

Albanian case:
Module on Law on EU, federal, regional, municipal
competences in education

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Case title

Competencies of different levels of government with regards to pre-university institutions": the case of "Fan Noli" school, in Tirana, Albania

Background: Competencies of different levels of government with regards to pre-university education

Local government	<ul style="list-style-type: none"> Responsible for the construction, rehabilitation and maintenance of educational buildings/facilities of the pre-university education system (<i>Decentralization Strategy article 23/11</i>). According to this strategy, it is also foreseen that the local government will manage human resources, but it is not yet implemented. Currently local government is solely responsible for the payment of pre-school teacher salaries
Central / Regional Government	<ul style="list-style-type: none"> Responsible for appointments / dismissals of teachers, qualifications, teacher training of pre-university education. Relations between the local government units and central government institutions are based on the principles of subsidiarity, consultation and cooperation in solving common problems (<i>Article 10 Law for "Local self-government"</i>).
School Governance's structures	<ul style="list-style-type: none"> School board; School Parent Council; and Student Government. Effective school governance ensures an active and meaningful participation of different stakeholders. Parents are the main partner of the educational institution that can and should be actively involved in school life and contribute to the progress and success of the institution. Students, on the other side are very important too

Case description

The case that will be described below reflects the fact that different governance structures with different competencies in the field of education outgrow or bypass competencies of other structures and do not co-operate effectively with one another to solve common problems.

Description of the case problem

- Parents of the “Fan Noli” school in Tirana (respectively 2nd, 3rd and 4th classes) were informed by the school directorate that their children will be transferred to other school building (*specifically to school "Hoxha Tahsim" school*), **only one week before** the beginning of this academic year.
- Below are described the views of different parties involved:

Parents' views

Parents opposed this decision by writing a formal letter directed to Regional Educational Directory of Tirana and Municipality of Tirana (date 04.09.2017). They have outlined the following concerns :

- **Consultation / Participation of stakeholders in decision-making process:** They have not been consulted about this decision. Even the school board and parents' council didn't know anything;
- **Short notice:** They were informed only one week before the beginning of the new academic year, which is insufficient to take alternative measures. For example, it is impossible to enroll children in another school because the school enrollment period has finished;
- **Distance of new school from place of residence:** For many families this school was chosen by being closer to their homes. Transfer of children at the new school, poses transportation problems too - as that area was not well covered by public transportation. Furthermore, there are a number of single parents who have two children, now in two different schools - the distance between the two schools makes it impossible, logistically, to respect the schedule for both children at school as well as their presence at work;
- **Change of balance:** Two-shift schooling is difficult for both the child and the parents; however parents have already found the balance to this situation and have made necessary arrangements for this academic year.

Central/regional government & Local Government's views

- Regional Educational Directorate of Tirana in cooperation with the Municipality of Tirana argue that this decision has taken into account the highest interest of the child, namely the possibility of learning with one-shift (*elimination of two-shift schooling for 2nd, 3rd and 4th classes*) and have a contemporary school building/infrastructure (this is the official reply of RED of Tirana towards parents complain letter).

End result:

- Students of 2nd, 3rd and 4th grade of “Fan Noli” school started the new academic year on September 11th, 2017 in the new school building, even though parents oppose the decision.

Case Analysis

- Without surpassing the value of having schools with one-shift as well as having good school buildings, it is important to ask a few questions:
- Has there been a prior consultation and collaboration between local and central government on the need for reconstructing "Hoxha Tahsim" school and then transfer some classes of "Fan Noli" school in that building?
 - *If Yes?* Why school directorate did not inform and consult with school governance bodies and make them participants in the process?
 - *If Not?* Could this be a case of exercising local government competencies without consulting and collaborating with regional government (as foreseen by law)? As a consequence regional educational directory is faced with the need to take a last-moment decision: to make a good use of the new school building and transfer students at the last moment (at the expense of stakeholder participation).

Case Analysis

- Based on the existing legislation it can be noticed that this case reflects the fact that the decision of Regional Education Directory of Tirana is not in conformity with some articles of the Law of pre-university education.
- There is an overcoming of competences/an arbitrary decision-making without the stakeholder participation/engagement (parents, School board, Parents Council).

Legal framework

Law no. 69/2012 "On Pre-university Education System in the Republic of Albania"

Article 6 "General Principles"

- 8. The pre-university education system guarantees the right of students, educational workers, parents and their legal representatives, below "parents", to express their views on the quality of the education service and to be heard about these views.
- 10. Pre-university education system guarantees the right to of students, teachers and parents to organize in order to protect their rights and to give their contribution in well-functioning of the institution.

Article 62 "Parents' Rights and Duties"

- 1. Parents are the main partner of the educational institution in the welfare of the child and well-functioning of the institution.
- 2. The parent has the right to: b) be informed about the safety, health and conditions of the institution and to request their fulfillment according to the standards established by the Albanian legislation; c) to be informed about the main directions of the institution's activity and the achievements of the institution in comparison with similar institutions.

Law no. 69/2012 "On Pre-university Education System in the Republic of Albania"

*Article 61
"Student
Rights and
Duties"*

- b) The student has the right to attend the public education institution that is in the area determined by the respective unit of local government.

*Article 34
"School Board"*

- 1. The School Board contributes to the well-functioning of the educational institution and reports on its activity to the Parent's Council;
- 2. a) The duties of the board are: approve the mid-term and annual plan of the institution.

"Normative Provisions for the Pre-University Education System 2013" approved by Order 343, dated 19.08.2013, of the Minister of Education

*Article 102
"Obligations
of educational
institutions to
parents"*

- 1. The parent has the right to be informed by the educational institution about c) the safety, health and environmental conditions of the institution and to seek their fulfillment according to the standards set out in Albanian legislation.

*Article 103
"Council of
Parents of the
educational
institution"*

- 1. The Parent Council has the right to b) express views and to organize parents to express their views on the quality of service of the educational institution and to be heard for these views.
- The school director of the institution has the duty: a) to submit to the president of the Parents Council copies of the bylaws, regulations, guidelines of the minister belonging to the activity of the institution.

Thank you!