

By the Judgment of 5 July 2017 No. 18-II/2017 the Constitutional Court appraised constitutionality of Section 2 of Article 40 of the Federal Law “On Education in the Russian Federation”.

The contested provision was the subject-matter of consideration insofar as on its basis it is decided whether a particular municipal formation has the obligation to organize free conveyance of students to educational organisations realizing basic programmes of general education and back, including financial provision of expenses for the fulfilment of this task.

The Constitutional Court has recognised the contested provision as conforming to the Constitution of the Russian Federation to the extent to which it contemplates mandatory nature of organisation of free conveyance of students of such municipal educational organisations, if with regard to circumstances determining their transport availability in a particular municipal formation the possibility for students to realise the constitutional right to receive generally accessible and free basic general education is substantially hampered or cannot be secured.

At the same time, the disputable norm has been recognised as not conforming to the Constitution of the Russian Federation to the extent to which it places on a municipal district or borough – founder of the educational organisation, where study persons living in another municipal district or borough, the organisation of their free conveyance to the educational organisation and back at the expense of the means of its budget, without giving it resources from the budgets of higher levels of the budgetary system or without compensation of respective expenses from the budget of the municipal district or borough in which students live, if the need to enroll them to this educational organisation is determined by the fact that on the territory of the municipal district or borough where these persons live the possibility for them to realise the constitutional right to receive generally accessible and free basic general education from the point of

view of ensuring territorial availability of educational organisations is substantially hampered or cannot be secured. Yet this prescription is subject to application as from 1 July 2018.

The Constitutional Court has also drawn attention to the right of the petitioner to appeal with the demand to get compensation from a respective municipal formation of expenses for the exercise prior to 1 July 2018 of conveyance of students living in this municipal district to the educational organisation on its territory and back.