



**A case initiated with regard to the minimum number of learners in the 10th forms
or in the secondary school in general in regional institutions of education**

On 18 October 2016 the 3rd Panel of the Constitutional Court initiated a case “On Compliance of Para 12.1.1 and Para 60 of the Cabinet Regulation of 13 October 2015 No. 591 “Procedure in which Learners are Enrolled at and Discharged from Institutions of General Education and Special Pre-school Education Groups, as well as Moved to a Higher Form” with Article 1 of the Satversme of the Republic of Latvia”.

Contested Norms

Para 12.1.1 and Para 60 of the Cabinet Regulation of 13 October 2015 No. 591 “Procedure in which Learners are Enrolled at and Discharged from Institutions of General Education and Special Pre-school Education Groups, as well as Moved to a Higher Form” define the minimum number of learners in the 10th form or the 10th-12th forms together.

Norm of Higher Legal Force

Article 1 of the Satversme: “Latvia is an independent democratic republic.”

Facts of the Case

The case has been initiated on the basis of an application by the Council of Jaunjelgava District.

The Council of Jaunjelgava District will not be able to ensure the minimum number of learners established by the contested norms and will be forced to close the 10th-12th forms of Jaunjelgava Secondary School. It is alleged that the contested norms prohibit from performing the function transferred into the autonomous jurisdiction of a local government – to ensure the inhabitants’ right to acquire general secondary education.

The applicant holds that the contested norms are based on mechanical financial calculations, without taking into consideration peculiarities of each district or city, for example, population size or planned development. The number of pupils in the lower forms of Jaunjelgava Secondary School proves that in the future the minimum number of pupils defined in the contested norms would be reached again.

Allegedly, the contested norms have solely one aim – saving of the state budget resources; moreover, in adopting the contested norms other alternative means for reaching this aim had not been examined.

Legal Proceedings

The Constitutional Court has requested the institution, which issued the contested act, – the Cabinet of Ministers – to submit a written reply, presenting the facts of the case and legal substantiation, by 19 December 2016.

The term for preparing the case is 18 March 2017. The Court shall decide on the type of procedure and the date for hearing the case after the case has been prepared.

The press release was prepared with the aim to facilitate understanding of the actual facts of the case. It shall not be regarded as part of the judgement and is not binding to the Constitutional Court. The judgements, decisions and other information regarding the Constitutional Court are available at the home page of the Constitutional Court www.satv.tiesa.gov.lv.

Līna Kovalevska

Assistant to the President of the Constitutional Court

Lina.Kovalevska@satv.tiesa.gov.lv

(+371) 67830748, (+371) 29813216