

Press Release of 30 July 2021

TEACHERS: IT IS NOT UNCONSTITUTIONAL FOR
SERVICE RENDERED PRIOR TO THE GRANT OF
TENURED STATUS WITHIN ACCREDITED INDEPENDENT
SCHOOLS NOT TO BE RECOGNISED FOR THE PURPOSES
OF CAREER PROGRESSION IN SCHOOLS ADMINISTERED
BY THE STATE

The question concerning the constitutionality of Article 485 of Legislative Decree no. 297 of 1994, which does not enable periods of teaching service at accredited independent schools performed prior to the grant of tenured status at a school administered by the state to be taken into account for the purposes of career progression and mobility is unfounded.

This ruling was issued by the Constitutional Court by [judgment no. 180](#) filed today (author Vice President Giuliano Amato). In this judgment the Court observed that Law no. 62 of 2000 sought to guarantee to pupils in accredited independent schools the same quality standards as those applicable at schools administered by the state, both in terms of teaching content and quality as well as the status of qualifications. However, it did not entail the creation of full equivalence in terms of the employment relationships of teachers at those schools with the relationships of teachers at schools administered by the state, who work according to a public sector regime. Indeed, the fact that such schools do not operate competitive procedures in order to recruit staff means that they cannot take account of the

principles that, according to Article 97 of the Constitution, must act as a guide for the actions of the public administrations.

However, the margin of discretion available to accredited independent schools in selecting their own teaching staff guarantees their autonomy and their freedom to choose staff who have a cultural, didactic and educational background that is consistent with those schools' educational approaches.

Rome, 30 July 2021

Palazzo della Consulta, Piazza del Quirinale 41 - Rome - Tel. 06.4698224/06-
4698376/06.4698438