory have the opportunity to acquire pre-school education and basic education at an educational institution closest to the place of residence of the child or the next- closest educational institution, implementing educational program in the state language, to ensure the possibility to adolescents to acquire secondary education (Education Law, Section 17. 1)

If a child acquires education in a local government school, but his declared place of residence is within the territory of another local government, the local governments conclude an agreement on the way the local government, where the child has the officially declared place of residence, participates in the funding of the educational institution of the other local government (Education Law, Section 17.2.).

Since private schools have the right to set tuition fees, admission to the educational programs implemented in these schools depends upon parents' means.

### *School distinctiveness protected by law and policy*

Educational institutions have no right to change the curriculum and the knowledge to be acquired set in the state standard. However, an institution of education has several possibilities to keep its distinctiveness, by choosing teaching methods, as well as by selecting study subjects not mentioned by the state standard, if the maximum admissible number of lessons is not exceeded.

Educational institutions implementing basic education programs are not entitled to organise entrance examinations for the enrolment of students in grades 1 to 9 (General Education Law. Section 31.1). In turn, state and local government

institutions may organise exams for enrolment in general secondary education programs only with the permission of the founder. Such exams must conform with the state standard of basic education, i.e., it is not allowed to test knowledge, which is not acquired in the program of basic education. Knowledge in those subjects in which students have acquired a certificate of basic education may not be tested (General Education Law. Section 41.2). Private schools may organize exams for enrolment in the general secondary education program.

The state and local government schools private schools do not differ significantly as to the content of educational programs. All general basic or general secondary education programs have to conform to the state standard of education, which defines the mandatory subjects, as well as a very detailed subject curriculum. The educational institution has the right to elaborate other study subjects, however, without exceeding the maximum number of lessons allowed by the law for acquisition of education. For example, the state standard of general education provides several possible directions of education – direction of general education, direction of humanities and social studies, direction of mathematics, of natural sciences and technologies, and vocational direction. Each of these directions has mandatory subjects. For example, in the program of comprehensive general education program, the following subjects are mandatory: Latvian language, first foreign language, second foreign language, mathematics, information science, physical education, history of Latvia and the world, physics, chemistry, biology, literature, music or visual art, as well as three subjects selected by the educational institution from among the following: health, economics, philosophy, geography, psychology, politics and law, housekeeping, ethics, and cultural studies.

Differences exist also in curriculum acquisition as to the instructional methods used, study aids, technical support employed, forms of studies (lessons, trips, etc.)

### *Decisions about admitting pupils*

The schools founded by local governments admit to the basic education programs all pupils who apply. The reason of refusal may be the fact that all places are already taken. Enrolment exams may be organised for admitting to gymnasium grades (grades 7 to 9). Likewise, enrolment exams may be organised for admitting to general secondary education programs. In such cases the reason of refusal can be failure in the competition.

Para 1.of Section 31 of the Education Law provides that a student has the right to education, irrespective of his or her material or social status, race, ethnicity, gender,



religious and political beliefs, health condition, occupation and place of residence. All educational institutions have to abide by this provision, whether they were founded by the state, local government, or a private person.

Therefore, none of the circumstances mentioned in the Section can be a cause for rejection. As mentioned above (see section *Freedom to establish non-state schools*), educational institutions established by religious organisations may set a person's religious affiliation as one of the enrolment criteria.

The refusal of any educational institution to admit a person to a program of basic or general secondary education is an administrative act, and it can be appealed in an administrative court.

## *Decisions about staff*

When selecting teachers, an institution of general education has to take into consideration the formal requirements for teachers set by the law: higher pedagogical education or studies in a higher education pedagogical program. A person who has been convicted of a deliberate crime and has not been rehabilitated, a person with restricted legal capacity, or a person who has been deprived of custody rights by court decisions, cannot work as a teacher, nor can a person with insufficient proficiency in Latvian work in a state or local government school.

Other criteria for selecting teachers have not been defined; therefore an educational institution, when hiring a teacher, has to comply with the prohibition of differential treatment set out in the Labour Law. The reason for refusing to establish employment relations with a teacher or terminating it cannot be race, skin colour, age, disability, religious, political or other views, ethnic or social background, material or family status, sexual orientation or other circumstances.

However, the Labour Law provides that differential treatment, depending upon an employee's gender, is admissible only in case if belonging to a particular gender is an unbiased and justified pre-condition for performing the respective job or for the respective occupation, which is proportional to the lawful aim to be achieved. For example, an educational institution may refuse to hire a person with mobility impairment applying for the job of a teacher of physical education.

Section 29.10 of Labour Law contains a special provision on the employees of religious organisations - in a religious organisation differential treatment based on

the religious beliefs of a person is permitted in the case if a specific type of religious belief is the objective of the relevant performance of work or the relevant employment and a justified prerequisite taking into account the ethos of the organisation. This provision strives to find a balance between the rights of a religious organisation to maintain its religious ethos and the employee's rights. This provision is applicable to persons employed by an educational institution established by a religious organisation, however, thus far there have been no disputes in the case-law regarding application of this provision to teachers. For example, it is doubtful, whether an employment contract may be terminated with a mathematics teacher, who teaches mathematics at a Catholic institution, but has converted to another faith, under the condition that a person's religious affiliation bears no significance in teaching the particular subject.

### *Accountability for school quality*

An educational institution may implement only accredited educational programs. The decision on accrediting a program is taken by the State Service of Education Quality. An educational program is accredited if its content conforms to the requirements set out in legal acts and if a positive conclusion is provided by an expert commission, set up for this purpose, on the following performance indicators of the education program: quality of teaching and learning, the students' achievements in everyday work and state exams, the support provided by the educational institution to the student (psychological support, career guidance, etc.), environment (micro-environment and physical environment), resources (equipment, material and technical resources, human resources) and organisation of the institution's work. If two thirds of these criteria are assessed as being good or very good and if none of the criteria is assessed as "unsatisfactory", then the educational institution can be accredited for six years. When the accreditation term is close to expiration, the educational institution submits to the State Service of Education Quality an application for renewed accreditation. The State Service of Education Quality may decide to accredit the educational institution for the following six years, without conducting an expert assessment of the educational program, taking into account the outcomes of the previous accreditation and implementation of the recommendations provided by the expert commission of the previous accreditation, information included in the application for accreditation and the self-assessment report, information provided by the National Centre for Education on the average achievements of the previous two years of the students of the institution at state examinations and information at the disposal of the Service on the legal compliance

of the institution. However, such a decision may be made only once, so that in any case once in 12 years the educational program is subject to full assessment in accordance with the criteria mentioned above.

The accreditation procedure is the same for all institutions of education and their programs, irrespectively of their founders (public or private person).

## *Teaching of values*

The legal regulation of education in Latvia gives rather greater discretion to the educational institution and to the teacher, whether and to what an extent to refer to values in the educational process. It must be emphasized that in this respect there are no differences between local government and private schools. The state standard of basic education, as well as the approved standards of subjects contain references to values. For example, the state standard of basic education sets out that the aim of basic education is to develop an understanding of ethical and moral values, as well as to ensure the possibility of acquiring knowledge necessary to all citizens of Latvia, and democratic values. The subject standard of history provides that the aim of this subject is to facilitate the development of national and European identity, fostering the development of a responsible, tolerant and democratic citizen of the state and Europe, as well as instilling the opinion that human life is the highest value. Similar references to values are included in the standard of the subject “Ethics,” envisaging the development of well-considered personal ethical opinions, awareness of the value of work, ability to take decisions on the basis of economic considerations, assessing the principles of honesty, fairness and philanthropy.

The state standard for basic education stipulates that in grades 1- 3 children study ethics or the basics of Christian faith, subject to parents’ choice. It is obvious that the subject standard of “Basics of Christian Faith” contains references to Christian values; the aim of this subject is to gain knowledge and understanding of the order of the world created by the God, the genesis of the world and man as the labour of God, etc. Acquisition of this subject is envisaged by the Education Law.

## *Endnotes*

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- <sup>1</sup> On the Compliance of Section 9, Paragraph 3 of the Education Law Transitional Provisions with Articles 1, 91 and 114 of the Republic of Latvia Satversme, Article 2 of the First Protocol of the European Convention for the Protection of Human Rights and Fundamental Freedoms as well as its Article 14 (linked with Article 2 of the First Protocol), Articles 26 and 27 of the International Covenant on Civil and Political Rights, Article 5 of the International Convention on Elimination of any Form of Race Discrimination, Articles 2 and 30 of the Convention on the Rights of a Child as well as Article 18 of the Vienna Convention on the International Agreement Rights: Judgment of the Constitutional Court of the Republic of Latvia of 13 May, 2005, case No. 2004-18-0106. Available at <http://www.satv.tiesa.gov.lv/upload/2004-18-0106E.rtf>
- <sup>2</sup> tzinums pārbaudes lietā „Vai mācību grāmatu iegāde par skolēnu ģimeņu līdzekļiem ir pretrunā ar Latvijas Republikas Satversmes 112.pantā noteikto?”. [Opinion on the Case “Is acquisition of text-books by family means incompatible with the provisions of Section 112 of the Constitution of the Republic of Latvia] Available: [http://www.tiesibsargs.lv/files/downloads/Atzinums\\_par\\_macibu\\_gramatam.doc](http://www.tiesibsargs.lv/files/downloads/Atzinums_par_macibu_gramatam.doc)
- <sup>3</sup> Par Izglītības likuma 59. panta otrās daļas otrā teikuma daļā par piedalīšanos privāto izglītības iestāžu finansēšanā, ja tiek īstenotas izglītības programmas valsts valodā, atbilstību Latvijas Republikas Satversmes 91. pantam un Eiropas Cilvēka tiesību un pamatbrīvību aizsardzības konvencijas 14. pantam (saistībā ar Pirmā protokola 2. pantu) [On compatibility of the second sentence of Section 59 of the Education Law in its part on the participation in the funding of private educational institutions, if educational programs are implemented in the state language, with Article 91 of the Constitution of the Republic of Latvia and Article 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (in connection with Article 2 of the First Protocol): Satversmes tiesas spriedums. Latvijas Vēstnesis. 2005. 16. septembris, Nr. 148 (3306)
- <sup>4</sup> Izglītības likums [Education Law]: LV likums. Latvijas Vēstnesis. 1998. 17. novembris, Nr. 343/344 (1404/1405)
- <sup>5</sup> Vispārējās izglītības likums [General Education Law]: LV likums. Latvijas Vēstnesis. 1999. 30. jūnijs. Nr. 213/215 (1673/1675)
- <sup>6</sup> Profesionālās izglītības likums [Vocational Education Law]: LV likums. Latvijas Vēstnesis. 1999. 30. jūnijs. Nr. 213/215 (1673/1675)

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