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The following contribution refers to education in general; where particular practices or legal situations are mentioned it refers to the situation in Germany, particularly in the state of Baden-Württemberg.

Pedagogy and education in general

Education can take place in a variety of different forms - institutional and non-institutional. Physical school attendance is just one way of education. Other forms of education should be equally recognised and tolerated.

In Germany physical school attendance is the only tolerated way of education in the 6-18 age groups.

Education should always be regarded as a right - it should not involve compulsion or coercion towards the person in education.

The “right to education” is an obligation for the **state** and - with regard to a child - an obligation for **parents** and for **guardians** to provide and ensure access to education.

It should not be used as basis for any kind of compulsion or coercion directed to the child - like school attendance enforced by the police.

Any person in an educational institution must have the right to leave this particular institution.

If this institution doesn't meet this persons needs or causes this person to feel unwell, eg. in cases of bullying, there must be the right to choose a different institution or a different path in education. The wellbeing of the person has to be paramount.

The Convention on the Rights of the Child Article 28 states:

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

*(a) Make primary education **compulsory** and available free to all;*

...

But it is important to recognise that the word „compulsory“ in this article should be interpreted to mean that *“no one (neither the State, nor the family) could prevent the child from receiving elementary education and that the idea of coercion was in no way implied”*.

For more information:

<https://rights-centric.education/advocacy/IDEC-2023-resolution>

In Germany the “right to education” is implemented not just as education being compulsory for the child but as an obligation for the child to physically attend a state school (or maybe a state approved private school – but there aren’t many such schools) and as an obligation for the parents or guardians to make sure the child actually does attend school. There is no possibility for home-based education or for any kind of distance education, not even for a state approved distance school (these do exist for German children outside Germany but may not be used for children living in Germany).

In most of the German states (“Länder”) there are “Schulbezirke” (or “Schulsprengel”) – a residential area is assigned to a particular state school (“Sprengelschule”). So there is not even the possibility to choose from a number of schools – the child has to physically attend the one particular school assigned to their residential area.

In most of the German states there is not only compulsory school attendance but also the possibility of “school coercion” (“Schulzwang”) – meaning that in the case a child does not regularly attend school, this child can be forcibly taken to the assigned school by the police.

The right to education is an important achievement that should not be restricted. Educational pathways that do not involve school attendance could complement and enrich the education system. Every young person has the right to attend school, but should also have the right to become educated in other ways. The decision to pursue non-institutional self-organised education must not be made against the will of the young person.

There are many and often entirely justified and understandable reasons for young people's urgent desire to acquire education, i.e. academic, practical and social skills, by means other than attending school.

Using the words of Peter Gray: “The most basic freedom is the freedom to quit.”

<https://www.psychologytoday.com/us/blog/freedom-to-learn/201304/the-most-basic-freedom-is-freedom-to-quit>

Curriculum

Education needs to be learner-centred. There needs to be more participation and more self-determination in education.

Students need to be given more choice regarding the subjects, topics etc. they study. In Germany pupils or students don’t have much choice which subjects they are going to study.

Education about democracy and human rights only makes sense if democracy, human rights and self-determination are part of everyday experience; experiencing self-efficacy is key.

In Germany secondary schools have a “student council” and “school council” (including some students). But in the end this means the students can express their opinions – but they don’t have an actual say in really meaningful issues.

Assessment and access to education

Don't make "drop-outs" a dead end - provide opportunities for "step-ins". Recognise informal education and non-formal education.

The Convention on the Rights of the Child Article 28 states:

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

...

*(e) Take measures to encourage regular attendance at schools and the **reduction of drop-out rates.***

Regarding the right to education the reduction of drop-out rates certainly is an appropriate aim. But a complementary aim should be added: to increase and ensure possibilities to „step-in“ or „step-back-in“.

It should be possible for any child that „dropped out“ - or never started attending school in the first place - to enter school in the appropriate age group. This should be possible with regard to the competencies acquired by this child via any kind of education, be it formal, non-formal or informal - not just according to the previous school attendance.

Our experience in Germany is: Students that drop out and therefore don't get end of year reports quite often face difficulties when they return to school.

Often they are placed one or several year groups below their own year group because they don't have the end of year report required to move to the next year group - and knowledge and competencies acquired by any other means are not recognised or accepted.

Everyone deserves to get a second chance. But what about a third chance for exams and certificates?

In Germany you only get two chances to pass a school leaving exam on any level - if you fail twice, that's it for the rest of your life.

(But you get an unlimited number of tries for your driving licence ...).

Base access on necessary competencies, not on broad general education.

In cases where education is accessible on the basis of merit: make it based on the particular competencies necessary for this specific area or subject, not on broad "general knowledge".

In Germany, to advance to the next level (or even the next year group) you have to pass the assessment (school leaving exam or end of year report) as a whole package of all subjects (up to ten). If you get poor grades in one subject area (e.g. mathematics and/or natural sciences), you may not advance to the next level or the next year group, however good you are in other subject areas (languages, social sciences,...)

To get access to higher education in Germany you have to pass a school leaving exam covering a broad area of subjects. If you "fail" in one subject area, you don't get access to the next level.

The German school leaving exam to get access to universities is the "Abitur". To get the Abitur you have to get grades in at least 8 subjects covering three areas:

area 1: Linguistic, literary and artistic subjects (German and at least one foreign language are compulsory)

area 2: Social sciences (History is compulsory)

area 3: Mathematics, natural sciences, technology (Mathematics and at least one natural science are compulsory)

Failing in one area means you will not get access to university for any subject.

Failing in mathematics means you will not get access to university to study languages or history ...

If you fail, you have to retake the whole exam with all subjects, including the subjects where you had good grades.

And you are only allowed two tries - there is no third chance.