

Module 1[1]

Law on the status of teachers and, employment law relating to teachers

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It is a module in a series examining the role of education law in the modernisation of education systems in Europe. Information included in this module is gathered from the best contemporary publications and authors, while the cases are selected from the education systems of Albania, Kosovo and Croatia, while Belarus, Belgium, Lithuania, Poland and Russia will be added.

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Learning outcomes

Educational objectives and policies

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- To compare the teacher status and teacher profession in different countries
- To critically analyze the factors that influence teacher's perception of their status
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- To reflect on national policy initiatives

Preparation for the profession

- To understand the role of the teacher in educational advancement
- To explain the contribution of the teaching profession in modern society
- To reflect on the right to practice teaching

Further education for teachers

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- To understand the necessity for general, technical and vocational education in the teaching profession
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Employment and career

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- To understand the terms: academic freedom, inservice education, preservice education, teacher status, professional recognition, tenure, teachers rights
- To understand the responsibilities and the rights of teachers
- To analyze the rights and responsibilities of teachers, according to the law of their respective countries.

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Introduction

In this module, the focus will be on understanding the law on teacher status~~status teachers and~~ employment law relating to teachers. The teaching aims of this module are to:

To provide supportive materials for the status of teachers

- provide a critical overview to the existing international and national conventions, applicable for teachers
- have an understanding of status of teachers and factors that influence perceptions of status of teachers
- explain the role of teachers in modern society
- develop a critical approach to the teaching profession and laws related to it.[4]

To achieve these aims, this module was divided into several chapters, by logically and comprehensively presenting all the parameters that the teacher status contains, from the laws and conventions on the profession of teacher, the definition of teacher status, and finally to the policies for recruitment, professional development, and teacher rights and responsibilities.

The first chapter deals with international and national conventions for teachers, in order to become familiar with ~~familiarize~~ the policies of different countries regarding the profession of teacher.

The second chapter addresses the determining of the status of teachers, by discussing the factors influencing this status, the difference from other professions, and the way teachers and society perceive the status of teachers in society, the factors that influence this status, and finally the national policy initiatives for improving the current teacher status.

Chapters 3-5 address the issues of preparation for the profession of the teacher, further teacher education as necessary for this profession, and the employment and careers, in order to understand how to proceed in different countries in regards to the profession of teacher.

The last chapter contains information on legality in relation to teachers' rights and responsibilities, pay, bonuses, working conditions as factors that directly affect the status of a teacher

The way the material is organized aims to come in handy in obtaining the necessary information regarding the status of teachers, but also to make comparisons and analyzes on the issues dealt with.

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Chapter 1 Educational objectives and policies

1.1 The existing international conventions which are applicable to teachers

1.1

The **ILO/UNESCO Recommendation concerning the Status of Teachers** (1966)¹ and the **UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel** (1997)² are two standard-setting instruments regarding the status of the teacher for~~for~~ the teaching profession. These are not binding documents but they cover all school-level teachers from pre-primary level till higher education teaching, in all institutions public or private ones. The former covers all teachers whether providing academic, technical, vocational, or art education. The latter covers all higher education teaching and research personnel.

The 1966 Recommendation addresses issues regarding:

- **Professionalization:** Teaching should be regarded as a profession.
- **Co-operation in policy issues:** There should be cooperation between competent authorities, organizations of teachers, employers and worker organizations etc. to define educational policies and its objectives.
- **Teacher training:** Teachers should be qualified to teach in their discipline and have pedagogical competences and their knowledge should be regularly updated.
- **Professional freedom:** Teachers should have professional freedom in choosing the methods and learning materials they use.
- **Responsibilities:** Teachers' organizations play a major role in defining codes of ethics.
- **Rights:** Salaries and working conditions should be subject to negotiations.
- **Salaries:** Payments should reflect the importance of the profession for society.

While the 1997 Recommendation addresses issues regarding:

- professionalism

¹ The full text of the ILO/UNESCO Recommendation concerning the Status of Teachers (1966): http://portal.unesco.org/education/en/ev.php-URL_ID=45702

² The full text of the UNESCO Recommendation concerning the Status of Higher Education Teaching Personnel (1997): http://portal.unesco.org/education/en/ev.php-URL_ID=44370

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- institutional autonomy and accountability
- individual rights and freedoms
- terms and conditions of employment
- security of employment
- appraisal
- negotiation of terms and conditions of employment
- terms and conditions of employment of women, disabled and part-time higher-education teaching personnel.

Other standard-setting instruments which are of relevance to teachers are UNESCO Conventions such as Convention against discrimination in education (1960), Convention on Teaching and Vocational Education (1989), the Recommendation against Discrimination in Education, and the Recommendation on the Recognition of Studies and Qualifications in Higher Education.

UNESCO Convention against discrimination in education (it is adopted on 14 December 1960)³ by considering that discrimination in education is a violation of human rights, requires from state parties to develop the education, including the development of teaching profession through training, without discrimination.

Article 4

The States Parties to this Convention undertake furthermore to formulate, develop and apply a national policy which, by methods appropriate to the circumstances and to national usage, will tend to promote equality of opportunity and of treatment in the matter of education and in particular:

d. To provide training for the teaching profession without discrimination.

UNESCO Convention on Technical and Vocational Education (1989)⁴ applies to all forms and levels of technical and vocational education provided in educational institutions. This convention regarding the teaching profession is focused on the teacher preparation programmes, as well as training and other opportunities to update knowledge of teachers engaged in technical and vocational education.

Article 5

1. The Contracting States agree that all persons teaching in the field of technical and vocational education, whether working full time or part time, should have adequate knowledge, theoretical and practical, of their professional field of competence as well as appropriate teaching skills consistent with the type and level of the courses they are required to teach.

2. Persons teaching in technical and vocational education should be given the opportunity to update their technical formation, knowledge and skills through special courses, practical training periods in enterprises and any other organized form of activity involving contact with the world of work; in addition, they should be provided with information on and training in educational innovations that may have applications in their particular discipline and be given the opportunity to participate in

³ The full text of the UNESCO Convention against discrimination in education (1960): http://portal.unesco.org/en/ev.php-URL_ID=12949&URL_DO=DO_TOPIC&URL_SECTION=201.html#ENTRY

⁴ The full text of the UNESCO Convention on Technical and Vocational Education (1989): http://portal.unesco.org/en/ev.php-URL_ID=13059&URL_DO=DO_TOPIC&URL_SECTION=201.html

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relevant research and development.

3. *Equal employment opportunities should be offered, without discrimination, to teachers and other specialized staff in technical and vocational education, and their employment conditions should be such that it is possible to attract, recruit and retain staff qualified in their areas of competence.*

Article 6

To facilitate international co-operation, the Contracting States agree:

(a) to encourage the collection and dissemination of information concerning innovations, ideas and experience in technical and vocational education and to participate actively in international exchanges dealing with study and teacher-training programmes, methods equipment standards and textbooks in the field of technical and vocational education;

(d) to encourage international exchanges of teachers, administrators and other specialists in technical and vocational education;

Dakar Framework for action⁵ is another UNESCO's document which is oriented toward [the](#) development of education. It is a collective commitment to action from states participants in the World Education Forum which committed themselves to the achievement of education for all for every citizen and every society. Among other goals, the participants pledge themselves: *“to enhance the status, morale and professionalism of teachers”*.

Another non-binding document is the **UNESCO Strategy on teachers (2012-2015)**⁶ which introduces a set of operational priorities that are translated into specific action lines regarding teachers, and the corresponding national policies that shape the teaching profession. The priority areas for action are:

1. Teacher shortage: Bridge the teacher gap in priority countries, particularly in Sub-Saharan Africa;
2. Teacher Quality: Improve teaching quality
3. Research knowledge production and Communication

1.2. The existing national conventions which are applicable for teachers^[5]

From the abovementioned international instruments that deal with teaching profession, Albania has ratified the UNESCO Convention against discrimination in education in 21.11.1963.

Albania also has ratified other conventions regarding the right to education such as: International Convention on Economic, Social and Cultural Rights, International Convention on Civil and Political Rights; International Convention on elimination of all forms of racial discrimination; The Convention on Elimination of All forms of Discrimination against Women; Convention on the Rights of the Child; European Convention on Human Rights and First Protocol for the Protection of Human Rights and Fundamental Freedoms. These international instruments mostly are ratified by Albanian Government after 1991⁷.

Teacher status in Albania is regulated by the following legal framework that regulate simultaneously

⁵ Dakar Framework for action. Last accessed 28 August 2017, from <http://unesdoc.unesco.org/images/0012/001211/121147e.pdf>

⁶ UNESCO (2012). *UNESCO Strategy on Teachers (2012-2015)*. Last accessed 28 August 2017, from <http://unesdoc.unesco.org/images/0021/002177/217775E.pdf>

⁷ In 1991, Albania has changed the political system from one party state to a pluralistic system.

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the teaching profession in the country:

- a) The Law No. 69 of 21.6.2012 “On Pre-university Education System in the Republic of Albania”⁸ as amended is the key legal document that covers the educational system from pre-school till the end of secondary education as well as the key legal act on teacher education in Albania. ~~The object of this law is to define the basic principles concerning the structure, activity and governance of the pre-university education system in the Republic of Albania and to guarantee the constitutional right to education, according to the legal framework relevant for the functioning of the pre-university education system.~~ The law regulates the criteria for initial and continuing professional development of teachers, i.e. the academic degrees teachers should obtain to teach at different levels of the education system. Article 57 stipulates the level of university studies necessary for entry into the teaching profession for different categories of teachers from pre-school level till secondary and professional and vocational education level. Concerning continuing professional development, Article 58 stipulates compulsory teacher training, which is a minimum of 3 days per year.
- b) The Law No.10 171 of 22.10.2009 “On Regulated Professions in the Republic of Albania” with amendments regulates the teaching profession as a regulated profession in Republic of Albania. The aim of this law is the setting of criteria for practice of some important professions which are related to the protection of public interest, public safety and health, while respecting the principle of professional independent scrutiny and autonomy and the protection and guarantee of fulfillment of standards for some important professions, so the qualified persons meeting these criteria by this law, or other laws, are those who practice these professions. The law contains the criteria and conditions for practicing a regulated profession; the education and qualification required for a regulated profession; the procedures for getting the right to exercise the profession; responsibilities of professional and responsible authorities.
- c) The Law No. 80/2015 “On Higher Education and Scientific Research in Institutions of Higher Education in Republic of Albania”⁹ ~~provides for the mission and main goals of higher education, the academic freedom and autonomy of higher education institutions, the role of state in higher education, the organization, administration, management, the financing and the quality assurance in Higher Education Institutions.~~ The law provides for the status and the categories of academic personnel as well as academic assistant and administrative personnel and regulates issues related to organization of studies in higher education institutions, the forms and varieties of study programs, focusing on study programs in the field of teaching. Article 83 stipulates the organization of study programs in the field of teaching for pre-school teachers, primary education teachers as well as for low and high secondary education teachers, determines the elements of the curricula of the second cycle program in teaching such as percentage of credits in psycho-pedagogical studies and percentage of the similar curricula in all the second cycle programs in teaching.

⁸ Law No. 69 of 21.6.2012 “On Pre-university Education System in the Republic of Albania”; Retrieved from <http://www.arsimi.gov.al/al/newsroom/ligje/ligj-nr-69-2012-per-sistemin-arsimor-parauniversitar-ne-republiken-e-shqiperise&page=1>

⁹ Law No. 80/2015 “On Higher Education and Scientific Research in Institutions of Higher Education in Republic of Albania”; Retrieved from <http://www.arsimi.gov.al/al/newsroom/ligje/ligj-nr-80-2015-per-arsimin-e-larte-dhe-kerkimin-shkencor-ne-institucionet-e-arsimit-te-larte-ne-republiken-e-shqiperise&page=1>

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- d) The Law No. 7961 of 12.07.1995 “Labor Code of Republic of Albania”, as amended by Law No. 8085 of 13.03.1996, amended by Law No. 9125 of 29.07.2003, amended by Law No. 10 053, of 29.12.2008 and by Law No. 136/2015, of 5.12.2015. This is the main document that regulates employments issues in Albania. This law is applicable for teaching profession as well.
- e) Collective Agreement dated 16.12. 2015. Along with Labor Code they are applicable for job’s conditions of teachers and respective rights and obligations.
- f) Normative Provisions for Pre-University Education approved by the Ministry of Education and Science on 2013.¹⁰ This is the main document that contains detailed rules on education system concerning different levels of pre-university education, curricula and textbooks, pupils’ assessment, the organization of lesson hours, school vacations, pedagogical staff, parents, children. A set of directives provides for the rights and duties of teachers, the working hours of teachers in public educational institutions; the role of the teacher in subject’s annual plan.
- g) Regulation no. 336, dated 14.07.2011 approved by the Ministry of Education and Science "On the organization and development of professional practices for the regulated profession of teachers". This regulation aims to ensure the quality of teaching and high performance in teaching profession; acquisition of theoretical and professional knowledge, skills and habits, practical and ethical norms of the conduct of the teacher; the development of future teachers' capacities for a better fit to changes in curriculum, teaching and communication with children and youth. The regulation establishes the procedures for performing of teaching professional practice, the role of institutions involved in the process, the role and competences of the mentor, the organization and development of professional practice and define the roles of higher education institutions (HEIs) that have teacher education programmes.
- h) Regulation no. 82, dated 22.02.2011 approved by the Ministry of Education and Science "On the organization of the state exams for regulated professions in the Republic of Albania”, as amended. This regulation aims to determine the necessary procedures for the development of state exams for regulated professions, in order to control the candidate’s professional knowledge, before taking the license of a regulate profession.

i) ~~Other specific legal documents regulating the employment in the education sector (e.g. procedures of the recruitment, selection and appointment) include:~~

~~The Code of Ethics of the Teacher; Regulation for schools with the status of "National Level Schools"; Instruction no. 2, dated 05.02.2014, "On the criteria and procedures for the qualification of teachers"; Instruction no. 5, dated 25.02.2013 "On General Teacher Standards"; Instruction no. 21, dated 23.07.2010, "On the rates of educational work and the number of students per class in pre-university education institutions", amended with Instruction 44, dated 16.10.2014; Instruction no. 26, dated 02.08.2013, "On determining the duties and functions of the council of teachers"; Instruction no. 27, dated 02.08.2013 "On the Board of the Educational Institution"; Instruction no. 38, dated 06.10.2015, "On procedures for parallel movement, appointment and dismissal of teachers in public education institutions of the pre-university education system"; Instruction no. 38, dated 07.10.2014, "On the criteria of auxiliary teacher for pupils with disabilities in public institutions of pre-university education"; Order no. 477, dated 06.12.2014 “On the approval of the "School Performance Charter” and the "School Performance Charter Guide"; Instruction No. 26, dated 15.08.2014, “On the professional development of educational staff”; Instruction 2, dated 12.02.2015, “On~~

¹⁰ Retrieved from <http://www.arsimi.gov.al/files/userfiles/parauniversitar/dispozitat-normative.pdf>

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criteria and procedures for the qualifications of teachers” as amended with Instruction No. 4, dated 19.02.2015; Instruction No. 55, dated 19.11.2014 “On the organization of the candidates testing for exercising of the teacher profession in pre-university education”; Instruction No. 10, dated 3.4.2015 “On the content and form of the license of the successful candidate at the state exam for exercising of the regulated profession of teacher”.

Other relevant documents of legislative framework are:

The Law No. 10247 of 2010 on the Albanian Qualifications Framework. Bylaw acts on pre-university education, issued by the Council of Ministers and the Ministry of Education and Sciences.

Decisions of the Council of Ministers in establishing the following bodies: Educational Service Center (2017) (former National Agency for Examinations), National Agency for Education Vocational Education and Qualifications (2011); the Institute of Education Development (2010); the National Inspectorate of Pre-university Education (2010). [6]

Decision of the Council of Ministers No 78 of 08.02.2006 on the Establishment of the State Matura and admission to schools, with amendments.

1.3 The diversity of the laws, regulations and customs in different countries [7]

The aim of this section is to outline the laws, regulations and customs in different countries focusing on teaching profession. In order to give an overview of the legal framework, two countries are analysed, namely, there are taken two countries, Croatia and Kosovo. The main source for finding information has been the Report of European Commission of 2013 “Teacher Education and Training in the Western Balkans”.

Croatia

The main legal acts and regulations addressing primary and secondary teacher education include:

- The Law on Education in Primary and Secondary Schools regulates primary and secondary education in public institutions and specifically the status of workers of educational institutions (e.g. teachers), conditions for employment, the basis of continuing professional development (CPD), promotion and licensing, management of the institutions, evaluation and self-evaluation, financing of the institutions, inspection and other relevant functions.

- The Law on Scientific Activity and Higher Education regulates, inter alia, the organisation of the initial education of teachers and basic articles on quality assurance processes in relation to the initial education of teachers.

- The State Pedagogical Standards for Elementary School Education define the minimum infrastructural, financial and personnel conditions for the implementation and development of primary education, including general rules for teachers’ professional development.

- The State Pedagogical Standard for Secondary School Education outlines the universal conditions for quality secondary education and provides the basis for

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financing secondary education:

■ The Strategy for the Construction and Development of the National Curriculum for Pre-school Education, General Compulsory and Secondary School Education contains propositions of guidelines and ways to improve education in the Croatian social context, as well as the propositions on how to ensure a quality education system. [8]

■ The Rulebook on advancement of teachers in primary and secondary education outlines the procedures and conditions for the promotion of teachers as mentors and advisors.

■ The Law on Quality Assurance in Science and Higher Education outlines the procedures of quality assurance and quality enhancement, accreditation, thematic evaluation and audit of institutions of higher education and science, and the status and competences of the Agency for Science and Higher Education and other bodies responsible for quality assurance.

■ The Law on Croatian Qualifications Framework, adopted in February 2013, establishes the qualifications framework which is compatible with the European Qualifications Framework (EQF) and the Qualifications Framework of the European Higher Education Area (QF-EHEA). The Law also establishes the National Council on the Development of Human Potential as the main actor responsible for the Croatian Qualifications Framework (CROQF).

■ The Law on Education Inspection regulates the organization of school inspections and the competences of inspectors.

■ The Law on education in the language and script of national minorities, adopted in 2000, based on the constitutional rights in the Republic of Croatia, regulates all levels of education in national minorities' languages. Education can also be bilingual or exclusively in the languages of the national minorities.

Kosovo

The following legal acts set the basis for the functioning of primary and secondary education in Kosovo:

■ The Law on Pre-university Education in Kosovo, adopted in 2011;

■ The Law No 03/L-68 on Education in the Municipalities of Kosovo adopted in 2008;

■ The Law on Publishing School Textbooks, Educational Teaching Resources;

Reading Materials and Pedagogical Documentation, adopted in 2007;

■ The Law on National Qualifications, adopted in 2008;

■ The Law on Inspection of Education in Kosovo, adopted in 2007;

■ The Law on Higher Education in Kosovo, adopted in 2011.

The main recent developments are the approvals of two basic laws: on pre-university education and on higher education. The first law regulates education at ISCED levels 0 to 4, sets the goals of pre-university education and its general principles, and regulates the organization of education, teaching and directing staff. The second law establishes a legal base for regulating, functioning, financing and quality provision in the area of higher education in line with European standards.

Each law is comprehensive and harmonized with European directives and recommendations, but their implementation is difficult, mostly because of deficient financial resources. Municipalities, and sometimes even schools, are lacking finances and do not have adequate human capacity to put into

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practice everything that is envisaged by law. Although legislation is carefully prepared, not every law is fully implemented.[9][10]

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Chapter 2 Defining teacher status

In accord with UNESCO's 1966 resolution, the term 'status' used in this chapter in relation to teachers, –indicates both the position and regard accredited to them, as demonstrated by the amount of appreciation to the importance of their function and their capability in carrying it out, their working conditions, remuneration and other material benefits according them relative to other professions.

A number of international standards concerning a wide range of issues concerning teachers and affecting their status were set by the ILO and UNESCO's 1966 and 1997 recommendations. Included in these issues are: (a) initial and continuing training, (b) recruitments, (c) advancement and promotion, (d) security of tenure, (e) disciplinary procedures, (f) part-time service, (g) professional freedom, (h) supervision and assessment, (i) responsibilities and rights, (j) participation in educational decision-making, (k) negotiation, (l) conditions for effective teaching and learning, and (m) social security.¹¹

2.1 Factors affecting the status of teachers

Education has a crucial role in the development and growth of the country in society nowadays. In these circumstances, teaching is within the most organized jobs of a state and the teacher is seen more and more as a career professor. As such, the discussion of the factors concerning the status of a teacher, must take in consideration three main factors: power, money and fame, as elements that define the socio-economical and professional status of teachers.

These main factors also relate to other secondary factors which affect the professional life of the teacher such as education and training. These two elements do not provide status except if they result in high levels of the three main factors.

The most significant factors which affect the educator's self-esteem and occupational status were proven to be payment, benefits and working conditions. Surveys suggest that the salaries' increase or decline and the working conditions throughout the years proportionally impact the teacher status¹².

In different countries, teachers hold differing statuses depending on the nature of their employment which might be: contractual status, civil servant and career civil servants accruing to the EACEA report of 2015¹³. Out of these education systems, 20 of them have teachers contracted as employees with contractual status, 7 of them contract teachers as career civil servants. In Finland, Slovenia, Slovakia and Liechtenstein teachers hold the civil servant status. Meanwhile, countries such as the Netherlands, Luxembourg, Poland, Portugal and the Former Yugoslav Republic of Macedonia provide both career civil servants and contractual statuses. The only countries where the civil servant status and career civil status coexist are Belgium and Austria. In each case the status depends on the type of the employing institution, or their rank in the promotional or school hierarchy.

Proper public regard for the teacher profession and the proper status of teachers are of main importance in the fulfillment of these aims and objectives of education, as shown previously, the general status of the profession of teaching is regulated by law in most countries

¹¹ Symeonidis, V. 2015, *The Status of Teachers and the Teaching Profession A study of education unions' perspectives*, Education International Research Institute, pp. 8.-9.

¹² Symeonidis, V, 2015.

¹³ European Commission/EACEA/Eurydice, 2015. *The Teaching Profession in Europe: Practices, Perceptions, and Policies*. Eurydice Report. Luxembourg: Publications Office of the European Union.

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As stated in the 2015 report “The Status of Teachers and the Teaching Profession” (by Symeonidis), many factors have an impact on the teacher status, all of them in various contexts, starting from the global, national, school and lastly to the individual teacher. Teacher’s payments and working conditions in many countries have deteriorated due to the global economic recession, especially in Europe, and therefore, the job satisfaction which influences the teacher’s self-esteem has declined as the direct result of the job instability and decrease of salary.

Furthermore, with the increase of private teaching, this often derives from the teacher’s need to provide more income by undertaking private lessons, which in turn weakens the status of public education and therefore, the status of teachers.

Another factor influencing the status of teachers are social trends, observable in the countries where the teacher’s status remains high because of the appreciation parents and communities have for the profession of the teacher and the contribution they give to the children’s growth process and future.

One social trend concerning the teacher status is the global phenomenon of teacher migration, which has reached the top of the policy agenda in various parts of the world. Lastly, and importantly, the feminization of the teaching profession has shown a correlation to the decrease of the status of the job.

[11]

2.2 Ways to measure the status of teachers and the teaching profession

The status of teachers and their profession can be measured by ways of determining some factual variables such as salary and levels of education. However, it is experienced as more of a social phenomenon that may be perceived only by its manifestations in various contexts and interfaces. Distinguishing the social status that applies to teachers_ the individuals and the occupational status that applies to teaching_ their occupation is important when referring to the status of teachers and their profession, as the teacher status is a complex, comprehensive concept, which is developed in many contexts and affected by various factors.

Consequently, to determine the ways which measure the status of the teacher, variations such as: the legitimacy of a state in relation to the teaching profession, history, economic and political stability, demand, supply and source of teachers, control and regulation of profession, the curriculum, the assessment, the salary and the conditions, the monitoring, media – national press education system, longevity, stability, complexity (phases, public/private), education, recruitment (entry qualifications), retention, initial training and continuing professional development must be taken into account.

Therefore, variables like: regional/ local arrangements, cooperation or competition, links with local schools, relationship with community own school, internal relations with colleagues, assistants, and leadership style – democratic, hierarchical, autocratic, sense of trust and responsibility, relations with parents, resources and facilities_for individual teacher, own qualifications, motivation and self-efficacy: teacher identity, relationship with pupils, parents, colleagues, sense of autonomy, ownership, belonging, feeling trusted and valued , and personal responsibilities, facilitate the measurement of the teacher status in different countries, giving an apprehensive depiction of the socio-economical and professional position the teacher has in any given society.

The studies that have been carried out in teacher groups for the aforementioned variables and the perception of the status of the teacher changes through different countries depending on the method of

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the understanding of regional and national problematic, have been indicate by giving a general look to the study of the status of the teacher and its measurement methods, additionally here are included the interface between national and regional issues, as well as the knowledge in local and school matters, their boundaries and the individual teacher's objections¹⁴.

2.3 What criteria differentiate professionals from other types of workers?

The concept of profession is largely unclear, and this makes it difficult to define the field of professional work, practice and professional learning¹⁵ (Sciulli, 2005 and Evett's, 2006 response). During the 1950's and 1960's the focus of analysis was shifted on the concept of the profession as a distinct kind of occupation, or as an institution of particular characteristics. The problems of defining the particular characteristics and making clear the differences between professions and other occupations (especially other expert ones) concerned analysts and researchers through this time period (e.g. Greenwood 1957 ; Etzioni 1969 ; Wilensky 1964).

The notion of profession denotes a separate and generic category of the professional work. Definitions of the notion have been frequently proposed, however, sociologists have not succeeded to clarify the differences between professions and other jobs, and pinpointing what distinguishes professions. The definition of professions as institutional stays unresolved, through particular nonspecific occupational groups continue to propose case studies where to inspect and test sociological theories as well as explanations.

The concept of professionalization is considered as the process to achieve the status of profession. It is interpreted as the process of pursuing, developing and maintaining closure of the occupational group, with the purpose of maintaining practitioners own occupational self interests regarding their payment, status and power, as well as the cartel protection of the occupational jurisdiction.

It seems that the word professional is overused nowadays, not in its proper meaning. However the question persists: What does it mean to be a professional?

Being a professional means being an expert. Currently, professionals are expected to surpass the standard of 40 work hours in a week, sometimes even working on the weekends, which ultimately lead to professionals meeting and exceeding their expectations whenever possible.

To be a professional, means having high ethical and moral standards, as well as being honest and fair when dealing with other people in all cases. Other ethical expectations include obeying the law, respecting and acknowledging co-workers, as well as being humble while generously praising others.

[12]

2.4.2.3 The status of teachers and the teaching profession in Albania: views from inside and outside the profession

For the last 22 years, the reformation of the teacher's profession through the drafting of an inclusive legal framework, and the implementation of a new policy has been undertaken by the educational reform. Legal documentation on the status of teachers has undergone positive achievements; however, less work has been done for the development strategy of the profession.

¹⁴ Hargreaves, L. and Flutter, J. ,2013, *The Status of Teachers and the Teaching Profession: A desk-study for Education International*. Unpublished manuscript, Department of Education, University of Cambridge, UK.

¹⁵ Julia Evetts, *The Concept of Professionalism: Professional Work, Professional Practice and Learning*,

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The Albanian Parliament and Government have adopted various laws and sub-legal acts in the last decade (2004-2014), which have impacted the developments of education as a whole, as well as in the profession of teachers. This policy has supported changes in the educational system and has improved opportunities for the status of teachers and for the students. As of now, a full set of legal documents regulate the profession of teaching, and it should be noted that the legal basis covers almost all the aspects of said profession, such as status, qualifications, employments, payments, professional development, trainings, rights, duties and promotions. However, what is mostly needed in Albania is a clearly articulated visionary policy and an effective institutional basis which aims to improve the status, authority and quality of teachers¹⁶.

Data provided by the ETUCE 2013¹⁷ survey results show that the teacher's position is considered as not sufficiently desired across Europe, including Albania, and the status of the teachers in these countries is seen as a problem. More than a third of the surveyed countries (Albania, Belgium, Croatia, Czech Republic, France, Georgia, Germany, Hungary, Iceland, Israel, Italy, Lithuania, Netherlands, Portugal, Serbia, Slovakia and the UK), at least one of the responsible organizations reported that the status of the profession is a significant issue. In terms of the type of contracts and particularly the large occurrence of fixed-term contracts, it was reported that the issue in hand has a negative impact on the general desirability of the teaching professions in these countries (p.15).

In a minority of the surveyed countries the results show that the authorities in charge of the educational system have tried to improve working conditions of teachers with the aim of improving the desirability of the profession of the teacher (Duchemin and Pavlovaite, 2013).

There are no studies on the status of the teachers in Albania; nonetheless, there are studies that provide data on job satisfaction and stress in the job. One of these studies by Bezati¹⁸ (2012), shows that teachers in the 25-34 age group and teachers who have been working for 6 to 10 years are less satisfied with the school's management than teachers of other age groups and different working time spans. Teachers with a high school education are more satisfied with the school's management than teachers with higher education. City teachers are more satisfied than teachers working in the villages in terms of the school management. Data from the study also show that with regards to communication with their colleagues, teachers in the city are more satisfied than teachers from the countryside. Teacher who are new to the profession are more satisfied with their salary than experienced teacher, while village teachers are more satisfied with their salary than city teachers. Elementary school teachers are more content with the job conditions than high school teacher, while teachers working in schools in the city are more satisfied with the job conditions than teachers working in schools in the village.

Teachers working in classrooms with a small number of pupils tend to have lower tendencies of leaving the job than those who work in classrooms with more pupils. Teachers working in the village tend to be less inclined to get away from work than teachers working in the suburbs of the city and teachers working in the city. Teachers with less work experience have a higher tendency to leave their jobs than teachers who belong to older age groups at work and have more years of experience.

¹⁶<http://www.acce.al/sites/default/files/download/research/Albania%20report%20on%20the%20situation%20of%20pre-university%20education%202013.pdf>.

¹⁷ <http://www.sviz.si/novice/media/1124/media/Final%20report%20ETUCE%20301013.pdf>

¹⁸ <http://www.doktoratura.unitir.edu.al/2013/04/doktoratura-fatmir-bezati-fakulteti-i-shkencave-sociale-departamenti-psikologji-pedagogjise/>

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In a study conducted by Cekani (2016), data shows low levels of tiredness from work, emotional fatigue and depersonalization at work, but high levels of stress, which, compared to the average European teacher, are double the amount. The high stress of the Albanian teacher is related to low pay, increased number of students per teacher, inappropriate student behavior, lack of parent support, and lack of funds to improve school conditions.

According to this study, about 50% of teachers were satisfied with their salary and about 50% were dissatisfied, but the satisfaction was higher in rural areas (65%) than in urban areas (35%) (World Bank 2010, Annex, pp. 13-15, quoted by Cekani).

The results of this study have shown that the teacher's profession is not properly valued by society and the government policies, since payments, job security, and teacher and teaching support are at an unsatisfactory level. Teachers say they are satisfied with the profession, because the work with children, teaching various sciences, contributing to society, and future generations are within the intrinsic motives for being a teacher.

Albanian teachers are quite dissatisfied with their working conditions, especially the lack of different labs in the school and the equipment needed to photocopy the materials that are needed in the teaching process. Moreover, they consider the external environment inappropriate, while they are somewhat satisfied with the internal environment.

Teachers have a slight difficulty in implementing the curriculum, both in drafting and implementing the annual plan with flexibility, as well as in designing and implementing the objectives for developing skills and learning topics, or to clearly orientate the pupils in the organization of the dossier project.

Although teachers experience high levels of stress and dissatisfaction with working conditions, they are quite satisfied with their profession. Apparently, work satisfaction is related to their attitude towards the profession, and not to the working conditions, which in many studies are important factors which provide job satisfaction¹⁹.

2.5.2.4 Teachers' perceptions of the status of their profession [13]

The results from the "Analysis of an online survey of social partners in education" survey, by ETUCE by ICF GHK (2013) indicate that teachers compare their profession positively to other high-skilled professions that require academic studies (lawyers/doctors). This comparison was made more in terms of salary and career development and less regarding the working conditions.

Almost every respondent who has expressed an opinion regarding career development prospects in comparison to other professions deemed that the teacher's prospects (at every level) were less beneficial. The number of respondents who considered the teacher's payment less gainful is very high throughout all levels (e.g. 95.7% of the 47 respondents who have expressed an opinion at the secondary level). Also reported by a large number of respondents was that teachers' working conditions are less favorable than for other professionals (from 68.4% of the 38 respondents who have expressed an opinion at the secondary level to 74.3% of the 35 respondents who have done so at the primary level). However, working conditions of teachers were considered to be more favorable than other professions in countries such as Malta and Spain, as well as in Belgium, Ireland, Lithuania and

¹⁹ <http://www.doktoratura.unitir.edu.al/2017/01/problematika-te-profesionit-te-mesuesit-ne-shqiperi/>

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Cyprus at the secondary level.

In accordance to the information given by respondents, at all the considered levels of education, the main challenges for teachers are those related to overall levels of workload, such as bureaucracy or the congestion of new policy initiatives, in addition to lack of time and pressure to reach the goals. These facts confirm the existing literature findings (ETUCE, 2013).

As can be seen from the results of the study it can be said that a high status profession:

- has the respect of clients
- is valued from the government
- is trusted by the wider community to perform a service for them
- enjoys high-quality working conditions
- has members who have autonomy in exercising their professional judgement in the best interests of their clientele
- enjoys positive media portrayal
- has members who are the recognized authority in their area of expertise
- enjoys high financial income.

Control and regulation, part of the second dimension, represent the consistent but uncertain opinion of teachers and other individuals towards the characteristics of a high-status profession.

The question raised is: To what extent is the profession of the teacher a high status occupation? The same group of characteristics has been taken into account in relation to the teaching profession. Compared to a high status occupation, all groups agreed in taking into consideration the external control and regulation to be especially characteristic of the teaching profession. Teachers expressed this more compellingly than other groups, while trainee teachers' views were more skeptical, with only an average estimate just negative of 'uncertain'. The disparity between the perceptions of teachers and other professionals of high status and their perceptions of the teaching profession have large effect sizes that show vast differences, regardless of the size of the sample.

On the other hand, their views on status through respect and trust in the teaching profession remained positive and unaffected. They still considered the teaching profession to be highly characterized by control, but their views on remuneration had become less negative and shifted to "not sure".

These studies also show that teachers themselves have a more pessimistic view on the status of the profession of teaching compared to parents, governors and teaching assistants, while training teachers have provided a more analytical or perhaps idealistic viewpoint, dividing respect and trust as "psychic" aspects of the status, from a materialist point of view. These general views were constant throughout the profession, although the different groups had different thoughts on the topic. The latter were minor effects but could nevertheless show an increase for teachers in perceived esteem, which, as Hoyle indicates, is an aspect of the status that can be influenced by the teachers. (Hargreaves et al, 2007)

The results indicated that different perceptions of teachers on their profession affect on the combination of general mentality towards the work and its secondary components. Thus, the perception of teachers on their professional responsibilities influences the interaction between their general mentality, and the positive and negative attitudes towards work.

Nevertheless, the findings of this research may have implications for understanding the perceptions

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and attitudes of teachers to various aspects, roles, tasks and components of their profession, and to support teachers in developing positive perceptions and attitudes towards their profession. This statement can be a starting point for the development and implementation of strategic actions focusing on how teachers can engage more and maintain their job; it can also focus on teacher's participation in their ongoing professional development in becoming more efficient and competent.

2.62.5 The comparative status of teachers and other occupations

The status of the profession depends on the 'public assessment' of the position and the contribution of a particular profession in society. In spite of the challenges faced by the teaching profession regarding low social status in society, especially in comparison to other professions such as engineering, historically, teaching was one of the most evaluated professions by the public due to its input in society. Although in the past teachers have had high respect in society, they are no longer respected in the same way by the public. Due to the important role played by teachers in society, it would be expected for teaching to be a highly respected profession by the general public.

In discussing on how to improve the educational standards, the role of teachers is highly important. Indeed, in recent years it has become an actuality that attracting good quality and qualified people in teaching is acknowledged as a requirement for raising educational standards. In Finland and Singapore, the most qualified graduates are recruited as teachers, all of them holding a second degree.

A recognizable way some these countries have drawn the best and the brightest graduates in teaching through a satisfactory payment. As already noted in previous researches, there is a clear, measurable link between the payment level of teachers in one country and their educational path records. However, the impact of the status of teachers - the social and cultural factors which determine how much we respect the teachers - are more difficult to calculate.

An important question is why do teachers in the United Kingdom have a relatively high status in comparison to other European countries? It is difficult to conclude all the factors affecting this, however, UK teachers make more money than many European countries, including Italy, Portugal, Spain and France. Also, the UK education has focused greatly on goals in these recent years and as such, there is a general understanding in Britain that teaching has become a very challenging task.

In the United Kingdom, the status of headmasters was higher than in other countries. Maybe this occurrence happens because over the last few years in the UK, a phenomenon of the 'super head' happened and headmasters were seen as agents of change in the educational system. This differs from the culture of other countries where headmasters are considered more as administrators than as pedagogical leaders.[14]

2.72.6 Understanding the factors that influence teachers' perceptions of their status

The results demonstrated that the different perceptions of teachers for their profession affect the combination of general mentality to work as well as its secondary components. Thus, the perception of teachers on their professional responsibility influences the interaction between their general mentality, positive and negative attitudes towards their job. Likewise, the same relationship is seen between the teacher's perception of their qualitative work and the perception of the motivational potential of the teaching profession and the interaction between their general mentality, positive and negative attitudes towards their profession. Several comparisons uncovered major differences only in the perception of the quality and the efficiency of professional work. As such, teachers with a high perception of the quality of their professional work, have a more positive attitude also towards their work, which can be interpreted seen as an "achievement and self-determination" aspect, when compared to teachers who

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hold a low perception regarding the quality of their professional work.

The exigency for professional development is also highlighted from other researchers²⁰ (Collinson & Ono, 2001; Guskey, 2002; Helsby, 1996). Still, the introduction of modern technologies in education remained a fairly unknown issue for the largest part of our sample; In general, new technologies were underrated in the professional development of teachers, even though the urgent need for lifelong training was thoroughly recorded. In short, the study's sample teachers considered professional development as a multifaceted and complex process and focused on the importance of getting more knowledge and skills throughout their career, which will inevitably improve their profession's status. To meet the continuing demand for enduring professional development, the need for their involvement in particular education and training programs was underlined.

These kinds of ideas are in line with other relevant research findings and emphasize teachers' frequent concerns about their professionalism and professional development in a wider context. The perceptions of teachers' reflected the three concepts of professional development as well, which Bredeson²¹ (2002) argued about, namely, learning, engagement, and improvised practice. These three elements apparently determine a strong sense of teacher's professional development. The findings revealed that teachers have an integrated view of professionalism and professional development and that these concepts are tightly related to the teaching profession. In order to recognize that the status of their profession depends to a significant extent on the teachers themselves, all teachers should try achieving the highest standards possible in all of their professional work.[15]

2.8. National policy initiatives

In the last decade, the education sector has undergone a reform process reflected in new legal regulations and a number of strategies as discussed below.

The strategy "On the Development of Pre-University Education, for the period 2014-2020" approved by the Decision of Council of Ministers No. 11, of 11.01.2016 has provided for some national policy initiatives concerning the definition of teacher status. The strategy has envisioned as a necessity concerning the teaching profession:

- Functioning of Mechanisms and Procedures for Financing the Professional Development of Teachers.
- Functioning of the mentoring system of new teachers.
- Functioning of the system of assessment of the needs for the professional development of teachers and directors.
- Preparation of a central data base for licensed teachers.
- Development of the mechanisms for teacher licensing.
- Functioning of the teacher performance evaluation system.
- Periodical licensing of the teachers.
- Assistance for the development of teachers' careers through the payroll system.
- Adaptation of the curricula of the Education Faculties to the international standards for the preparation of new teachers.

²⁰ <http://www.sciedu.ca/journal/index.php/wje/article/viewFile/114/99>

²¹ <http://www.sciedu.ca/journal/index.php/wje/article/viewFile/114/99>

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- Financial support and priority treatment of students who accept to work for several years (up to 5 years) in remote or difficult areas.

The National Strategy for Development and Integration 2015-2020 approved by the decision of Council of Ministers No. 248, dated 11.05.2016 aims at achieving strategic objectives as below:

1. Strengthening and modernizing education, research and scientific development based on the latest technological innovations.
2. Improvement of curricula in general, quality of education and professional quality of teachers at all levels.
3. Addressing shortages of infrastructure and educational facilities.
4. Updating the curricula and quality standards, in line with the best European standards.
5. Restructuring of all study programs, according to the new law of higher education and best European practices in relevant fields, as well as in compliance with European directives on regulated professions and other directives for specific study programs.

Chapter 3 Preparation for the profession

3.1 Role of teachers in educational advancement and the importance of their contribution to the development of man and modern society^[16]

The educational system includes in its content the entirety of educational institutions, which aim at realizing the education of the new generation of a country. It occupies its important part in the superstructure of society as such directly reflects the level of development of productive forces and production relations. It states the foundation of the state's educational policy, the traditions and features of the national culture as well as the tendency toward scientific progress and social emancipation.

Education represents a typical social and individual dimension, because the healthy development of each individual's abilities, from which the ability of him/her to understand the world is derived, to be independent and critical of the natural and social order. This individual dimension is developed within the framework of social reality. In this context, teachers are those who play an important role in the formation of an individual in the function of the needs of modern society and its preparation to live in it, to be able and at the same time useful for the further development of her.

Education not only strengthens traditional values, but also helps create new values, adapting traditional to realities that appear, and helping to create new values and transform them so that they can support these realities without causing a great individual or collective confusion. The society seeks to ensure the acquisition of knowledge, skills formation and the quality of human resources of the

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individual so that it can anticipate the changes expected and not be an obstacle to their consolidation. These societal requirements for education certainly need to be realized by teachers through the implementation of curricula and their improvement based on its needs.

Thus, the teacher's place in society is of vital importance, because he not only transmit intellectual traditions and technical skills from generation to generation but also helps to keep the lamp of civilization burning.

According to the technical report of Ruth Levitt, Barbara Janta, Kai Wegrich²² (2008) has been J. Fitz (2003) [17] have explored the negative impact of narrowly understood teachers' accountability. The role of teachers as the implementer of a strictly defined curriculum rather than professionals 'devising instructional and assessment programs suited to the needs and capabilities of actual students in class' has led to teachers being seen as some kind of knowledge proletariat. 'At the same time, a series of performance indicators in the form of examination league tables, school inspection reports, and targets measure their relative outputs and render them both more visible and more accountable to government and parents, cited by Claire Duchemin and Inga Pavlovaite²³,

In this context, it is teacher responsibility to support the teaching profession to develop deeper, more meaningful ways of engaging with diversity in educational settings, so they go on to refer to this as being a way of 'contributing to a more humane, equitable, socially just and democratic society.

So, the role of the teacher in society is extremely important in any society and there are a number of reasons and their role in society is both significant and valuable.

- the youth of society educated by teachers are the people who in the future will become the leaders of the next generation of people and responsible citizens of their country.

Education is necessary for politicians, businessmen, artists, farmers, religious groups, students etc. for their respective career growth and the role of a teacher is to acquire professionalism and ethics and abide by their own moral code and that of their school, while maintaining a commitment to confidentiality between students, colleagues and the community. The world changes day by day and there is no doubt that the modern society is not the same as an ancient one. The education system has changed completely – nowadays being teacher does not mean only being a helper in the difficult process of getting the education; it means being creative and highly talented "guide", which accompanies a student in all way of studying.

Analyzing the great role that teachers have on human formation in today's society, it can be seen that the need of a generation of teachers who aim to develop learners instead of teaching them, who help their pupils to become independent (learning to learn), who provide students with motivation and interest for life-long learning and urge them to become autonomous learners, is essential in the education of the future is a time requirement is a requirement.

There is a need to create opportunities for teacher reflection on sensitive issues of reconciliation, values, and identities. Teacher education should explicitly focus on the moral role of teachers and how they are exemplified in teacher thinking and conduct. In particular, values and principles promoted in the ratified international conventions and national legislation, and ways of promoting these values in practice with pupils, should be integral and explicit in teacher development programs(Claire

²² Ruth Levitt, Barbara Janta, Kai Wegrich,2008, Accountability of teachers, Literature review, General Teaching Council England

²³ <http://www.sviz.si/novice/media/1124/media/Final%20report%20ETUCE%20301013.pdf>

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Duchemin and Inga Pavlovaite, 2013)

Ruth Levitt, Barbara Janta, Kai Wegrich in Accountability of teachers Literature review, Prepared for the General Teaching Council England(2008) emphasize that teachers' needed key role as facilitators in promoting autonomous learning and key competences development through collaborative and individualized approaches, taking on management and decision-making roles. The pressing need to ensure shared quality standards for the attractiveness and harmonization of education and training systems in Europe is thus highlighted once again²⁴. (Commission of the European Communities, 2007).

The equity issue, linked with the role of teachers as social actors, also requires teachers' dispositions to promote students' democratic attitudes and practices, as future European citizens – which is underlined by the White Paper of Intercultural Dialogue (Council of Europe, 2008, pp 9)

Describing, defining and assessing teachers' professional knowledge and competence at any career stage is not simple or straightforward, neutral or universal, fixed or certain, but historically and culturally bound, subject to change and contestation. Therefore, competence statements, so as to recognize the complex, multifaceted nature of teaching, acknowledging the role of values, ought to be clear and not over-elaborate (Conway et al, 2010). This is suggested also by the ETUCE Policy paper, according to which teacher competences should be high-level, broadly defined statements of the characteristics of teachers at different career stages, and therefore be built on a concept of teaching as praxis interweaving theory, practice and the ability to reflect critically on one's own and others' practice (ETUCE, 2008).pp12

3.2 The right to practise teaching

The right to practice teaching is stipulated in a variety of laws as well as in the competences of the institutions which deal with this issue.

According to the Law No. 69, of 21.6.2012 “On Pre-university Education System in the Republic of Albania” as amended, the teacher is the person who has obtained the title to practice the teaching profession at pre-university education. Article 57 has determined the level of education needed for each category of teachers from pre-schooling, to secondary education. Only the teachers of pre-school education are not covered by the law of regulated professions in Republic of Albania. The Law on pre-university education has stipulated that for this category of teachers it is needed only the university preparation taken from the first cycle of studies. While for other categories of teachers the law provides for as a necessity the completion of the second cycle degree in education.

Article 57

Teacher's profession

1. The teachers in the educational institutions shall have obtained the following diploma in the field of education or an equivalent diploma to it:

a) The teachers of pre-schooling education: university diploma of the first cycle of university studies

²⁴ European Commission/EACEA/Eurydice, 2015. *The Teaching Profession in Europe: Practices, Perceptions, and Policies*. Eurydice Report. Luxembourg: Publications Office of the European Union.

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"Bachelor";

b) *The teachers of the primary education, the teachers of the low secondary education and the teachers of the gymnasium: second cycle diploma of the university studies.*

2. *The teachers of the vocational education, holding professional subjects, such as those of oriented education and the teachers working with disabled students shall have obtained the second cycle diploma in the field of education.*

3. *The diplomas being equivalent to the above-mentioned diplomas shall be determined upon the instruction of the Minister.*

4. *The teachers of the initial education and secondary education shall be entitled to practice the profession of the teacher after successfully completing the professional internship and having successfully passed the state exams, as provided for in the Law no 10 171, dated 22.10.2009, "On regulated professions in the Republic of Albania", as amended, and subordinate legal acts, issued for its implementation.*

5. *The educational institutions, serving for performing the teaching practice of teaching students and professional internship of those having obtained the teacher's diploma shall be selected based on the criteria and procedures determined by the instruction of the Minister.*

The Law No.10 171 of 22.10.2009 "On Regulated Professions in the Republic of Albania" as amended applies to every person who wants to exercise a regulated profession in the Republic of Albania. According to the article 5, the profession of teacher is included in 2011, in the list of regulated professions in Albania.²⁵ According to Article 6 the right to exercise a regulated profession is for every person who meets the defined criteria in this law or in other special laws. Article 8 presents the criteria for exercising a regulated profession.

To earn the right to exercise a regulated profession, each candidate must:

a) *Perform professional practice.*

b) *Perform the state examination.*

c) *Be registered in the respective Professional Order (national professional register)*

According to the Article 17 of the Regulation "On the organization and development of professional practices for the regulated profession of teachers", the practitioner carries out professional practice for a full school year (9 months). After the finalization of this phase, the candidate performs the state examination on the regulated profession of the teacher. The state examination performs public guarantees of the responsibilities, which entails the exercise of a regulated profession; performs the candidate's knowledge testing, aspiring to exercise a regulated profession, by ensuring uniformity in the evaluation of candidates at the national level, by verifying the necessary professional skills, according to the specifics of each profession.

After the successful completion of the state examination, the candidate is given the respective professional title. According to Instruction No. 10, dated 3.4.2015 "On the content and form of the license of the successful candidate at the state exam for exercising of the regulated profession of teacher" because of the lack of Professional Order of Teachers, the license of the teacher is prepared and distributed by the Educational Service Center (former National Agency of Examinations).

²⁵ The Law No.10 171 of 22.10.2009 "On Regulated Professions in the Republic of Albania" changed by the Law No. 10357 of 16.12.2010 including the teacher's profession.

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The relevant authorities

The right to exercise the teaching profession is enabled by institutions and authorities in charge of granting the right to exercise the teaching profession:

- a. The Council of Ministers receives and reviews proposals submitted by the competent authorities, and then decide or ratify minimum requirements on professional formation and qualification for regulated professions, and the lists of specialties, additional or supplementary specialties or subspecialties for regulated professions.
- b. The Ministry of Education and Sports is the competent authority on the regulated profession of teacher, approves the schedules and programmes of professional practice, makes sure and monitors that these professional practices are properly carried out, and it submits to Educational Service Center (former National Agency of Examinations) a list of candidates eligible to enter the state exam.
- c. The Educational Service Center is responsible for organizing and managing the state exam for teachers, for creating the data base of the participants in the state exam and of the successful candidates, for issuing the license to successful candidates of the state exam and for creating a national register of the licensed teachers.
- d. Higher Education Institutions prepare orientation programmes and multiple-choice questions for the state exam and handle them to Educational Service Center.
- e. Regional Departments of Education / Offices of Education System are in charge and responsible for carrying out professional practices in schools they supervise, organize a coaching system, and award practitioners with a certificate of successful completion of the professional practice. These institutions prepare the list of eligible candidates for entrance in the state exam of teachers and submit it to Ministry of Education and The Educational Service Center.

Public and Private Education Institutions supervise the work of coaches and practitioners in their institutions, evaluate and grade practitioners.[18]

Chapter 4 Further education for teachers

4.1 General and technical and vocational education

According to the Law No. 69, of 21.6.2012, “On Pre-university Education System in the Republic of Albania” as amended, primary and secondary education teachers have the right to practice a teacher's profession after having successfully completed their professional practice and having passed the state exam as provided for in Law no. 10 171, dated 22.10.2009 "On Regulated Professions in the Republic of Albania", as amended, and sub-legal acts issued for its implementation.

Teachers of Vocational Education engaged with professional subjects, teachers of oriented education and teachers who work with disabled students, should obtain a Second cycle degree in the field of education, in order to exercise the teaching profession.

4.2. The arrangements which in our country apply to teaching staff, in particular according to whether the regulations concerning the public service

Employment in the education sector is regulated under the rules of Labour Code, the legal provisions of the Law No.69/2012 “On Pre-University Education System in the Republic of Albania” and the Collective Agreement dated 16 December 2015.

The Collective Agreement of 2015, signed among the Ministry of Education and Sport, the Federation of Unions of Education and Science and the Independent Union of Education of Albania presents the employment criteria for all jobs and positions, the working time and conditions, changing of the workplace, as well as the payment and remuneration system in the pre-university education system.

This Collective Contract extends its effects to all teaching staff employed in the pre-university public education system, including pre-school teachers, elementary education teachers, lower secondary education and upper secondary education teachers.

All teachers in public and private schools should meet state requirements, but teachers in Albania are

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not considered civil servants.

With the signing of the collective agreement, the teachers retain the status of contracted employees for an indefinite period of time.

4.3 Recognition of teaching credentials conferring professional status in terms of standards

According to the Article 7 of the Law No.10 171 of 22.10.2009 “On Regulated Professions in the Republic of Albania” as amended, a person, who is seeking to practice the regulated profession of teacher, must have completed an appropriate accredited program of study and /or professional qualifications in the profession, which are certified by official documents issued within or outside the country and recognized in the Republic of Albania. The formal academic requirements for admission are the official documents of the candidates in teacher preparation programs. After the initial teacher education, the candidates perform professional practice and enter in the state exam of teachers which is organized in 23 different profiles of the teacher profession²⁶.

The successful candidates are provided with the respective license in the teacher profession according to the profile of the state exam. The license is issued by the Educational Services Center.

²⁶ The profiles are stipulated in the Instruction No. 10, dated 3.4.2015 “On the content and form of the license of the successful candidate at the state exam for exercising of the regulated profession of teacher” and in the orders of Ministry of Education and Science issued during 2012 on the establishment of state examination commissions.

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Chapter 5 Employment and career

5.1. Organisation of the education system in participating countries [19]

The education system in Albania, as defined by the three education laws and the sublegal acts of the Ministry of Education and Sport, consists of the following levels:

Pre-school education level

— Pre-school education (It includes ages 3 till 6 years old.)

Basic compulsory education composed of two levels primary education level and lower secondary education level.

— Primary level (ages 6-10, grades I-V)

— Lower secondary level (ages 11-15, grades VI-IX)²⁷

Upper secondary level (ages 16 till 21, grades X-XII)

Gymnasium (X-XII)

Vocational education (2+1+1/ 2+2)²⁸

Oriented education (Sports, Foreign Languages, etc.)

Higher education

Short cycle: Professional studies (professional diploma, 2 years of studies, 120 ECTS);

First cycle: Bachelor study programs (Bachelor degree, 3 years of studies, 180 ECTS)

Second cycle: Master study programs

a) Master of Science or Master of Fine Arts (2 years of studies, 120 ECTS)

b) Master of Professional Studies (1-2 years of studies, 60-120 ECTS)

Third cycle: Doctorate study programs (PhD, 3 till 5 years of studies)

3.2. Recruitment, retention, and development of teachers [20]

The procedures followed for recruitment, retention and development of teachers are provided for in the Law No.69/2012 “On Pre-University Education System in the Republic of Albania”, in the Instruction no. 38, dated 06.10.2015, "On procedures for parallel movement, appointment and dismissal of teachers in public education institutions of the pre-university education system"; in the Instruction 2, dated 12.02.2015, “On criteria and procedures for the qualifications of teachers” as amended with Instruction No. 4, dated 19.02.2015 and in the Instruction No. 26, dated 15.08.2014, “On the

²⁷ The Law No.69/2012 “On Pre-University Education System in the Republic of Albania” as amended by the Law No. 56/2015 of 28.05.2015

²⁸ Article 16 of the Law No. 15/2017, dated 16.02.2017 “On vocational education and training in the Republic of Albania”

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professional development of educational staff”.

A job in the education sector can be obtained on the bases of competition. In public education institutions, a teacher is appointed in a vacant job by the director of the educational institution on the bases of open competition. Candidates interested in exercising the teacher's profession participate in a competition that takes place in three phases:

- a. File competition
- b. Competition through testing "Teacher for Albania"
- c. Choice of job site

During the first phase, interested candidates for practicing the teacher's profession send the Application file for competition to the local education units where they want to be employed. The selection criteria include: a) level of diploma; b) the license of the state exam; c) seniority in education; d) training courses and qualifications recognized by the Ministry of Education and Sport. The evaluation of the application files is done by a designated commission where each file is given a certain amount of points.

In the second phase, the qualified candidates of the first phase of the competition enter in the "Teaching for Albania" testing. The commission, after completing of the second phase, makes the ranking of the candidates according to the total points earned from both phases.

The candidate, with the highest amount of points, has the right to opt for vacancies in educational institutions. At the end, according to the Article 60 of the Law No.69/2012 “On Pre-University Education System in the Republic of Albania”, the teachers shall be appointed to a vacancy in a public educational institution by the director of that institution.

The career possibilities of a teacher are regulated based on the Law No.69/2012, “On Pre-University Education System in the Republic of Albania”. According to the Article 59 of this Law, qualification categories for teachers in service are three:

- a. “Qualified teacher”;
- b. “Specialized teacher”;
- c. “Master teacher”.

Qualification of a teacher in a higher category shall be based on the experience, training and on successfully passing of the final examination of the respective qualification category.

The criteria and procedures of qualification of teachers shall be set out by instruction of the Minister. Every qualification category shall be accompanied with a supplement amount to the salary, the extent of which shall be determined upon the decision of the Council of Ministers.

The Law No.69/2012, “On Pre-University Education System in the Republic of Albania” has foreseen rules on professional development, while the Instruction of the Minister of Education and Sport No. 26, dated 15.08.2014, “On the professional development of educational staff” gives orientations on function and procedures of the in-service training.

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Article 58 of the Law stipulates the continuous professional training as following:

- 1) The educational institution shall plan the professional development of teachers in accordance with their needs and in compliance with the central, local educational policies and those of the institution.
- 2) The forms of professional development are: internal professional development, training sessions, professional networks, advise, short-term and long-term courses.
- 3) The teachers and directors shall be trained at least 3 (three) days per year.
- 4) The training sessions shall be held according to the "demand - offer" system, based on the requests from the educational institutions and offers from training agencies, which may be public or private. The training programs shall be accredited by the Ministry.
- 5) The local educational units shall organize the continuous professional development of teachers in cooperation with training agencies with accredited training programs, selected in open competition, in line with the procedures provided for in the instruction of the Minister.
- 6) The financial resources for the training sessions shall be from the individual contribution of the educational employee, state budget, projects of local and foreign non-profit-making organizations, foundations, institutions, and other legal sources.

Chapter 6 Rights and responsibilities of teachers

6.1. Professional freedom, freedom of expression, academic freedom and professional autonomy

The professional freedom of the teachers is established in the Article 56 of the Law No.69/2012 “On Pre-University Education System in the Republic of Albania”. The teacher shall be entitled to have in

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line with this law, professional freedom in implementing and developing the curriculum.

The freedom of expression is a human right guaranteed in the Albanian Constitution. Concerning the expression of this freedom by teachers in pre-university education, the Article 6 of the Law No.69/2012 “On Pre-University Education System in the Republic of Albania” has foreseen that human rights and freedoms in the pre-university education system, are respected, protected and promoted. The Law has established at the same time that students and employees are offered protection from each form of action or inaction that may cause discrimination, violence, ill-treatment or moral damage in the pre-university education system.

For more, article 6, point 8 has foreseen that the right of students, educational employees, parents and their legal representatives, to express their views concerning the quality of the educational service and to be heard concerning these views in the pre-university educational system shall be guaranteed .

According to the Instruction no. 5, dated 25.02.2013 "On General Teacher Standards", the teacher plans his work on the basis of basic human rights documents.

Academic freedom and professional autonomy are guaranteed by the Law No. 80/2015 dated 22.07.2015 “On Higher Education and Scientific Research in Institutions of Higher Education in Republic of Albania”. Article 3 of the Law states that higher education institutions enjoy academic freedom, financial, organizational and staff selection autonomy in accordance with legislation in force.

Academic freedom is guaranteed through the right:

- A) to organize teaching, research, and innovation activities, as well creative activities;
- B) to design and develop study programs and to determine the areas of research activity;
- C) to organize the promotion process of academic staff.

6.2. Responsibilities of teachers

The responsibilities of the teacher as an employee are regulated based on the Labor Code while in relation to education system, the responsibilities of the teacher are regulated based on the Law No.69/2012 “On Pre-University Education System in the Republic of Albania”, as amended and the Normative Provisions of 2013.

Article 56, point 3 of the Law No.69/2012 “On Pre-University Education System in the Republic of Albania” has foreseen the following responsibilities of a teacher:

3. The teachers shall be tasked to:

- a. Implementing this law and by-law acts for its implementation;
- b. Taking care of the progress for each student;
- c. Implementing and developing the curriculum;
- d. Updating the professional competencies;
- e. Implementing the standing rules of the institution;
- f. Provide his assistance for the performance of the institution he is hired”.

The teacher is responsible according to the Article 67 of the Law even for the protection of personal data of the students. The Article 67, point 2 states that: “The employees of the educational institution

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shall not be entitled to make available to others, outside the institution, personal data of a person, indicating his identity, with the exception of cases when the person submits a request or grants his consent.”

At the same time, the Article 67, point 5 of the Law prohibits the employee of the educational institution to provide data on educational achievements and conduct of a student in an educational institution publicly or to a specific person.

Except for the abovementioned duties, the Article 69, point 2 of the Normative Provisions presents the specific responsibilities of teacher as below:

2. The teacher has the duty to:

- a. To treat everyone, in the premises of the educational institution, with respect, with dignity, with politeness and within the norms of morality, without pressure, unfairness, insult, discrimination, or violence;
- b. To take care of the well-being of every student;
- c. To provide his/her contribution to the well-being of the institution where he/she works;
- d. To require that the institution's directorate, the council of teachers, the parents' council of the institution and the board of the institution to consider issues that concern the quality of educational service in the institution.

6.3 Rights of teachers/ pay, benefits, and working conditions [21]

The rights as well as the responsibilities of the teacher as an employee are regulated based on the Labor Code while in relation to education system, the rights of the teacher are regulated based on the Law No.69/2012 “On Pre-University Education System in the Republic of Albania”, as amended and the Normative Provisions of 2013.

Article 56, point 2 of the Law No.69/2012 “On Pre-University Education System in the Republic of Albania” has foreseen the following rights of a teacher:

“2. The teachers shall be entitled to:

- a. Having, in line with this law, professional freedom in implementing and developing the curriculum;
- b. Be provided with sufficient resources in the institution for effective teaching;
- c. Be provided the opportunity for professional development;
- d. Be elected and choose the members of the board of the institution and the Commission of Ethics and Conduct.”

At the same time, the Article 6, point 10 guarantee the right of association of teachers to protect their rights as well as to provide their assistance to the progress of educational institution.

For more, the Article 69, point 1 of the Normative Provisions 2013 presents the specific rights of teacher as below:

The teacher is entitled to:

- a. perform work in safe conditions for his life and health;

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- b. be treated with respect, with dignity, with politeness and within the norms of morality, without pressure, unfairness, insult, discrimination, or violence;
- c. provide sufficient conditions for effective teaching;
- d. be informed in time for the official instructions that are relevant to his activity;
- e. have, in accordance with the legislation in force and the Normative Provisions, professional freedom in implementing and developing the curriculum;
- f. create opportunities for professional development.

Pay

The State through the Regional Educational Department or Educational Office pays the teacher's wages for the public education system. The Decision of the Council of Ministers No. 194, dated 22.04.1999 "On approval of the wages structure of the teaching personnel in the pre-university education", changed contains the criteria and rules for teachers wages.

Benefits

The benefits of the teachers are provided by the Law No.69/2012 "On Pre-University Education System in the Republic of Albania", as amended and Collective Agreement. Article 37, point 5 of the Law states that: "Rewards additional to the salary or other benefits for the educational employees or for the teachers working in areas far from their residing place shall be granted in accordance with the criteria set out by the Council of Ministers." The Article 54, point 3 of the Law also stipulates as a task of the director of the public educational institution, the use of the special annual fund from the budget of the educational institution for rewards for personal contributions of teachers, in accordance with the respective decision of the Council of Ministers.

The Collective Agreement has foreseen the following benefits for the teachers:

"Article 6

6.8. Teachers enjoy the right to payable supplementary work up to 30% of the teaching load.

6.10. Additional classes on the rates of educational work developed during weekend for the realization of educational program or official activities arranged by Regional Educational Department, will be paid under Article 91, point 3 of the Labor Code."

Working conditions

The rates of educational work in pre-university education institutions and the number of students per class are two elements that are part of the working conditions of teachers. According to the Instruction No. 44, dated 16.10.2014 "On some amendments to Instruction of Ministry of Education and Science no. 21, dated 23.07.2010, "On the rates of educational work and the number of students per class in pre-university education institutions" both indicators are reduced.

The maximum number of pupils per class in Albania, currently approved, is 26-30 students for first grade and 30-35 students for other grades (from grade 2 of primary education till the grade 12 of the upper secondary level. While the teacher's rates differ depending on the level and curriculum subject

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taught, ranging from 20–23 hours for primary teachers, 20–22 hours for lower secondary teachers, and 18–22 hours for upper secondary teachers. The changes of the Instruction no. 21, dated 23.07.2010 reduced most teachers' mandated teaching hours by several hours per week.

The Article 7 of the Collective Agreement stipulates that the educational institution should provide for conditions and opportunities for creative and independent work in the teaching process, including:

- a) Professional freedom in the development and implementation of the curriculum,
- b) Providing sufficient conditions for effective teaching,
- c) Creating opportunities for professional development and seeking work.

According to the findings of UNESCO's Report "Albania, Education Policy Review, Issues and Recommendations" has resulted that overcrowded urban and suburban classrooms, staff shortages in rural areas, and widespread physical infrastructure problems aggravate the working conditions of teachers in Albania. Except of these, a lack of acknowledgement of the actual amount of work that teachers do, such as lesson planning and preparation, marking of student work and communicating with parents increase the work time per week of teachers even though they do not appear to be contracted or regulated.

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Glossary[22]

Academic freedom

The freedom of educators to teach and to conduct research without fear of political reprisal, as well as the freedom of students to learn without fear of indoctrination or intimidation. Academic freedom for scholars involves both rights and responsibilities. Professors who assert their rights and freedoms have a responsibility to base their conclusions on competent scholarship and to present them in a dignified manner. Although they may express their own opinions, they are dutybound to set forth the contrasting opinions of other scholars and to introduce their students to the best published sources on the topics at issue. In other words, professors may express their own views, but they must do so in a spirit of impartial scholarly inquiry, without imposing them on their students. Correlatively, students have the right to study under the guidance of qualified and unbiased faculty and to express their views without fear of any form of retribution.

Inservice teacher education

Professional development or training for teachers conducted during scheduled work hours. Such classes are intended to sharpen the professional knowledge and skills of teachers who are currently working in the schools, as opposed to preservice education, which is intended for those who have not yet started working as teachers

Preservice teacher education

A curriculum that is specifically designed for the preparation of teachers. This curriculum is “preservice” because intending teachers complete it prior to beginning their careers as classroom teachers. Preservice teacher education typically takes place in undergraduate programs, but it can be completed in graduate school as well. Preservice teacher education programs include coursework in subject matter, pedagogy, education psychology, and foundations (e.g., history and philosophy of education), as well as practice teaching assignments of various durations.

Professional development

Training intended to teach teachers or administrators the knowledge and skills they need to perform their jobs well. Often, these programs are aimed at veteran teachers to help them update their professional skills and knowledge

Professional period

Time during the school day that is set aside for teachers to give help to or get help from other teachers.

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Professional Recognition

Refers to the right to practice and the professional status accorded to a holder of a qualification. Owing to different regulations for the recognition of degrees or titles, a differentiation of two groups should be made: 'de Jure Professional Recognition' applies to the right to work in a specific country in a legally regulated profession

Teacher

Literally, one who teaches. The professional personnel employed in schools for implementation of the curriculum. Teaching is a profession which requires its practitioners to possess specialized knowledge and specific skills acquired through intensive training. They are also bound by a set of ethical rules and code of conduct specific to the profession.

Teacher certification: The teaching license issued by states to teachers who have completed a program at a state-approved institution of higher education; taken the required courses in pedagogy (and sometimes subject matter); and fulfilled other requirements, including practice teaching. In most states, teachers who have not received state certification are not permitted to teach in public schools and will be issued only an emergency license. Because of a shortage of qualified teachers, however, many states have developed alternative certification programs to admit people into the teaching profession who have not taken the specified courses in pedagogy or met other requirements

Teacher education / teacher training

Refers to the policies, procedures, and provision designed to equip (prospective) teachers with the knowledge, attitudes, behaviors, and skills they require to perform their tasks effectively in the classroom, school, and wider community. The professionals who engage in this activity are called teacher educators (or, in some contexts, teacher trainers).

Teacher status

In accord with UNESCO's 1966 resolution, the term 'status' used in this module in relation to teachers, indicates both the position and regard accorded to them, as demonstrated by the amount of appreciation to the importance of their function and their capability in carrying it out, their working conditions, remuneration and other material benefits according them relative to other professions.

Tenure

A legal guarantee that a teacher cannot be removed from his or her position without cause and that any removal will be done in accordance with due process. Teachers in public schools usually gain tenure if they have served satisfactorily for three to five years. Tenure was created to protect teachers from capricious administrators and to preserve their academic freedom. Provides educators with protection from dismissal due to arbitrary and capricious political and administrative actions. Tenure grants teachers and faculty protection from unfair dismissal.

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