

**Extracts from the School Law for the state of Mecklenburg-Western Pomerania  
(School Law - SchulG M-V)**

in the version of the publication dated 10th September 2010 (GVOBl. M-V S. 462; 2011 S. 859; 2012 S. 524),  
which was last amended by the law dated 20th April 2017 (GVOBl. M-V S. 66)

**1**

**Schooling and Education for all**

(1) Everyone has the right to schooling and education. This right is guaranteed by schools that are to be established and maintained according to this law. This right to schooling results in individual entitlements insofar as they are determined by or based upon this law.

(2) Everyone has the right to have free access to all public educational institutions according to their ability, regardless of their economic and social situation and ideological or political beliefs. In this respect, the school undertakes to ensure that disadvantages of disabled pupils resulting from individual impairments due to disability are compensated for to the fullest extent possible.

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**Educational Mandate of the School**

(1) The educational mandate of the schools is determined by the value judgements which are laid down in the Constitution for the Federal Republic of Germany and in the Constitution of the State of Mecklenburg-Western Pomerania. The aim of schooling and education is development into a responsible, thoroughly developed personality prepared to bear responsibility for community together with other individuals and peoples and also towards future generations in the spirit of gender equity and tolerance.

(2) The school should impart knowledge and proficiency, skills and capabilities, attitudes and behaviour to pupils with the aim of encouraging the development of their personality and the independence of their decisions and actions so that pupils are empowered to participate actively and responsibly in social, cultural and political life.

(3) The bond of the pupils with their natural, social, cultural environment as well as the cultivation of the Low German language are to be promoted.

**3**

**Learning Objectives**

In school, pupils should particularly learn

1. To develop independence and to take responsibility for their actions,
2. To develop their own skills of perception, cognition and expression,
3. To perform both independently and together with others,
4. To assume social and political co-responsibility as well as to amalgamate in order to pursue common interests,
5. To obtain information and to use it critically,
6. To express their own opinion and to respect the opinion of others,

7. To understand the fundamental norms of the constitution and to stand up for its preservation and also
8. For justice, peace, and preservation of the creation,
9. To make personal decisions concerning religious and ideological issues and to develop understanding and tolerance towards the decisions of others,
10. To protect their own rights and to allow the rights of others to also apply to themselves as well as to accept obligations and to comply with them,
11. To identify, bear and resolve conflicts rationally,
12. To identify causes and dangers of totalitarian and authoritarian rule, and to resist and counteract them,
13. To develop understanding for the unique character and right of existence of other peoples and for the equality and right to life of all people,
14. To treat nature and the environment in a responsible manner,
15. To stand up for gender equality,
16. To develop understanding for economic and ecological correlations.

#### 4

#### **Principles for implementing the Mandate of Schools**

- (1) The schools must respect the religious and ideological convictions of the pupils, parents/guardians and teachers as well as the constitutional right of parents/guardians to raise their children.
- (2) School and lessons must be organised based on equal educational opportunities for all pupils. Appropriate support of individual pupils' abilities, interests and inclinations must be ensured. Pupils are to be strengthened in their personal development and individual problems are to be counteracted by means of suitable support measures. The co-operating responsible youth welfare bodies and the youth welfare department must be involved if necessary. Lessons should be organised to ensure that joint learning and education can be achieved to the greatest possible extent. Any kind of external differentiation solely serves the advancement of individual pupils.
- (3) General and vocational education are of equal importance. To this end, it is necessary to work towards removing existing disadvantages as well as overcoming the gender-specific vocational training and labour market. The school shall create the preconditions for appropriate vocational and further education that is in line with the aptitude of pupils. Collaboration between the school and work and professional life is fostered by practical placements and targeted vocationally oriented measures as well as by the area of work - industry - technology and information technology.
- (4) The federal state, local authorities and independent sponsors shall co-operate in fulfilling the educational mandate of the school together with teachers, pupils, parents/guardians and persons responsible for extracurricular vocational training as laid down in this law.
- (5) The school, parents/guardians and independent sponsors of public and voluntary youth welfare organisations shall collaborate to ensure the fulfilment of the pupils' right to develop their personality and abilities to the greatest possible extent. The school respects the constitutional right and duty of the parents/guardians and co-operates with them in the education of their children. It shall involve the parents/guardians in the planning of school life and utilise specific competences and experiences for lessons. Parents/guardians should be directly involved particularly in educational events outside the classroom. The school shall permit the pupils a maximum amount of involvement in education and teaching appropriate to their age and development so that they can individually shape their education autonomously and achieve independence. The welfare of the pupils necessitates pursuing any sign of neglect, mishandling or risk to the

child's well-being .The school shall decide in good time about the involvement of the youth welfare department or other competent authorities. The headteacher shall regulate procedures and responsibilities at the school.

(6) Pupils of both sexes shall be taught together as a matter of course. In doing so, lessons must be organised in such a way that the joint education of the pupils takes gender equity into account, compensates for any possible discrimination and establishes equal opportunities. The principle of gender mainstreaming must be considered and all measures and structures relevant to education must be developed taking the gender perspective into account. Wherever educationally appropriate, they can also be taught separately at times. The school council shall decide at the suggestion of the teachers' conference.

(7) Each school shall be responsible for fulfilling the educational mandate. The aim is the development of the individual pupil towards autonomy, independence and community skills. The school shall arrange lessons and its organisation independently and autonomously. The independent school shall develop its educational concept in a school curriculum. The regional state and school authorities shall support and encourage schools in their independence and autonomy and delegate them responsibilities for personnel and material requirements.

(8) Schools and education authorities are committed to continual quality development and assurance and work in conjunction with school maintaining bodies. To safeguard the education mandate, each school shall review the quality of its work regularly and systematically. The quality development and assurance shall cover all educational activities, the organisation of the school, school life and extracurricular co-operation relationships. The education authorities shall advise and assist schools with quality development and assurance.

(9) Pupils are to be involved in selecting the lesson content based on the outline plans. The technical and academic objectives of lessons must be explained to them.

## 25

### **The Vocational School**

(1) The vocational school together with the training organisations fulfils a joint educational mandate (dual system) or prepares people for a vocational education, or provides basic vocational training as part of vocational education or supervises professional activity or traineeship.

(2) The vocational school shall provide specialised knowledge and skills and expand general education. Subject-based lessons must be co-ordinated between vocational schools and the bodies responsible for vocational, external and inter-company training. Lessons in the vocational school should take foreign language teaching into account adequately.

(3) Together with training organisations and external training centres, vocational schools shall provide young people in a training relationship with a vocational education in a recognised occupation requiring formal training. The pupils progress to the next higher grade without having to be promoted.

(4) The first year of vocational training can also be a basic vocational training year in a broad vocational field spectrum with full-time lessons (academic basic vocational training year) or in conjunction with the training companies or external training centres (co-operative basic vocational training year).

(5) Young people without an apprenticeship who are young enough to enter vocational training are prepared by the vocational school for a professional education or for employment (occupational preparation year). Full-time education is to be provided for young people who have no apprenticeship or employment.

(6) As part of dual vocational training, the vocational school is divided into the one-year basic level and a more advanced two to two-and-a-half year specialisation level. At least twelve hours of lessons are taught per week, which are generally always provided two days a week with eight lessons each at most or in interrelated blocks of at least one week in duration. The vocational school is responsible for determining the regulation of the lessons according to educational aspects and their organisational possibilities in terms of lessons; at the same time, operational training considerations must be taken into consideration. Specialised courses for individual professions or occupational groups are taught in the vocational school; in the case of small numbers of pupils, district specialised courses for catchment areas of several schools or state specialised courses for the entire

federal state are formed. If the number of trainees is not enough to set up specialised courses, the highest school authority can decide that the duty to attend vocational college is to be fulfilled in specialised courses of other federal states.

(7) Attendance at vocational schools is subject to completion of compulsory full-time school education.

(8) The vocational school leads to an independent occupational qualification. Upon successful graduation from the vocational school, occupational maturity or, under certain conditions, a certificate equivalent to the intermediate school certificate is acquired. The details, also regarding the necessity of an examination, shall be regulated by the highest school authority or by legislative decree.

## **40**

### **Opening the School**

(1) The opening of schools towards their social environment should be encouraged. This can be done through the school collaborating with other schools, with extracurricular institutions, companies, organisations, youth welfare bodies and institutions. Vocational schools should collaborate in particular with providers of vocational training.

(2) Appropriate forms of co-operation pursuant to paragraph 1 can be integrated in lessons.

(3) The school can appoint suitable persons to assist in lessons and at other school events under the supervision of teachers. There is no entitlement to compensation for the activity.

## **41**

### **Principle**

(1) Anyone with a permanent place of residence or training establishment/place of work in the state of Mecklenburg-Western Pomerania is required to attend school. Provisions under international law and international treaties shall remain unaffected

(2) Compulsory education includes

1. The obligation to attend schools at primary and secondary level I for a total of nine years (compulsory full-time education) and

2. The obligation to attend schools at secondary level II with full-time education for at least one school year, in specially held educational classes for 2 school years and in part-time courses normally for 3 school years.

In cases of justifiable exemption it is possible to deviate from the regulation under clause 1 number 1.

The competent school authority shall make the decision.

(3) Compulsory school attendance must be fulfilled by attending a publicly owned school or a private school with the exception of night schools. Compulsory education can be fulfilled at a supplementary school with the approval of the competent school authority.

## **42**

### **Compulsory Education in Secondary School II**

(1) At secondary level II, compulsory education is to be fulfilled by attending a school pursuant to Section 11 paragraph 2 number 1 letter c to e or number 2 letter a to e.

(2) The obligation to attend vocational school pursuant to Section 11 paragraph 2 number 2 letter a to e commences after leaving a school at secondary level I and lasts

1. Until the end of the training period if there is an apprenticeship,
2. Three school years if there is no apprenticeship, but no later than the end of the school half-year in which pupil reaches the age of 18.

If a person aged 18 or older enters their first apprenticeship as defined by the Vocational Training Law of 23rd March 2005 (Federal Legal Gazette. I p. 931), they are then entitled to attend the vocational school.

(3) Trainers and employers are obliged to register the school-aged pupil for the vocational school and to encourage him or her to attend the vocational school.

(4) At the request of the pupil or parents/guardians, attendance at a vocational school can be extended by one year if it can be assumed that his or her vocational advancement will be made possible as a result.

### **43**

#### **Start of Compulsory Education**

(1) Compulsory education commences on the 1st of August for children who reach the age of six no later than the 30th of June of the same year. In this year, children who reach the age of six no later than the 30th of June of the following year can also be enrolled at school at the start of the school year upon request of the parents/guardians if they are sufficiently developed physically, intellectually and behaviourally to attend school. Compulsory school attendance commences upon school enrolment.

(2) On request of the parents/guardians, school enrolment can be postponed by one year in agreement with the headteacher of the primary school in conjunction with the involvement of the school medical examination and the school psychological service.

(3) For pupils as defined by Section 36 paragraph 5, compulsory education starts with admission in the school entrance area.

### **44**

#### **Suspension of Compulsory Education**

(1) Compulsory education shall be suspended provided that the school-aged child

1. Is a civil servant training for a profession in public service
2. Is performing military or community service,
3. Is engaged in a voluntary social or ecological welfare work scheme for one year.

(2) The compulsory education shall be suspended in cases relating to Section 60a paragraph 1 clause 2 number 5.

(3) The compulsory education shall be suspended on request for a pupil two months before and four months after the birth. The compulsory education shall also be suspended if the care of a child of the school-aged child would be in jeopardy by fulfilling the compulsory education.

(4) The suspension of the compulsory education shall be taken into account for the period of compulsory education.

### **49**

#### **Obligations of Parents/Guardians**

(3) The parents/guardians are obliged,

1. To register and deregister the school-aged child for school,
2. To equip the pupil appropriately,
3. To ensure compliance with compulsory education,
4. To ensure the healthcare of the school-aged child and
5. To ensure that the school-aged child attends examinations.

## **50**

### **Direct Coercion**

Pupils who do not comply with compulsory school attendance can be forcibly taken to school if other means have failed or are unlikely to be effective. The competent authority shall make the arrangements.

## **53**

### **Rights and Obligations arising from the School Relationship**

(2) Pupils are obliged to attend lessons regularly and to attend compulsory school events, to do the necessary work and to complete homework. They must follow the instructions of the teachers that are designed to achieve the educational mandate of the school and to maintain order in the school. In the case of underage pupils, parents and guardians are also responsible for this; the obligations of the trainers and employers towards vocational school students remain unaffected.

## **56**

### **Duration of School Attendance**

(1) Attendance at primary school may not last longer than six years.

(2) Regardless of the regulations concerning compulsory education, a pupil must leave school or course of education if he or she

1. was not promoted to the next highest year on two occasions within the same year or within two consecutive school years of the same course of education in accordance with Section 11 Paragraph 2 Number 1 or 3 or a course of education at a vocational lasting several years or

2. fails the final examination twice. A withdrawal in accordance with Section 64 Paragraph 3 is equivalent to a failure to move up a year.

Section 64 Paragraph 2 applies.

(3) A pupil attending school in accordance with Section 11 Paragraph 2 Number 1 Figs. a to e who has not succeeded in completing occupational maturity after ten years of school attendance must leave the school unless the headteacher approves the request of the parents/guardians or adult pupil to allow school attendance for an eleventh year. Any repeated year within the first two school years of primary school shall not be taken into account when calculating school attendance times. In very exceptional cases the competent school authority can approve a twelfth year of school attendance in order to complete occupational maturity. Approval must be withheld if it is feared that the presence of the pupil may significantly endanger the safety or running of the school or the realisation of the school's educational targets or if on the basis of the pupil's learning and personality development so far it can be assumed that they will not succeed in achieving

occupational maturity in the following academic year. A psychological expertise may be compiled at the request of the school, the parents or the full-age pupil in order to establish learning and personality development. The parents should be given advice. This advice is not applicable if the pupil has reached the age of maturity.

(4) A pupil can be released from school after fulfilling compulsory full-time education if they have been absent from a total of ten lessons without excuse within four weeks or if there is no possibility of evaluating written accomplishments due to their repeated unexcused absence from class tests in at least two subjects. Pupils are to be notified about these consequences in good time. This must be placed on record. This does not affect the obligation to attend a vocational school.

## **60 Educational Measures**

(1) The fulfilment of the educational mandate of the school and protection of individuals and items at the school are to be ensured in particular by educational measures. Educational measures must be appropriate to establish comprehension of misconduct and should serve as direct atonement as far as possible. They are principally pronounced by the teacher who witnesses misconduct. Educational measures can take place in parallel if this is educationally expedient.

(2) In the case of misdemeanours and lesson disruptions, the following measures in particular shall be applied

1. an educational conversation,
2. mutual agreements,
3. an oral reprimand,
4. an entry in the class register,
5. exclusion from the current lesson,
6. extra work under supervision upon prior notification of the parents/guardians,
7. compensation for damage caused,
8. temporary confiscation of items.

(3) The teacher shall decide within the scope of their educational responsibility on the educational means most suited to the respective situation as well as to the age and personality of the pupil taking into account of the principle of appropriateness. Parents/guardians must be informed in a suitable manner of the chosen educational measures.

(4) Physical beatings as well as other degrading measures are forbidden.

## **60a Disciplinary Measures**

(1) If measures in accordance with Section 60 have not solved a conflict or countered a danger to other pupils, disciplinary measures can be imposed in secondary level I and II in keeping with the principle of proportionality. Disciplinary measures are

1. a written reprimand by the teacher in consultation with the class teacher and in serious cases also by the headmistress or headmaster,
2. transfer to a parallel class or a corresponding organisational structure by a sub-conference in accordance with Clauses 3 and 4,

3. exclusion from lessons and other school events

- a) up to three days by the headmistress or headmaster,
- b) up to three months by the sub-conference in accordance with Clauses 3 and 4,

4. transfer to another school with the same educational level by the competent school authority,

5. expulsion from all schools by the competent school authority. Expulsion from all schools may only be prescribed at secondary level I after fulfilment of compulsory full-time education and not in the case of pupils required to attend vocational schools in accordance with Section 42 Paragraph 2 Clause 1 at secondary level II.

In accordance with Clause 2 Numbers 2 and 3 Fig. b, a sub-conference appointed by the teachers' conference is responsible for disciplinary measures. The sub-conference consists of a member of the school administration, the class teacher and three other teachers to be elected for the duration of a school year as well as a representative of the pupils' council.

(2) The school conference can decide that the teacher is responsible for disciplinary measures in accordance with Paragraph 1 Clause 2 Numbers 2 and 3 Fig. b.

(3) Disciplinary measures in accordance with Paragraph 1 Clause 2 Numbers 4 and 5 are to be threatened. The threat can already be associated with a written reprimand (Paragraph 1 Clause 2 number 1). A threat is not necessary if the intention associated with it cannot be achieved.

(4) Measures in accordance with Paragraph 1 Clause 2 Numbers 2 and 3 may only be applied in case of considerable disruption to school activities or lessons, in case of risk to the safety of persons or the cause of damage to property and thus the limited impairment of lessons and education of fellow pupils. Disciplinary measures in accordance with Paragraph 1 Clause 2 Numbers 4 and 5 may only be resorted to if the aforementioned disruptions, risks, impairments or causes of damage are particularly serious. Disciplinary measures are only permitted in case of intent or gross negligence by the pupil. When making decisions on disciplinary measures, the behaviour of the individual pupil within the school is relevant. Out-of-school behaviour is only relevant if it directly disrupts school activities or lessons.

(5) Before adopting a disciplinary measure, the pupil concerned must be heard; in the case of underage pupils, this should also include the parents/guardians. The pupil and their parents/guardians can enlist a trusted person belonging to the school as support.

(6) If a disciplinary measure in accordance with Paragraph 1 Clause 2 Number 3 Figs. b to Number 5 comes into question, the headteacher can exclude a pupil temporarily from lessons and from other school events if the maintenance of school activities and lessons or the safety of persons requires it. The hearing in accordance with Paragraph 5 Clause 1 and the decision of the sub-conference or competent school authority must be held as soon as possible subsequently. The maximum duration of the exclusion from class according to Clause 1 should not exceed one week.

(7) Parents/guardians must be informed immediately about a disciplinary measure including the reasons. The possibility of the right of legal recourse should be pointed out.

(8) Entries and procedures involving disciplinary measures must be deleted at the end of the second school year after the entry at the latest, unless a renewed disciplinary measure was adopted.

## 62

### **Assessment of Achievements and also Work Performance and Social Behaviour**

(4) In the case of assessment according to grades, the following standard must be taken as a basis:

- 1. Excellent (1) if the performance meets all requirements particularly well

2. Good (2) if the performance fully meets requirements
3. Satisfactory (3) if the performance generally meets requirements
4. Sufficient (4) if the performance exhibits some deficiencies but broadly meets requirements
5. Inadequate (5) if the performance does not meet the requirements but it is evident that the necessary basic skills are present and deficiencies can be remedied in the foreseeable future
6. Insufficient (6) if the performance does not meet requirements and even basic skills are so incomplete that deficiencies cannot be remedied in the foreseeable future.

If a performance assessment is not possible due to reasons for which the pupil is responsible, then she or he shall be awarded the grade of insufficient (6).

### **63 Reports**

(1) An assessment of the performances and the work and social attitude of pupils is normally carried out at the end of each school semester by reports.

(2) Pupils who have successfully completed a course of education or who pass the final examination receive a school leaving certificate.

(3) Pupils who leave school after fulfilling the requirements of compulsory school attendance but have not successfully completed the required educational level receive a severance report.

(4) Pupils who have not completed a course of education and change schools, and pupils who leave a special schooling provision early in accordance with Section 69 Number 12 receive an interim report.

### **68 Recognition of Qualifications**

School leaving certificates and entitlements acquired outside the state of Mecklenburg-Western Pomerania require approval by the highest school authority. In the course of this, the assessment of the school leaving certificates and entitlements by the other state is to be assumed.

Approval may only be refused if the requirements for acquiring school leaving certificates and entitlements are obviously not equivalent compared to school leaving certificates and entitlements which are regulated by or under this law. International treaties and special administrative arrangements remain unaffected.

### **139 Administrative Offences**

(1) An administrative offence is deemed to have been committed by anyone who deliberately or negligently

1. Violates Section 41 Paragraph 3 as a school-aged child over the age of 14,

2. Violates Section 49 Paragraph 3 as a parent/guardian and violates Section 42 Paragraph 3 as an instructor or employer by setting up, operating or modifying an alternative school without approval,

3. Violates the duty of disclosure in accordance with Section 124 Paragraph 2,
4. runs an alternative school even though this was prohibited by the highest school authority,
5. violates Section 126 Clause 3.

(2) The infringement in cases of Paragraph 1 Numbers 1 and 2 is punishable with a fine of up to 2,500 Euros and in other cases with a fine of up to 25,000 Euros.

(3) The competent administrative authority as defined by Section 36 Paragraph 1 Number 1 of the Administrative Offences Act is the competent school authority in cases of Paragraph 1 Numbers 1 and 2 and the highest school authority in other cases.

#### **140 Criminal Offences**

(1) Anyone constantly or repeatedly evading Section 49 of the obligation to attend school shall be punished with a prison sentence of up to six months or with a fine of up to 180 daily units.

(2) The prosecution shall first come into force upon request. The competent school authority is entitled to initiate proceedings.