

## **Basic Law for the Federal Republic of Germany**

Basic Law for the Federal Republic of Germany in the revised version published in the Federal Law Gazette Part III, classification number 100-1, as last amended by Article 1 of the Act of 28 March 2019 (Federal Law Gazette I p. 404).

### **Article 7** **[School system]**

- (1) The entire school system shall be under the supervision of the state.
- (2) Parents and guardians shall have the right to decide whether children shall receive religious instruction.
- (3) Religious instruction shall form part of the regular curriculum in state schools, with the exception of non-denominational schools. Without prejudice to the state's right of supervision, religious instruction shall be given in accordance with the tenets of the religious community concerned. Teachers may not be obliged against their will to give religious instruction.
- (4) The right to establish private schools shall be guaranteed. Private schools that serve as alternatives to state schools shall require the approval of the state and shall be subject to the laws of the *Länder*. Such approval shall be given when private schools are not inferior to the state schools in terms of their educational aims, their facilities or the professional training of their teaching staff and when segregation of pupils according to the means of their parents will not be encouraged thereby. Approval shall be withheld if the economic and legal position of the teaching staff is not adequately assured.
- (5) A private elementary school shall be approved only if the education authority finds that it serves a special educational interest or if, on the application of parents or guardians, it is to be established as a denominational or interdenominational school or as a school based on a particular philosophy and no state elementary school of that type exists in the municipality.
- (6) Preparatory schools shall remain abolished.

### **Article 72** **[Concurrent legislative powers]**

- (1) On matters within the concurrent legislative power, the *Länder* shall have power to legislate so long as and to the extent that the Federation has not exercised its legislative power by enacting a law.
- (2) The Federation shall have the right to legislate on matters falling within items 4, 7, 11, 13, 15, 19a, 20, 22, 25 and 26 of paragraph (1) of Article 74, if and to the extent that the establishment of equivalent living conditions throughout the federal territory or the maintenance of legal or economic unity renders federal regulation necessary in the national interest.
- (3) If the Federation has made use of its power to legislate, the *Länder* may enact laws at variance with this legislation with respect to:
  1. hunting (except for the law on hunting licences);

2. protection of nature and landscape management (except for the general principles governing the protection of nature, the law on protection of plant and animal species or the law on protection of marine life);
3. land distribution;
4. regional planning;
5. management of water resources (except for regulations related to materials or facilities);
- 6. admission to institutions of higher education and requirements for graduation in such institutions.**

Federal laws on these matters shall enter into force no earlier than six months following their promulgation unless otherwise provided with the consent of the Bundesrat. As for the relationship between federal law and law of the *Länder*, the latest law enacted shall take precedence with respect to matters within the scope of the first sentence.

(4) A federal law may provide that federal legislation which is no longer necessary within the meaning of paragraph (2) of this Article may be superseded by *Land* law.

#### **Article 74**

##### **[Matters under concurrent legislative powers]**

(1) Concurrent legislative power shall extend to the following matters:

- 13.** the regulation of educational and training grants and the promotion of research;
- 33.** admission to institutions of higher education and requirements for graduation in such institutions.

#### **Article 91b**

##### **[Education programmes and promotion of research]**

(1) The Federation and the *Länder* may cooperate on the basis of agreements in cases of supraregional importance in the promotion of sciences, research and teaching. Agreements primarily affecting institutions of higher education shall require the consent of all the *Länder*. This provision shall not apply to agreements regarding the construction of research facilities, including large scientific installations.

(2) The Federation and the *Länder* may mutually agree to cooperate for the assessment of the performance of education systems in international comparison and in drafting relevant reports and recommendations.

(3) The apportionment of costs shall be regulated in the pertinent agreement.

#### **Article 104c**

##### **[Financial assistance for investments in municipal education infrastructure]**

The Federation may grant the *Länder* financial assistance for investments of significance to the nation as a whole, and for special limited-term expenditures on the part of the *Länder* and municipalities (associations of municipalities) directly connected with such investments to

improve the efficiency of municipal education infrastructure. The first three sentences and the fifth and sixth sentences of paragraph (2), as well as paragraph (3) of Article 104b, shall apply, *mutatis mutandis*. To ensure that the funds are used for their intended purpose, the Federal Government may require the submission of reports and, where circumstances so warrant, documents.