

Module on Law on EU, federal, regional, municipal competences in education

Educational competences in the Republic of Belarus
Case law from Belarus

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Constitution and Education Code are considered to be the legal foundation for the education sector at our State. System of government bodies at the education sector is based on the principle of centralization. The national level consists of President, The Ministry of Education of the Republic of Belarus, The Ministry of Education is a Republican administrative body. It maintains state policy for the education sector, provides regulations, government and education quality assurance control, coordinates other bodies' activities in this sector. For example, competence of the Ministry of Education: guarantees performance of the education system; provides government of the education system; provides issuance of permissions (licenses) for education activities; organizes development of the educational standards, academic documentation for the education programs, disciplinary programs and ratifies them; organizes development of the National classification code of the Republic of Belarus "Specializations and classifications" and ratifies it; provides methodological support of the education system.

Regional and local levels of education management are provided by executive and regulatory bodies. Competences are established by Education Code and the Local Government and self-government act. Competences of local executive and regulatory bodies in the sector of education: create development programs for preschool, general secondary and advanced education, supplementary education and provide their realization; provide government in the sector of education at the territory of the corresponding administrative-territorial unit.

Department of education is a regional body established at the regional executive committees. Competences for Departments of education are established by Provisions provides realization of provisions and state programs aimed at development of education at the regional territory, improves control system to provide children life and health protection; provides realization of measures intended to create adaptive barrier-free environment for special education for children with special educational needs.

Offices of education are the bodies at the district level established at the district executive committees. Competences in the sector of education: provides realization of provisions and state programs aimed at development of education at the district territory, controls educational institutions' activity at the district level

The Education Code includes Rights and obligations of the educational institutions. Educational institutions are free to perform educational, research,

research and development activities, methodological support of the education system, personnel appointments and other activities established by the Government.

In accordance with the legislature educational institutions are entitled to: perform educational activities; form the structure and schedule of the educational institutions; participate in research, research and development, experimental and innovation, methodological support activities.

In Belarus the main regulation is the educational standard established by the Ministry of Education. The educational standard is a reference document including a range of instructions for the major parameters of education, establishing the corresponding level of education, accepted as a state standard of education and accomplishments. The educational standards are developed by the Ministry of Education and ratified by the Ministry of Education in agreement with the Ministry of Finance, the Ministry of Labour and Social Protection and the Ministry of Health.

Cases

Case 1 procedure of reimbursement spent by the state for the training

The judicial board of the Mogilev regional court recognized the legitimate amount of tuition on a budgetary basis that should be returned by the graduate I. Kovaleva. She graduated from Mogilev Trade College of Consumer Cooperatives. In September 2011, she enrolled in and concluded an agreement. Then the former student refused to work on the distribution and began to reimburse the college tuition fees - more than 26.5 million rubles. She applied to the court. The district court did not agree to reduce the expenses. In court, the representatives of the college reported that the contract was in compliance with the standard contract. It is approved by the Ministry of Education.

The Education Code, Article 83, provides that distribution is the procedure for determining the place of work of a graduate for the purpose of his social protection, and also to meet the needs of the economic and social sectors in specialists. The procedure for the distribution of the graduates of state educational institutions is regulated by the Regulation approved by the Resolution of the Council of Ministers of the Republic of Belarus of June 22, 2011 No. 821. Regulations on the procedure of reimbursement spent by the state for the training of a highly qualified scientific researcher, specialist, employee, determines the mechanism for calculating the funds, which is subjected to compensation to the national and (or) local budgets.

After such disputes, amendments were made to the resolution of the Council of Ministers of December 7, 2016, namely: "graduates of educational institutions that refuse to distribute will not have to repay the expenses for social support - scholarships, free meals, expenses for the service of hostels."

Case 2 Time to start classes in schools.

President of the Republic of Belarus instructed to revise the school schedules. The city executive committee decided to revise the start time of classes in schools. Since September 1, 2017 schools have begun training sessions from 9am. The corresponding changes have been made to the Rules of the Educational Institution,

to the sanitary norms and rules "Requirements for institutions of general secondary education", which are approved by the resolution of the Ministry of Health of the Republic of Belarus.

Conclusion: The competence and authority of educational institutions do not change in the Republic of Belarus, but the corresponding legal norm is changing. The Ministry of Education of the Republic of Belarus is the mainstay of general management in the sphere of organization and methodological support for the departments and offices of education and executive offices of the local authorities.

1. <https://finance.tut.by/news523658.html>

2. <https://finance.tut.by/news471557.html>

3. <http://www.government.by>