

## **Pupils' Rights Law, 5760-2000**

### **Purpose**

1. The purpose of this Law is to establish principles for the rights of pupils in the spirit of human dignity and the principles of the United Nations Convention on the Rights of the Child,<sup>1</sup> while preserving the uniqueness of the types of educational institutions as defined in the Compulsory Education Law, 5709-1949,<sup>2</sup> the State Education Law, 5713-1953,<sup>3</sup> the Special Education Law, 5748-1988,<sup>4</sup> and in any other law.

### **Definitions**

2. In this Law –  
“the Committee,” “Official Educational Institution,” “Recognized Educational Institution,” “Parents,” “Adolescent,” “Child” shall be as defined in the Compulsory Education Law, 5709-1949.

“the Director General” – The Director General of the Ministry of Education;

“the District Director” – The director of a district office of the Ministry of Education;

“pupil” – one who studies in an educational institution;

“the Minister” – the Minister of Education.

### **The Right to Education**

3. Every child and adolescent in the State of Israel is entitled to education in accordance with the provisions of any law.

### **Publication of Provisions**

4. (a) The provisions of this Law shall be brought to the attention of pupils and their parents at the commencement of each school year, in the manner prescribed by the Minister with the approval of the Committee.

(b) The Director General's instructions to principals of educational institutions, and all instructions given by the

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<sup>1</sup> *Kitvei Amana* 1038, vol. 31.

<sup>2</sup> *Sefer Ha-Chukkim* 5709, p. 287; LSI vol. 3, p. 125.

<sup>3</sup> *Sefer Ha-Chukkim* 5713, p. 137; LSI vol. 3, p. 113.

<sup>4</sup> *Sefer Ha-Chukkim* 5748, p. 137; LSI vol. 42, p. 117.

principals of educational institutions regarding the rights and obligations of pupils, including disciplinary rules, shall be published and brought to the attention of pupils and their parents in the manner prescribed by the Minister with the approval of the Committee.

### **Prohibition of Discrimination**

5. (a) A district education authority, educational institution, or any person acting on their behalf, shall not discriminate against a pupil for sectarian reasons, for socio-economic reasons, or by reason of political orientation, whether of the child or of his parents, in any of the following:

- (1) registration of a pupil, or his admission to or expulsion from an educational institution;
- (2) establishment of separate educational curricula or advancement tracks in the same educational institution;
- (3) holding of separate classes in the same educational institution;
- (4) rights and obligations of pupils, including disciplinary rules and their application.

(b) Any person who infringes the provisions of this section shall be liable to imprisonment for one year, or a fine, as provided under section 61(a)(3) of the Penal Law, 5737-1977.<sup>5</sup>

### **Permanent Expulsion of a Pupil from an Educational Institution**

6. (a) A decision to expel a pupil permanently from an educational institution and to transfer him to another institution shall be made only after the pupil and his parents have been granted an opportunity to be heard; for the purposes of this section, a pupil and his parents shall be deemed to have been granted an opportunity to be heard if they were duly summoned twice and failed to appear; the Minister, with the approval of the Committee, shall make regulations in this regard.

(b) A decision under subsection (a) shall be in writing and its reasons shall be stated.

(c) Immediately following a decision under subsection (a), the principal of the educational institution shall notify the parents of the pupil and the pupil that they are entitled to submit a written appeal

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<sup>5</sup> *Sefer Ha-Chukkim* 5737, p. 266; LSI Special Volume.

against the decision before the hearing committee, established as provided in section 7, within 14 days of receiving the notice; a copy of the decision shall be appended to the notice.

(d) A pupil shall not be expelled, as provided in subsection (a), before submission of an appeal; if an appeal is submitted, a pupil shall not be expelled until after a decision is rendered in the appeal.

(e) The Minister shall prescribe the procedures for submitting an appeal.

### **Hearing Committee**

7. (a) A hearing committee shall be established in every district, composed as follows:

(1) The District Director in whose district the educational institution is situated, who shall serve as chairperson;

(2) A representative of the union to which the majority of the teachers in the educational institution belong, who shall be determined by the union;

(3) A representative of a national parent association, from a list determined by the association, unless the pupil or his parents request that he should not participate in the hearing;

(4) The chairman of the district student council or his deputy, unless the pupil or his parents request that he should not participate in the hearing.

(b) The decision in the appeal shall be rendered by the District Director after hearing the parents of the pupil and the pupil, if they so desire, and after the District Director has heard the opinions of the representatives duly summoned to the committee's meeting;

(c) The decision in the appeal shall be in writing with reasons stated.

(d) If the District Director be prevented from fulfilling his function under this section, his function shall be performed by a person serving as the district inspector or the inspector of religious education of the district, for which purpose he shall be granted the powers of the District Director under this section.

### **Appeal**

8. A petition against the decision in the appeal may be submitted to the Court for Administrative Matters.

### **The Right to Sit for Matriculation Examinations**

9. Every pupil shall be entitled to sit for the state matriculation examinations held at the educational institution at which he studies, unless the pupil does not meet the conditions prescribed by the Minister in consultation with the Committee.

### **Disciplinary Measures**

10. It is the right of every pupil that discipline be maintained in the educational institution in conformity with human dignity and, in that regard, he has the right not to be subjected to corporal or degrading disciplinary measures.

### **Restriction of Punishment**

11. An educational institution shall not subject a pupil to punitive measures for an act or omission of his parents.

### **Implementation of Rights**

12. An educational institution shall not prevent a pupil from implementing his rights under this statute or any other law.

### **Pupils' Council**

13. (a) An educational institution shall encourage the establishment of a pupils' council and shall take no action to prevent its establishment; the scope of its activity shall be prescribed in the Director General's directives in consultation with the pupils' and adolescents' council and the youth.

(b) The provisions of this section shall not apply to kindergartens as defined in the Compulsory Education Law, 5709-1949.

### **Duty of Confidentiality**

14. Anyone who receives information about a pupil in the performance of a duty imposed under this Law, is required to maintain it in confidence, and may not divulge it except for the purpose of performing his function.

### **Implementation and Regulations**

15. The Minister shall be responsible for the implementation of this Law, and within six months of publication thereof, shall

make regulations for its implementation, with the approval of the Committee.

### **Restriction of Application**

16. (a) The provisions of this Law shall apply to every official educational institution.

(b) The provisions of this Law shall apply to a recognized educational institution that is not official, with the exception of sections 6, 7, and 13; however, the Minister may, with the approval of the Committee and with consideration of the character of the institution, order the application of any or all of the said provisions.

### **Preservation of Laws**

17. The provisions of this statute are intended to supplement the provisions of any other law and not to detract therefrom.

### **Amendment of the Administrative Courts Law**

18. In item three of the first Schedule to the Courts for Administrative Matters Law, 5760-2000,<sup>6</sup> “and transfer” shall be replaced by “expulsion and transfer”.

### **Amendment of the Compulsory Education Law**

19. In the Compulsory Education Law, 5709-1949, sections 3B and 3C are hereby repealed.

### **Amendment of the Inspection of Schools Law**

20. In section 32 subsection (A1) of the Inspection of Schools Law, 5729-1969,<sup>7</sup> “for sectarian reasons as provided in section 3B of the Compulsory Education Law, 5709-1949,” shall be replaced by “as provided in section 5 of the Pupils Rights Law, 5760-2000.”

### **Special Provisions**

21. The provisions of this Law shall first be brought to the notice of pupils and their parents, as provided in section 4, within 45 days of its publication even if the Minister has not yet made regulations in accordance with section 4; if the Minister has not yet made regulations, as aforesaid, the provisions of this

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<sup>6</sup> *Sefer Ha-Chukkim* 5760, p. 192; LSI vol.

<sup>7</sup> *Sefer Ha-Chukkim* 5729, p. 180; LSI vol. 23, p. 195.

Law shall be brought to the attention of the pupils and their parents by the principals of the educational institutions.

Moshe Katsav  
President of the State

Ehud Barak  
Prime Minister

Ehud Barak  
Minister of Education

Avraham Burg  
Speaker of the Knesset