

DRAFT OF THE MODULE ON THE LEGAL FRAMEWORK ON PEDAGOGICAL AND ACADEMIC AND SCHOOL AUTONOMY (September 2017)

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Chapter 1 - Definitions and law

The concept of "autonomy" (from the Greek "autos" - itself and "nomos" - the law) represents the degree of freedom and independence of the subject of activity [Barikhin, AB, p. 10]. The subject of activity may be a person, society, state, organizations that carry out activities in various fields (socio-economic, political, cultural, educational). Accordingly, the term "autonomy" has specific features of the definition based on the field of its use (philosophy, economics, politics, law, psychology, education, culture, etc.).

In jurisprudence autonomy is the right of various social actors to self-management in certain legislative frameworks [Barikhin, AB, 1, p. 10].

In education autonomy is understood as the right of educational institutions (organizations) to decide issues of recruitment and placement of employees, to carry out educational, scientific, financial, economic and other activities in accordance with national legislation and educational institution regulations independently (without outside interference) [ConsultantPlus] .

The right of educational institutions to autonomy is enshrined in legislative and regulatory acts. In various countries the essence of the concept of autonomy in the field of basic secondary (compulsory education) and higher education, as well as its boundaries are treated differently. Which definitions are optimal? What is the most effective option for reflecting autonomy in legislative and subordinate (normative-legal) acts for a student, an educational institution (school, university) and a teacher? The answers to these questions are the problem of our research.

Consequently, the object of our study is educational law, and the subject is a comparative analysis of the educational right to autonomy in the field of basic secondary (compulsory education) and higher education in the Republic of Albania (AL), the Republic of Belarus (BY), the Kingdom of Belgium (BE), the Republic of Lithuania (LT), the Republic of Poland (PL), the Russian Federation (RU).

Based on the definition of autonomy in education [Consultant Plus, 2], we will carry out a comparative analysis of the educational right to autonomy for the four main components of educational institutions: 1) educational (academic); 2) scientific; 3) administrative; 4) financial and economic; 4) normative (on development and adoption of local regulatory acts).

Chapter 2 - Comparative law on autonomy in compulsory education of schools (school autonomy)

2.1. Reflection of the autonomy of institutions of basic (compulsory) secondary education (autonomy of schools) in the legislative acts of the Republic of Albania

In the Republic of Albania the main normative legal acts regulating social relations in the field of education are: the Law on the system of pre-university education (1995), the Statutory Regulations on Public Schools, the Labor Code of the Republic of Albania (1995), Private Education (1995), The Law on Higher Education in the Republic of Albania (1994) [3].

Let's describe the boundaries of autonomy of institutions of basic secondary education in the Republic of Albania in educational, scientific, administrative, financial, economic and regulatory fields.

2.1.1. Educational (academic) autonomy

According to the legislation of the Republic of Albania, institutions of basic secondary education are not free to determine the content of education and teaching and methodological support (it is approved at the level of the Ministry of Education and Science), but has the right to choose independently educational technologies (forms and methods of instruction) and training facilities.

The teaching plans, programs and textbooks for the public institutions make up the main documents of education. They are approved by the Minister of Education and Science or through proposals of the institutions other organisms depending on it. The teaching plans of the nine-year schools, of public compulsory education and those of the high schools of public education are developed by the Curricula Directorate in the Ministry of Education and Science and approved by the Minister.

The curricula are developed by the Institute of Curricula and Standards and are approved by Subject Program Commissions and then by the Minister.

The textbooks are developed by groups of specialists of education whereas the textbook selection is being done on the basis of contests [1, p. 22].

According to the law on the pre-university system, the teacher has the right to choose suitable methods and mechanisms for the implementation of the essential program. However, the curricula strictly determined by the Ministry of Education and Science limit the possibilities of the teachers for novelties. Traditional methods in which concentration is focused on the facts and knowledge little encouraging intellectual and emotional processes, predominate in a lot of schools. Lots of teachers organize teaching and learning based on explanation and as a result, they ensure little interaction with the students in the class. The situation, where the students are required to form independent opinions, support their ideas and discuss about the ways of the solution of the problem are limited. Meanwhile, in quite a lot of schools of the major towns, the teachers perform lessons based on interaction in the relationship and the learning process. These kinds of lessons are particularly performed in those towns where there are pre-service teacher training universities as a result of the implementation of various donors and organizations, supported by professional expertise. This has made possible that the children learning be enriched through games, roleplays, work with the teaching aids, original works of a creative character, various evaluation files etc. The educational organs are supporting the dissemination of such teaching methods already used in these schools, like those which promote critical and creative thinking of the students, problem solving, group discussions, interactive learning etc. [4, p. 42].

2.1.2. Scientific autonomy

Legislation of the Republic of Albania does not establish any separate provisions on the scientific autonomy of institutions of basic secondary education, as well as there are no provisions that in any way restrict it.

2.1.3. Administrative autonomy

Albanian legislation provides for broad boundaries of administrative autonomy for basic secondary education. They are independent in determining their administrative structure, the number of employees, their level of competence, official authority and functional duties, as well as in the admission, dismissal and formalization of labor relations with personnel.

2.1.4. Financial and economic autonomy

1 Education in Albania - National Dossier [Electronic resource] : " project developed by Center for Democratic Education (CDE) and supported by UNICEF.. – Mode of access: https://www.unicef.org/albania/National_Dossier_Education-2006EN.pdf. – Date of access: 23.08.2017.

The budget for the public system of education is an expression, and at the same time, a mechanism of the national education policy for the implementation of the economic and social policies of the government. This annual financing consists of funds approved by law by the parliament of Albania.

In the case of the budget of Ministry of Education and Science, the budget is only an expenses balance sheet. These expenses in education have been planned on annual basis in the form of short-term operating plans.

Starting from the year 2000, midterm budget programs for a 3-year period have been applied to have a more successful budget plan of education. The midterm plan ensures a more detailed analysis of the one – year public expenses defining more real indicators in the planning and distribution of funds in the education system. Planning the expenses on the basis of the calendar year, reflecting and respecting the rhythm of the school activities according to the academic year, is specific in designing the public budget in education.

The total education budget consists of the central and the local budget.

Local budget of education is that part of the expenses which goes entirely to the function of the pre – university education system. Local budget occupies about 80 % of the total budget of the Ministry of Education and Science. The planning and distribution of the funds of the local budget is done according to the education levels, e.g., the budget in pre – university education is managed in these educational levels: basic education including pre – school and compulsory education, basic high education and vocational education.

Recent years, a series of indicators have been taken into consideration during the process of the preparation of the budget such as: the number of students per class, the number of the teachers per class, cost per teacher and cost per student, which have considerably improved the distribution of the budget.

The negotiations between the Ministry of Education and Science and Ministry of Finances constitute the first stage of the development of the public budget of education. At first, the Ministry of Finances sends to the Ministry of Education the orientating quotas according to the levels for the year being planned.

The Ministry of Education in cooperation with the education directorates in the districts, sustaining the educational policies and in conformity with the law “On the state budget” estimate the needs for budget funds for the normal functioning of the education institutions, detailed for every administrative unit of the local government.

The local budget is divided into several items:

a) Salary and social insurances fund. The salary and social insurances fund occupies about 71% of the total expenses in the local education. Planning of this fund is based on the organizational structures and typical analytical structures of pre–university institutions, as well as the norms of the teaching and assistance work in education, approved by the Ministry. During the process of the development of the draft-budget, the educational directorate engages the finance office, the staff and the sector of statistics, making use of all the economic and teaching indicators.

The detailed determination of the number of the employees according to the education levels and for every administrative unit of the local government is done based on the education policy for the year being planned and implementation of the indicators of the students number, normative acts approved by the Ministry of Education and Science as well as the typical structures of the institutions of education. The number of the employees is the basic economic indicator of the budget planning in education. This indicator, elaborated with the average salary where the job indicators such as years of work of the employee, average qualification in % per employee and additions to the wage for the teaching staff who work far from their living area are reflected, is used for every administrative unit of the local government (commune and municipality) to plan the salary fund and social insurances. These occupy the major weight in the local budget of education administered and managed by the commune and the municipality.

At the same time, the communes and the municipalities, implementing the instruction of the Ministry of Finances for the development of the draft plan of the budget and the accomplishment of the salary fund and social insurances, designs the draft-budget of the salary fund and social insurances and sends it to the Ministry Finance.

The educational directorate confronts and elaborates the salary and social insurance fund calculated by the commune and the municipality, develops the budget draft-plan for expenses, salaries and social insurances and sends it to the Ministry of Education. The Ministry of Education and Science after checking, elaborating and verifying the estimated expenses with the real current indicators of the teaching and assisting work in education, develops the final document of the draft budget and sends it to the Ministry of Finance.

b) Investments. Investments include the construction of new school, rehabilitation of the existing schools and their equipment with the necessary means and materials. Investments were and are followed by the Ministry of Education and Science, which makes the policy of the allocation of the investment fund into school objects. The investment expenses are planned collecting the opinion of the educational directorates, studying the number of the children as well as the actual physical condition of the teaching objects for each administrative unit of the local government.

The Ministry of Education and Science, in cooperation with the education directorates, designs the draft budget of the respective year in the form of a document in which the expenses in education are presented according to the nomenclature approved in the budget, for the fulfillment of short term policies. The draft budget is designed in details for each education level and for each administrative unit of the local government, commune and municipality and is sent for approval to the Ministry of Finance in August. The Ministry of Finance, after doing the necessary revisions in cooperation with the Ministry of Education, sends the draft budget of education to the Council of Ministers as a component part of the overall budget of the government. The final approval of the 1-year short-term budget is done by the Parliament through voting. After the approval in the Parliament, the Ministry of Education and Science revises once again the planning of the expenses according to the education levels, details them in 4-month and 2-month expenses (monthly quotes) and sends this final document again to the Ministry of Finance. The Ministry of Finance sends the detailed budget of the Ministry of Education and Science to the budget branches of the districts for implementation.

The expenses for the salaries and social insurances fund in the local budget are planned by the Ministry of Education and Science and administered by the organs of the local government. The municipalities and the communes are responsible for the good administration of this part of the budget and do not have the right to interfere and use these funds for other purposes. The municipalities and the communes, who order the funds, organize the performance of the payment of the employees of the educational system in their territory, in conformity with the number of the employees sent by the Ministry of Education to the district budget branches. Changes in the approved staff structure are made only by the Ministry of Education and Science at the request of the education directorate at the beginning of each school year and during the year as a result of free demographic movement. The expenses for investments and reconstructions of the teaching objects are followed by the district education directorate. The educational directorates also estimate and follow the needs for textbooks, enrolls, diplomas, matriculation registers, laboratory equipment, chalk, furniture, maps and other school equipments which are classified as teaching aid materials for the school.

The planning and management of the funds in the education system about issues related to the maintenance of the teaching institutions of pre-school, compulsory and high education, in the management of the education budget at a local level, in conformity with the law "On the local budget" and the law "On the organization and operation of the local government", is made by the administrative units of the local government, by the communes and municipalities. This part of the local education budget is taken by the communes and municipalities in the form of a lump sum. The part of the budget given to the local government in the lump sum form for the operating expenses in education is managed by the local government.

It is important that the school continuously plays an active role in the use of this part of the budget. Actually the school should take part in the planning of its expenses for the items mentioned above and introduce to the commune or municipality in June the draft budget of the school for the coming year. The education institution should be directly involved to manage and follow the expenses all the time, in compliance with the concrete plan approved by the commune or municipality.

Another element of school financing is the space of the educational institutions to ensure additional resources through the contribution of the community, parents, business and particular sponsors, as well. Even the communes with the financial possibilities they have from the local budget on

the basis of the decisions of respective councils and according to their concrete circumstances, can use funds for the education system, for a more normal functioning of the educational institutions in their territory.

As regards the development and implementation of the expenses of education, the relations between schools and local government have not yet been consolidated. The management of these expenses is done through the good will of one or the other, i.e. they are attributes of the administration officers in communes and municipalities. The participation of the school representatives should increase so as to perfect the procedures of the development and management of the operating costs for the educational institutions.

Financial Aid in Education. The state budget of education, apart from expenses for investments, salaries, heating, teaching aids, teachers and students transport, subsidizes at a certain extent the price rise and the inflation rate in the payment of meals and accommodation of the students and pupils who live in the dormitories. The subsidy for the textbooks is also a financial aid for the pupils. Another form of financial aid is granting scholarships to the students who continue their studies far from their home place, and who meet the economic criterion. Scholarships are also granted to the students of vocational education who have completed the previous school year with a grade point average 10 and university students who have finished the previous academic year with a GPA of 10.

The Ministry of Education and Science is the institution which designs the plan of the scholarships according to the quotas for each district, whereas the education directorate allocates it for each commune and municipality. The communes and municipalities make decisions about scholarship grants and send to the education directorates the decisions and documentation of scholarship awards, which are signed by the director of education directorate/education office for control effect. The textbooks subsidy is planned by the Ministry of Education and Science [4, p. 23-27].

2.1.5. Autonomy in the adoption of local regulations

Legislation of the Republic of Albania provides broad opportunities for institutions of basic secondary education to establish internal rules for their activities independently. So the head of the institution of basic secondary education has the authority to issue local regulations (orders, orders) regulating:

- 1) rules for admission of students;
- 2) the schedule of training sessions;
- 3) the forms, periodicity and order of current and final attestation of students;
- 4) quality control of training sessions, etc.

2.2. Reflection of the autonomy of institutions of basic (compulsory) secondary education (autonomy of schools) in the legislative acts of the Republic of Belarus

In the Republic of Belarus the main normative legal act providing full systemic regulation of public relations in the field of education is the Code of the Republic of Belarus on Education dated January 13, 2011 No. 243-3 (hereinafter - the Code). Although it does not define the concept of "autonomy of an educational institution", at the same time, in the twentieth article of this code, which describes the rights and duties of educational institutions, the following field of independent activity of educational institutions is defined: "Educational institutions are independent in the implementation of educational, scientific and technical activities, activities on scientific and methodological support of education, the selection and placement of personnel and other activities within the limits established by law [Code of the Republic of Belarus, Art. 20, paragraph 1].

Thus, we can state that the educational institutions of the Republic of Belarus (including basic secondary education) have autonomy in these types of activities, and the code accurately defines the boundaries of the independence of educational institutions for the implementation of activities (self-government) within the framework defined by this code and other normative legal acts of the Republic of Belarus.

Consider the boundaries of independence (autonomy) of institutions of basic secondary education in the educational, scientific, administrative, financial, economic and regulatory fields of activity.

2.2.1. Educational (academic) autonomy

The main components determining autonomy in the field of educational activity are: 1) autonomy in the choice of the content of education; 2) autonomy in the choice of educational and

methodological support, educational technologies (forms and methods of teaching); 3) autonomy in the choice of teaching aids (textbooks, information and communication technologies, technical means of teaching, etc.).

In accordance with the code, the content of education is documented in educational standards and scientific and methodological support for education [5, art. 92, 94, 95].

In the Republic of Belarus at the level of basic secondary education, educational institutions are guided by unified educational standards that are mandatory for use in all educational institutions [5, art. 92].

In accordance with the Code in Belarus, basic secondary education includes three levels:

I stage - primary education (I-IV classes);

II level - basic education (V-IX classes);

III stage - secondary education (X-XI classes, in evening schools - X-XII classes, evening classes - X-XII classes).

I and II levels of basic secondary education constitute a basic education. I, II and III stages of basic secondary education constitute a basic secondary education [5, Art. 152].

Educational standards of basic secondary education establish the requirements for the content of educational and program documentation of educational programs of basic secondary education, the organization of the educational process, the maximum amount of the educational load of students, the level of training of graduates.

Educational standards of basic secondary education are developed and approved by the Ministry of Education of the Republic of Belarus in coordination with the Ministry of Finance of the Republic of Belarus, the Ministry of Labor and Social Protection of the Republic of Belarus and the Ministry of Health of the Republic of Belarus [5, art. 109, 154].

The system of scientific and methodological support of basic secondary education is presented in Article 166 and includes:

1) educational and programmatic documentation of basic secondary education curricula (plans and programs);

2) program-planning documentation of upbringing;

3) educational and methodological documentation;

4) educational publications;

5) information and analytical materials.

In turn, the curricula are divided into:

- a typical curriculum for basic secondary education;
- educational plans of educational institutions implementing educational programs of basic secondary education;
- experimental curricula of educational institutions implementing educational programs of basic secondary education;
- individual curricula.

The typical curriculum of a basic secondary education institution of the appropriate type includes a list of compulsory study subjects for studying years, sets the number of hours for studying them, the number of hours for optional, stimulating, supporting classes and consultations, the compulsory and maximum allowable training load in week per student in each class and the total number of study hours funded from the republican and (or) local budgets for the conduct of the school (lessons).

A typical curriculum for basic secondary education is developed and approved by the Ministry of Education of the Republic of Belarus in consultation with the Ministry of Finance of the Republic of Belarus, subject to the conclusion of bodies and institutions carrying out state sanitary supervision, on its compliance with sanitary and epidemiological legislation.

The curriculum of the educational institution implementing educational programs of basic secondary education is developed by the educational institution, annually on the basis of the standard curriculum of the institution of basic secondary education of the appropriate type and approved by its head in agreement with the founder.

In a process of developing a curriculum for an educational institution (that implements educational programs for basic secondary education), it should be noted, that total number of hours of

study, which is financed from the republican and (or) local budgets for conducting studies (classes), in cases stipulated by the regulation on the establishment of basic secondary education or its form, can be increased by the founder of the institution of education.

The experimental curriculum of an educational institution implementing educational programs for basic secondary education is tested in an educational institution implementing educational programs for basic secondary education on the basis of which experimental activities are carried out.

The experimental curricula of educational institutions implementing educational programs of basic secondary education are developed and approved by the Ministry of Education of the Republic of Belarus.

The individual curriculum establishes the characteristics of obtaining basic secondary education by gifted and talented students, as well as by students who, for valid reasons, cannot permanently or temporarily attend training sessions and (or) pass the certification in due time.

Individual curricula are developed by educational institutions implementing educational programs of basic secondary education, on the basis of the curriculum of the educational institution implementing educational programs of basic secondary education, and approved by their leaders.

The organization of the development of educational standards, educational and program documentation, education programs, their approval and implementation of scientific and methodological support for education is within the competence of the Ministry of Education of the Republic of Belarus [5, art. 109, 166].

Thus, after examining the main components determining autonomy in the field of educational activity of institutions of basic secondary education in the Republic of Belarus, we can draw the following conclusions:

1) autonomy in the choice of the content of education is partially presents (educational standards, model and experimental curricula are developed and approved by the Ministry of Education of the Republic of Belarus), manifested in the process of developing and approving the curriculum and individual curricula by the head of the educational institution;

2) autonomy in the choice of educational and methodological support and educational technologies is partially limited (unified (standard) curricula on subjects developed and approved by the Ministry of Education of the Republic of Belarus are used), and is manifested in the selection and use of educational technologies (forms and methods of teaching);

3) autonomy in the choice of means of instruction is limited to the use of textbooks (centrally developed and approved by the Ministry of Education of the Republic of Belarus), and in the choice of information and communication technologies, technical means of education, the institutions of basic secondary education in Belarus have a broad autonomy.

2.2.2. Scientific autonomy

The main normative legal acts that determine the content and procedure of scientific activity in the field of education are the Law of the Republic of Belarus of October 21, 1996, No. 708-XIII, "On Scientific Activities" [Law of the Republic of Belarus,], the Education Code of January 13, 2011 No. 243-3 and Law of the Republic of Belarus of July 10, 2012 No. 425-3 "On State Innovation Policy and Innovation Activity in the Republic of Belarus" [Law of the Republic of Belarus,],

In accordance with the Belarusian legislation, all methods, educational technologies, and teaching aids introduced into the educational process must be scientifically grounded and subject to preliminary experimental testing. The responsibility for organizing the development of scientific and methodological support for the educational process at the level of basic secondary education rests with the Ministry of Education of the Republic of Belarus, and the executors are the scientific (National Institute of Education) and educational institutions: universities, institutes for the development of skills and retraining (IT&R), educational development institutions), the Academy of Postgraduate Education (APE), gymnasiums, lyceums, schools [3, art. 97].

The main components that determine the autonomy of institutions of basic secondary education in the field of scientific activity are: 1) autonomy in the choice of the content of scientific activity; 2) autonomy in the process of conducting fundamental, applied scientific research and formalizing their results; 3) autonomy in the process of introducing the results of scientific research.

The institutions of basic secondary education of the Republic of Belarus have broad powers in the context of participating in scientific activities (in the educational sphere) and can independently act

as initiators of updating the content of educational programs and improving the quality of education through the implementation of experimental, innovative projects in cooperation with scientific institutions, higher education institutions and adult education institutions (IT&R, APE, IED).

Thus, based on the legislation of the Republic of Belarus, we can state that institutions of basic secondary education: 1) are completely autonomous in the choice of the content of scientific activity; 2) are partially autonomous in the process of carrying out fundamental, applied scientific research and formalizing their results (implement them jointly with scientific institutions, higher education institutions and additional adult education); 3) are completely autonomous in the process of implementing the results of scientific research.

2.2.3. Administrative autonomy

The main normative legal acts governing administrative relations in institutions of basic secondary education are the Labor Code of the Republic of Belarus [Art. 20, paragraph 1] and the Code of the Republic of Belarus on Education.

The main components that determine the autonomy of basic secondary education in the field of administrative activity are: 1) autonomy in the formation of the administrative structure of the institution; 2) autonomy in the process of determining the number of personnel, their level of competence, authority and functional responsibilities; 3) autonomy in the process of admission, dismissal of staff and registration of labor relations.

In accordance with the legislation of the Republic of Belarus, institutions of basic secondary education: 1) are fully autonomous in the formation of the administrative structure of the institution [5, art. 20, item 2.2; Art. 23, item 5]; 2) are partially autonomous in the process of determining the number of personnel, the level of their qualifications, their official powers and functional duties (the number of personnel is limited by the rates depending on the number of students, the level of qualifications, official powers and functional responsibilities are defined in the UQGP and UTQG*); 3) completely autonomous in the process of admission, dismissal of staff and formalization of labor relations [5, art. 20, 26]

**UQGP— unified qualification reference book of workers' posts, which includes 35 issues. UTQG — is a universal tariff-qualification reference book of works and occupations of workers, which consists of 68 issues.*

2.2.4. Financial and economic autonomy

The autonomy of the institution of basic secondary education in the financial and economic sphere assumes independence in the use of allocated state (budgetary) funds, as well as the possibility of attracting and using private (extrabudgetary) funds [Misia Coghlan, Arnaud Desurmont, p. 18-21].

The Code of the Republic of Belarus on Education regulates relations related to financing and material and technical support in the sphere of education [5, chapters 16, 17].

The main components that determine the autonomy of institutions of basic secondary education in the field of financial and economic activity are:

1) autonomy in the use of public (budgetary) funds for capital expenditures and / or acquisitions (CZ) - major repairs, reconstruction or modernization of buildings, structures, purchase of furniture, technical training facilities, etc. (Capital expenditure and / or acquisitions);

2) autonomy in the use of public (budgetary) funds (Use of public funds) for operating expenses (ER) - expenses for the operation of buildings, facilities, technical means of training and other equipment (Operating expenditure);

3) autonomy in the use of state (budgetary) funds (Use of public funds) for the purchase of computer equipment (PQO) (Acquisition of computer equipment);

4) autonomy in attracting donations and sponsorship Funding (seeking donations and sponsorship);

5) autonomy in the provision of paid services (educational services, provision of school premises, equipment, publishing, printing, etc.);

6) autonomy in the use of extrabudgetary funds [9, p. 18-21].

The legislation of the Republic of Belarus provides full independence to institutions of basic secondary education in financial and economic activities for all the above six components [5, art. 20, item 2.3; Art. 137, 138, 139, 140].

2.2.5. Autonomy in the adoption of local regulations

The legislation of the Republic of Belarus in the sphere of education provides broad opportunities for institutions of basic secondary education to establish internal rules of activity independently. So the head of the institution of basic secondary education has the authority to issue local regulations (orders, orders) regulating:

- 1) rules for admission of students;
- 2) the schedule of training sessions;
- 3) forms, periodicity and order of current and final attestation of students;
- 4) quality control of training sessions, etc.

2.3. Reflection of the autonomy of institutions of basic (compulsory) secondary education (autonomy of schools) in the legislation of the Kingdom of Belgium

The Flemish education system comprises 6 years of primary education (after 3 years of optional pre-school education) and 6 or 7 years of secondary education. Upon completion of secondary education, pupils are awarded the Diploma van Secundair Onderwijs, which grants admission to all types of higher education. Examinations for this certificate can be taken in four tracks, also referred to as onderwijsvormen:

- Algemeen Secundair Onderwijs (ASO, Basic Secondary Education);
- Technisch Secundair Onderwijs (TSO, Technical Secondary Education);
- Kunstsecundair Onderwijs (KSO, Secondary Art Education);
- Beroepssecundair Onderwijs (BSO, Secondary Vocational Education). In this track, the Diploma van Secundair Onderwijs is awarded after 7 years, instead of 6.

Let's consider the boundaries of autonomy of institutions of basic secondary education in educational, scientific, administrative, financial, economic and regulatory fields of activity.

2.3.1. Educational (academic) autonomy

According to the legislation of the Kingdom of Belgium, institutions of basic secondary education are completely autonomous in the choice of the content of education, teaching and methodological support, educational technologies (forms and methods of instruction) and teaching aids.

2.3.2. Scientific autonomy

The legislation of the Kingdom of Belgium provides full secondary education institutions with full autonomy in determining the content of scientific activity, conducting scientific research and implementing the results of scientific research.

2.3.3. Administrative autonomy

According to the legislation of the Kingdom of Belgium, the institutions of basic secondary education are completely autonomous in the formation of the administrative structure of the institution, in determining the number of employees, their level of competence, official powers and responsibilities, admission, dismissal and formalization of labor relations with staff.

2.3.4. Financial and economic autonomy

The legislation of the Kingdom of Belgium provides secondary education institutions with full autonomy in using state (budgetary) funds, attracting donations and sponsorship, providing paid services, and using extrabudgetary funds.

2.3.5. Autonomy in the adoption of local regulations

In accordance with the legislation of the Kingdom of Belgium, basic secondary education institutions are completely autonomous in determining the rules for admission of students, scheduling training sessions, determining the forms, procedure for current and final certification of trainees, and monitoring the quality of training

2.4. Reflection of the autonomy of institutions of basic (compulsory) secondary education (autonomy of schools) in the legislative acts of the Republic of Lithuania

In the Republic of Lithuania the main regulatory legal acts governing public relations in the field of education are: the Education Act (1991); The basic concept of education (1992); Law on Vocational Training (1997); The Law on Informal Adult Learning (1998); Law on Special Education (1998); Law on Higher Education (2000).

Let us examine the boundaries of independence (autonomy) of institutions of basic secondary education of the Republic of Lithuania in the educational, scientific, administrative, financial, economic and regulatory fields of activity.

2.4.1. Educational (academic) autonomy

According to the legislative acts of the Republic of Lithuania, the institutions of basic secondary education are partially autonomous in the choice of the content of education, teaching and methodological support, educational technologies (forms and methods of instruction) and teaching aids. Article 35 of the Education Law assigns the following powers to the competence of the Ministry of Education and Science in the field of education:

a) approval of the regulation on the supervision of educational institutions and the Regulation on the State Inspectorate for Education;

b) the establishment of requirements for a basic provision on the activities of educational institutions of all types, approves regulations on the activities of educational institutions subordinate to it;

c) approval of the basic content of training (curricula, basic programs, textbooks) for state and municipal educational institutions;

d) organizing the preparation, production and publication of curricula, programs, textbooks, various educational aids and literature;

e) establishment of state educational standards at all levels;

f) the organization of the final certification of students in the basic disciplines of basic secondary education, the formation of commissions for the preparation of examination tasks, the supervision of the examinations and the evaluation of works.

2.4.2. Scientific autonomy

Legislation of the Republic of Lithuania provides secondary education institutions with full autonomy in determining the content of scientific activity, conducting research and implementing the results of scientific research.

2.4.3. Administrative autonomy

According to the legislative acts of the Republic of Lithuania, basic secondary education institutions are fully autonomous in the formation of the administrative structure of the institution, determining the number of employees, their level of competence, official powers and functional duties, admission, dismissal and formalization of labor relations with personnel.

2.4.4. Financial and economic autonomy

The legislation of the Republic of Lithuania provides full secondary education institutions with full autonomy in using state (budgetary) funds, attracting donations and sponsorship, providing paid services, and using extrabudgetary funds.

2.4.5. Autonomy in the adoption of local regulations

In accordance with the legislation of the Republic of Lithuania, basic secondary education institutions are fully autonomous in determining the rules for admission of students, scheduling training sessions, determining the forms, procedure for current and final certification of trainees, and monitoring the quality of training sessions.

2.5. Reflection of the autonomy of institutions of basic (compulsory) secondary education (autonomy of schools) in the legislative acts of the Republic of Poland

Education in the Republic of Poland is compulsory up to 18 years. The basis of the education system is a 12-year school, in which the first 8 years constitute the initial stage. Four senior years form a lyceum. There are two types of lyceums - basic education and technical. Particular attention is paid to the development of crafts and technical schools. Diploma of the Lyceum is a necessary condition for admission to the university. After 1989 numerous non-state primary and secondary schools were opened. These include private and parochial schools, as well as "public" schools, whose activities are partly paid for through financial donations. Private higher education institutions are also open.

Consider the boundaries of independence (autonomy) of institutions of basic secondary education in the Republic of Poland in the educational, scientific, administrative, financial, economic and regulatory fields.

2.5.1. Educational (academic) autonomy

According to the legislative acts of the Republic of Poland, institutions of basic secondary education are completely autonomous in the choice of the content of education, educational and methodological support, educational technologies (forms and methods of instruction) and teaching aids.

2.5.2. Scientific autonomy

Legislation of the Republic of Poland provides full secondary education institutions with full autonomy in determining the content of scientific activity, conducting research and implementing the results of scientific research.

2.5.3. Administrative autonomy

According to the legislation of the Republic of Poland, institutions of basic secondary education are fully autonomous in the formation of the administrative structure of the institution, determining the number of employees, their level of competence, official powers and responsibilities, admission, dismissal and formalization of labor relations with staff.

2.5.4. Financial and economic autonomy

The legislation of the Republic of Poland provides secondary education institutions with full autonomy in using state (budgetary) funds, attracting donations and sponsorships, providing paid services, and using extrabudgetary funds.

2.5.5. Autonomy in the adoption of local regulations

In accordance with the legislation of the Republic of Poland, institutions of basic secondary education are completely autonomous in determining the rules for admission of students, drawing up schedules for training sessions, determining forms, procedures for current and final certification of trainees, and monitoring the quality of training sessions.

2.6. Reflection of the autonomy of institutions of basic (compulsory) secondary education (autonomy of schools) in the legislative acts of the Russian Federation

The main and in fact the only normative legal act that establishes the right to autonomy in education, as well as defining its boundaries, is the Federal Law of 2012 "On Education in the Russian Federation". This law defines the autonomy of educational organizations as one of the principles of state policy in the field of education.

Article 28 defines autonomy of an educational organization - it is independence in the implementation of educational, scientific, administrative, financial and economic activities, the development and adoption of local regulations.

Let's describe the autonomy of the educational organization in terms of these aspects.

2.6.1. Educational (academic) autonomy

According to the Federal Law "On Education in the Russian Federation," educational organizations are free to determine the content of education, choose educational and methodological support, and educational technologies for educational programs they implement. In addition, with the exception of special cases, educational programs are independently developed and approved by educational organizations.

Also, educational organizations independently choose textbooks that will be used in the training process, from the federal list of textbooks recommended for use in the implementation of basic education programs.

2.6.2. Scientific autonomy

Under Russian law, the duty to carry out scientific activity is reserved only for educational organizations of higher education. Other educational organizations have the right to conduct scientific activity, if such activity is stipulated in their charters.

In general, Russian legislation does not establish any separate provisions on the scientific autonomy of educational organizations, nor-provisions that in any way restrict it.

2.6.3. Administrative autonomy

In general Russian legislation provides fairly broad range of administrative freedom of an educational organization. It makes no sense to consider here all aspects of administrative freedom. It should be noted only that educational organizations are independent in the formation of their administrative structure, as well as in recruiting employees independently, determination the required number and types, and establishing their duties.

2.6.4. Financial and economic autonomy

With the exception of certain cases, financial resources for providing educational activities are brought to the educational organization by "one line", without dividing them by types and directions of expenditure. In the future, the educational organization independently distributes these funds by types of expenses (labor remuneration, repairs, etc.). This allocation is fixed in terms of financial and economic activities and approved by the founder.

2.6.5. Autonomy in the adoption of local regulations

The peculiarity of Russian legislation in the field of education is that it provides broad opportunities for discretion and self-determination of the rules of its internal activity by educational organizations. However, some issues can be resolved only at the local level.

In particular, educational organizations independently determine:

- rules for admission of students,
- the mode of study for students,
- forms, periodicity and order of current monitoring of academic results and intermediate certification of students.

2.7. Comparative analysis of the educational right to the autonomy of schools in the Republic of Albania, the Republic of Belarus, the Kingdom of Belgium, the Republic of Lithuania, the Republic of Poland, the Russian Federation

In this section, the degree of autonomy held by schools is divided into three broad categories.

Full autonomy – applies when a school takes decisions within the limits of the law or the basic regulatory framework for education, without the intervention of outside bodies (even if they have to consult higher authorities); **limited autonomy** – when schools take decisions within a set of options predetermined by a higher education authority or obtain approval for their decisions from a higher authority. Schools are considered to be **without autonomy** when they do not take decisions in a given area [Misia Coghlan, Arnaud Desurmont, 9, p. 17].

Table 2.7.1. – Educational autonomy

Autonomy components	Autonomy indicators*					
	AL	BY	BE	LT	PL	RU
Choice of educational content	LA	LA	FA	LA	FA	FA
Choice of educational and methodological support, educational technologies (forms and methods of teaching)	FA	LA	FA	LA	FA	FA
Choice of educational tools	LA	LA	FA	LA	FA	FA

* Indicators:

Full autonomy - FA

Limited autonomy (LA)

Without autonomy – WA

Table 2.7.2. –Scientific autonomy

Autonomy components	Autonomy indicators*					
	AL	BY	BE	LT	PL	RU
Choice of scientific content	FA	FA	FA	FA	FA	FA
Autonomy in the process of scientific research	FA	LA	FA	FA	FA	FA
Autonomy in the process of implementation of scientific research results	FA	FA	FA	FA	FA	FA

Table 2.7.3. – Administrative autonomy

Autonomy components	Autonomy indicators*					
	AL	BY	BE	LT	PL	RU
Autonomy in the formation of the administrative structure of the institution	FA	FA	FA	FA	FA	FA
Autonomy in determining the number of personnel, their level of competence, official authority and functional responsibilities	FA	LA	FA	FA	FA	FA
Autonomy in the admission, dismissal of staff and registration of labor relations	FA	FA	FA	FA	FA	FA

Table 2.7.4. –Financial and economic autonomy

Autonomy components	Autonomy indicators*					
	AL	BY	BE	LT	PL	RU

Autonomy components	Autonomy indicators*					
	AL	BY	BE	LT	PL	RU
Autonomy in the use of public (budgetary) funds costs and / or acquisitions	FA	FA	FA	FA	FA	FA
Autonomy in the use of government (budgetary) funds for operating expenses	FA	FA	FA	FA	FA	FA
Autonomy in the use of state (budgetary) funds for the purchase of computer equipment	FA	FA	FA	FA	FA	FA
Autonomy in attracting donations and sponsorship funds	FA	FA	FA	FA	FA	FA
Autonomy in the provision of paid services	FA	FA	FA	FA	FA	FA
Autonomy in the field of using extrabudgetary funds	FA	FA	FA	FA	FA	FA

Table 2.7.5. – Autonomy in adopting legal documents

Autonomy components	Autonomy indicators*					
	AL	BY	BE	LT	PL	RU
Autonomy in the definition of admission rules for students	FA	FA	FA	FA	FA	FA
Autonomy in the scheduling of training sessions	FA	FA	FA	FA	FA	FA
Autonomy in determining the forms, periodicity and order of current and final attestation of students	FA	FA	FA	FA	FA	FA
Autonomy in quality control of training sessions	FA	FA	FA	FA	FA	FA

Chapter 3 – Comparative law on autonomy in compulsory of teachers (pedagogical autonomy)

Professional autonomy of the teacher is a way of performing professional activity, characterized by activity, independence and responsibility based on independent goal-setting, free choice of forms, means, content of training and constant reflection of one's experience and professional behavior [Gavrilyuk OA, 2006], presupposing self-directed professional actions for self-development, freedom from control over professional self-development [Richard, 2015] and freedom from outside influence when choosing about (McGrath, 2000).

The external conditions that provide the autonomy of teachers are presented in a complex of normative legal documents and they are closely related to the definition of the legal status of the teacher and are examined in two measurable ways:

1. In terms to professional actions (**educational independence**). It is: independent professional actions, the ability to act independently, freedom from control over professional actions.

2. In terms to professional development (**professional-cognitive autonomy**). Here we are talking about a "self-directed", managed by the subject of education, professional development, the ability for professional self-development, freedom from control over professional self-development [Richard, 2015].

3.1. Reflection of the autonomy of teachers working in institutions of basic (compulsory) secondary education in the legislative acts of the Republic of Belarus

Article 50, paragraph 1 of the Education Code of the Republic of Belarus specifies that pedagogical workers are recognized as people who carry out pedagogical activity (they implement the content of educational programs, provide scientific and methodological support for education and (or) guide the educational activities of the educational institution, its structural units).

In accordance with Article 52 of the Education Code, pedagogical workers in accordance with the legislation are entitled to:

creative initiative, the freedom to choose pedagogically based forms and methods of teaching and upbringing, educational publications and teaching aids;

For example, a teacher in the Republic of Belarus has the right to monthly compensation for the cost of acquiring educational and methodological literature in accordance with the procedure and on terms determined by the Government of the Republic of Belarus.

access to educational-programming, educational-methodical documentation, information-analytical materials;

In order to provide teachers with access to the educational, programs, educational and methodological documentation, information and analytical materials in the Republic of Belarus, the National Legal Portal <http://www.pravo.by>, the National Education Portal <http://adu.by/ru/>

participation in the updating, development and definition of the structure and content of structural elements of scientific and methodological support for education;

Every year the Ministry of Education of the Republic of Belarus is organizing a competition for the creation of educational materials for educational institutions. Each teacher has the right to take part in the competition.

training.

The qualification characteristics of pedagogical workers are determined by the single qualification reference book for the positions of employees (issue 28 (2011).) The criterion for differentiation of qualification requirements is the content of pedagogical activity and the specificity of the taught subject.

In accordance with this document, the duties of the teacher imply a certain degree of autonomy:

"It ensures the level of education of students that meets the requirements of the state educational standard, the quality and full implementation of curricula and curricula. Participates in the development of educational and program documentation, the implementation of its adjustment. Carries out planning on the subject, develops structural elements of scientific and methodological support. In accordance with the schedule, prepares and conducts classes (classes) using a variety of pedagogical forms, methods, techniques and tools, provides an educational and ideological component of training sessions. "

Teacher in accordance with the Regulation on the establishment of general secondary education (approved by the Ministry of Education of the Republic of Belarus on 20 November 2011, No. 283) organizes the training of students in the framework of training sessions, which are the main form of organizing the educational process in the implementation of educational programs for general secondary education. This is mainly a lesson. The teacher can organize observation, excursions and other activities. The choice of an alternative form of the lesson should be coordinated with the administration of educational institutions and correlated with the curriculum of the taught subject.

The beginning of the training sessions, their duration and schedule are developed and approved by the administration of the educational institution on the basis of the normative documents of the Ministry of Education.

The content of training, sanitary requirements and standards for ensuring the safety of students in the educational process are regulated by regulatory documents:

1. The Code of the Republic of Belarus on Education.
2. Regulation on the establishment of general secondary education, approved by the Decree of the Ministry of Education of the Republic of Belarus dated 20.12.2011 № 283 (with amendments and additions).
3. Rules for the certification of students when mastering the content of educational programs of general secondary education, approved by the Ministry of Education of the Republic of Belarus dated 20.06.2011 № 38.
4. The list of subjects for final examinations, the forms of final examinations for the final certification of students in the 2017/2018 academic year, when the contents of the general secondary education curriculum are developed, the educational program of special education at the level of general secondary education, approved by the Ministry of Education Republic of Belarus of 07/07/2017 № 74.

5. Norms for assessing the results of educational activities of pupils of general education institutions in academic subjects, approved by Order of the Minister of Education of the Republic of Belarus No. 674 of May 29, 2009 (as amended and supplemented on September 29, 2010, No. 635).

6. Sanitary norms and rules "Requirements for institutions of general secondary education", approved by the Ministry of Health of the Republic of Belarus dated 27.12.2012 № 206 (in the wording of the resolution of 17.05.2017 № 35).

7. Safety rules for the organization of the educational process in the subjects (disciplines) "Chemistry" and "Physics" in educational institutions of the Republic of Belarus, approved by the Ministry of Education of the Republic of Belarus on 26.03.2008 № 26.

In choosing methods and means of teaching, the teacher can show initiative and independence within the limits of the requirements.

The teacher is a full member of the institution's board and can initiate consideration and acceptance by the collective of the educational institution of certain positions.

In accordance with Article 52 of the Education Code, pedagogical workers in accordance with the legislation have the right to participate in the scientific, scientific, technical, experimental, innovative, international activities of the educational institution.

The content of training within the framework of the subject is regulated by the educational and programmatic documentation of educational programs of general secondary education

Typical curricula for all types of institutions of general secondary education are approved by the decree of the Ministry of Education of the Republic of Belarus of February 28, 2017 No. 14 (www.edu.gov.by / Education System / Management general secondary education / Model curricula; www.adu.by/ Educational process 2017/2018 school year / Model curriculum for general secondary education for 2017/2018 academic year)

Curricula for all subjects for each class are posted on the national educational portal (www.adu.by/ Educational process. 2017/2018 academic year / Training subjects. I-IV, V-XI classes).

The distribution of time by topic in the curriculum is exemplary. The teacher is given the right to change the sequence of studying questions within the topic, and also to use reserve time at his discretion.

Regarding autonomy in the sphere of managing their own professional development, the teacher has the opportunity to develop themselves professionally, which is ensured through his participation in the educational programs of additional adult education - qualification improvement (no less than 1 time in 3 years), educator programs of training courses and retraining both at the expense of the national budget and at the expense of their own funds.

3.2. Reflection of pedagogical autonomy of teachers working in institutions of basic (compulsory) secondary education in the legislation of the Kingdom of Belgium

This chapter discusses how far the teachers can take decisions and act freely in the three areas. The first concerns decisions about what the curriculum should contain, including both its compulsory and optional components; the second, to the teaching of the disciples; the third district of the United States of America. However, teachers cannot act autonomously if schools have no autonomy in the same place. For this reason and for each area in turn, the following analysis will be taken into account. The three main players involved in taking decisions in schools are the head, the school board or council (i.e. the management body inside the school) and the teachers themselves, and they can do so in any possible combination.

Teachers have relatively little say in determining the content of the compulsory minimum curriculum, or because it does not occur in schools.

In Belgium teachers are also assisted in drawing up the country's school curriculum (for use in all schools).

In contrast to the procedures governing the compulsory curriculum, schools have greater freedom when it comes to determining the curricula of optional subjects. However, in no countries (except and Romania) do teachers choose further autonomy. Decisions of this kind are always taken together with the school heads.

As regards teaching methods, first of all, teachers are free to choose.

Teachers individually or collectively decide which teaching methods should be used. They do so either on their own or with the school head, without having to consult the educational provider (i.e. the school's external administrative authority or body).

Teachers are either completely free to choose their preferred textbooks, or may do so from a predetermined list. The countries in which the teachers can select their books from a list are Lithuania, Poland.

Teachers possess a large-scale decision-making autonomy in another important area of their activity, namely the assessment of pupils. The three aspects of assessment are discussed here. The three aspects of assessment are discussed here.

Belgium (BE fr): In the 2006/07 and 2007/08 school years, two different course options have led to the award of the Certificat d'études de base (for pupils enrolled in the sixth year of primary education): they are the *filière externe* (the 'external' option) involving a common external examination applicable to all schools and the *filière interne* (the 'internal' option) offered within each individual school. The *filière externe* becomes mandatory with effect from the 2008/09 school year.

Belgium (BE fr, BE de): (a) refers to schools for which the Community is directly responsible and a minister is the responsible authority; (b) refers to schools in the public and private grant-aided sector. In the grant-aided sector, the responsible authority is deemed to be the school-based management body.

In the great majority of European countries, teachers determine the basis on which pupils should be assessed, acting either independently or jointly with their school head. The latter procedure is the norm in

Belgium, Bulgaria, Germany, Estonia, Ireland (ISCED 2), Malta, Poland, Slovakia, Sweden, the United Kingdom (Scotland), Iceland and Norway. Thus in Poland, the teachers' council chaired by the school head is responsible. In Belgium (the French and German-speaking Communities), pupil assessment for a particular set of lessons is conducted by the teacher concerned, while the overall assessment of pupils and decisions as to whether they should progress to the next class or be awarded a certified qualification are taken by the class council of which the school head (or his or her representative) is a member.

In Belgium, working time is defined as the time allocated to two main activities, namely teaching in lessons on the one hand and the preparation of lessons and marking on the other. In many countries, additional activities are also included.

A precise number of hours of availability at school for other activities, such as meetings or management duties, may also be specified as occurs in thirteen countries. Most of them also specify the teaching hours and/or overall working time. In either case, the situation is the same in primary and secondary education.

The working time of teachers is contractually defined in terms of the number of teaching hours only, in just three European countries (Belgium, Ireland and Liechtenstein).

Belgium (BE de, BE nl): In addition to frameworks in each Community that specify the general working conditions for teachers, their tasks and specific duties are defined at school level and are set out essentially in three documents, namely the employment contract, the labour regulation and the job description. Financial incentives or additional remuneration for teachers are almost non-existent.

The provision of support to future teachers and new entrants is widespread since it is required in over half the countries. In some of them, it is specified that the task should be carried out by experienced teachers. In Belgium, provision of support to future teachers is clearly specified in the official documents whereas support for new entrants may or may not be required depending on the institution.

3.3. Reflection of pedagogical autonomy of teachers working in institutions of basic (compulsory) secondary education in the legislative acts of the Republic of Lithuania

The Education Act states that teachers' associations, societies and alliances take part in developing subject content (the curriculum). However, teacher subject associations do not have a long-standing tradition of activity, so their participation is only now becoming more visible (for example, the alliances of teachers of Lithuanian language and literature and of mathematics teachers have contributed markedly to improving the quality of examinations in those subjects).

In Lithuania teachers also assist in drawing up the country's school curriculum (for use in all schools).

As regards teaching methods, first of all, teachers are free to choose those methods they wish.

In the great majority of countries, schools are responsible for choosing the criteria on which their pupils will be internally assessed, even though their autonomy is limited in Lithuania.

In Lithuania teachers are fully autonomous in the area of internal assessment. However, when awarding final marks at the end of the year in Lithuania, they have to comply with the marking scale of 10 laid down by the Ministry of Education and Science.

In Lithuania, working time is defined as the time allocated to two main activities, namely teaching in lessons on the one hand and the preparation of lessons and marking on the other. In many countries, additional activities are also included.

The provision of support to future teachers and new entrants is widespread since it is required in over half the countries. In some of them, it is specified that the task should be carried out by experienced teachers. In Lithuania, it may be an advantage for teachers who are seeking promotion to support any student teachers or newly qualified teachers assigned to them. In some other countries or regions, the situation may differ depending on the players targeted.

3.4. Reflection of pedagogical autonomy of teachers working in institutions of basic (compulsory) secondary education in the legislative acts of the Republic of Poland

The Pedagogical Council has great rights, fixed by legal documents and the law on education.

Teachers themselves can develop a system for assessing the knowledge of students, set the number of hours in different subjects, can organize the study of subjects on a two-tier system: a basic level and an in-depth level.

3.5. Reflection of pedagogical autonomy of teachers working in institutions of basic (compulsory) secondary education in the legislative acts of the Russian Federation

Federal Law No. 273-FZ of December 29, 2012 (as amended on July 29, 2017) "On Education in the Russian Federation" in Article 47 presents the legal status of pedagogical workers as a set of rights and freedoms (including academic rights and freedoms), labor rights, social guarantees and compensations, restrictions, duties and responsibilities, which are established by the legislation of the Russian Federation and the legislation of the constituent entities of the Russian Federation.

The Russian Federation recognizes the special status of teachers in the community and creates conditions for the exercise of their professional activities. Teachers in the Russian Federation are given rights and freedoms, measures of social support aimed at ensuring their high professional level, conditions for the effective performance of professional tasks, increasing social importance, the prestige of teaching work.

Teachers have following academic rights and freedoms:

1) freedom of teaching, free expression of one's opinion, freedom from interference in professional activities;

2) the freedom to choose and use pedagogically based forms, means, methods of teaching and upbringing;

3) the right to creative initiative, development and application of author's programs and methods of teaching and upbringing within the educational program, a separate academic subject, course, discipline (module);

4) the right to choose textbooks, teaching aids, materials and other means of education and upbringing in accordance with the educational program and in accordance with the procedure established by the legislation on education;

5) the right to participate in the development of educational programs, including curricula, calendar training schedules, working subjects, courses, disciplines (modules), methodological materials and other components of educational programs;

6) the right to carry out scientific, scientific, technical, creative, research activities, participate in experimental and international activities, developments and in the implementation of innovations;

7) the right to free use of libraries and information resources, as well as access to information and telecommunication networks and databases, educational and methodological materials, museum funds, material and technical means of providing educational services in the order established by the local regulatory enactments of the organization that conducts educational activities; activities necessary for

the quality implementation of pedagogical, scientific or research activities in organizations that implement the image tive activities;

8) the right to free use of the educational, methodological and scientific services of the organization that conducts educational activities in accordance with the procedure established by the legislation of the Russian Federation or by local regulatory enactments;

9) the right to participate in the management of an educational organization, including in collegiate management bodies, in the manner prescribed by the charter of this organization;

10) the right to participate in the discussion of issues relating to the activities of the educational organization, including through government and public organizations;

11) the right to associate in public professional organizations in the forms and in accordance with the procedure established by the legislation of the Russian Federation;

12) the right to appeal to the commission for the settlement of disputes between participants in educational relations;

13) the right to protection of professional honor and dignity, to a fair and objective investigation of violations of the standards of professional ethics of teachers.

Academic rights and freedoms must be exercised with observance of the rights and freedoms of other participants in educational relations, the requirements of the legislation of the Russian Federation, the norms of professional ethics of pedagogical workers, fixed in local normative acts of the organization that carries out educational activities.

In the working hours of teaching staff, depending on the position occupied, educational (teaching) and educational work is included, including the practical training of students, individual work with students, scientific, creative and research work, as well as other pedagogical work provided for by labor (official) duties and (or) an individual plan, - methodical, preparatory, organizational, diagnostic, work on monitoring, work provided for by the plans sports, creative, and other events conducted with students. Specific labor (job) duties of teachers are determined by labor contracts (service contracts) and job descriptions. The ratio of educational (teaching) and other pedagogical work within the working week or academic year is determined by the relevant local normative act of the organization that carries out educational activities, taking into account the number of hours according to the curriculum, specialty and qualification of the employee.

Chapter 4 – Comparative law on the right to privacy and the profession of a teacher

4.1. Reflection of the right to inviolability of private life and the profession of the teacher in the legislative acts of the Republic of Belarus

In accordance with Article 28 of the Constitution of the Republic of Belarus, everyone has the right to protection from unlawful interference in his private life, including from encroachment on the secrets of his correspondence, telephone and other communications, on his honor and dignity.

The right to privacy is guaranteed by art. 17 of the International Covenant on Civil and Political Rights (entered into force for the Republic of Belarus on 23.03.1976), is fixed in Art. 9 of the CIS Convention on the Rights and Fundamental Freedoms of Man (entered into force for the Republic of Belarus on 11.08.1998), and also formulated in Art. 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (not signed by the Republic of Belarus).

Private life is managed by the individual himself. The sphere of private life includes marriage (divorce), childbirth (adoption), disposal of property, family budget, deposit secrets, information about the state of health, freedom of religion. That is why the right to privacy involves the inadmissibility of listening to negotiations, violation of the right to privacy of postal, telegraphic, electronic messages, violation of the secrecy of deposits, medical, legal secrets, violation of the secrecy of confession,

However, the private and public spheres interact with each other and are not mutually exclusive. That is why the concept of private life includes personal freedoms, independence of the individual, personal integrity and personal relationships. The state within the established framework has the right to control the individuals that make up the society, as well as the regulation of their personal behavior.

For example, Article 11 of the Law of the Republic of Belarus of 09.07.1999. №289-3 "On Operative-Search Activity" (with amendments and additions as of January 1, 2014) gives law

enforcement bodies the right to interfere in private life: operational search activities related to the control of dispatches and messages, wiretapping of telephone conversations, information removal from technical communication channels, are conducted using the operational and technical forces and means of the internal affairs bodies and state security in the manner determined by the legislation of the Republic of Belarus. The implementation of these measures is allowed only with the approval of the prosecutor.

Guarantees for the protection of the citizen's good name are:

- the right to demand, in court, the refutation of information discrediting honor, dignity or business reputation, if the distributor of such information does not prove that they correspond to reality;
- the possibility of applying measures of responsibility for insult and libel.

Article 18 of the Law "On Information, Informatization and Protection of Information" contains a provision stating that no one has the right to demand information from a natural person about his private life and personal data, including information that constitutes personal and family secrets, the secret of telephone conversations, postal and other communications concerning the state of his health, or to receive such information in a manner other than the will of that individual, except in cases established by legislative acts of the Republic of Belarus

For violation of the rules for the protection of personal data and privacy, Belarusian legislation provides for administrative and criminal liability.

In practice, there are examples where separate normative documents provide for an insufficiently grounded or altogether unlawful possibility of restricting the right to inviolability of the home. For example, in 2004 the Constitutional Court of the Republic of Belarus considered the constitutionality of acts that gave employees of organizations that carry out energy and heat control, the right of unhindered access to electrical and heat-using facilities located in the residential premises of citizens.

The Constitutional Court noted that the legal relationship between consumers and suppliers of electricity and heat energy organizations are related to civil law relations and arise from a contract under which, in accordance with Article 510 of the Civil Code, the energy supplying organization undertakes to supply the subscriber (consumer) via the connected network with energy, and the subscriber undertakes to pay for the energy received, as well as to comply with its consumption regime, to ensure the safety of the operation of energy their networks and the serviceability of the devices and equipment used by them related to energy consumption. In the case when a citizen using energy for domestic consumption acts as a subscriber under a power supply contract, the obligation to ensure the proper technical condition and safety of power grids, as well as energy consumption metering devices, is assigned to the energy supply organization, unless otherwise established by law (Clause 2, Article 514 GK).

The rules for the use of electric and heat energy approved by the order of the Ministry of Fuel and Energy on April 30, 1996, define as an essential condition of the contract for electricity supply (the main legal document regulating the relations between the parties) the obligation of the consumer to allow representatives of the energy supplying organization and Energonadzor technical means of the commercial account of the electric power, a condition of an electric equipment and electroinstallations of the consumer. That is, when concluding the contract, each consumer assumes the obligation to allow the relevant persons to perform their duties to the electrical installations, equipment, instruments placed in his dwelling and, at the same time, determine, when agreed with the organization, when and under what conditions such access is possible.

Can the teacher's personal life become the basis for his dismissal from school?

Clause 3 of Art. 47 of the Labor Code of the Republic of Belarus (hereinafter referred to as "the Labor Code") it is established that an employment contract with an employee performing educational functions may be terminated by the employer for committing an immoral misconduct that is incompatible with the continuation of this work.

In paragraph 43 of the Resolution of the Plenum of the Supreme Court of the Republic of Belarus of 29.03.2001 No. 2 "On Certain Issues of the Application of Labor Legislation by the Courts" (with subsequent amendments and additions) (hereinafter - Resolution No. 2), it is explained that dismissal under cl. 47 TC is permissible only for those employees whose educational function is included as the main one, in particular teachers, teachers of educational institutions, masters of industrial training,

educators of children's institutions. It should be noted that this list of employees is not exhaustive.

Offense must be immoral and incompatible with the continuation of work

In the sense of paragraph 3 of Art. 47 TC, the basis for dismissal is a misconduct, which, together, has the following characteristics:

violating the norms of morality;

It is incompatible with the continuation of work related to the performance of educational functions; guilty.

In paragraph 43 of Resolution No. 2 it was noted that an immoral offense could be committed both in connection with and outside the connection with the implementation of educational activities (that is, during non-working hours). To such cases it is possible to carry:

- drinking alcoholic beverages or beer in non-public places;
- appearance in a public place in a state of intoxication, offending human dignity and morality;
- minor hooliganism;
- involvement of minors in antisocial activities;
- physical impact on students, etc.

And the dismissal of paragraph 3 of Art. 47 TC does not depend on the fact of bringing an employee to administrative (criminal) liability.

It should be noted that not every offense can be grounds for dismissal under clause 3 of Art. 47 TC. The evaluation of an offense as immoral, incompatible with the continuation of educational activity, must be carried out taking into account all the circumstances. It seems that it cannot be grounds for dismissal under clause 3 of Art. 47 TC:

non-fulfillment by the employee of civil obligations arising from the loan agreement, purchase and sale, the contract, which brought a suit against him in court;

bringing to the administrative responsibility of the employee for violation of the rules of stopping (parking) of vehicles, the operation of the vehicle without the contract of compulsory insurance of civil liability, the passage of the carriageway in violation of the rules of the road, smoking in prohibited places, etc.

It is necessary to know that dismissal on the basis under consideration is allowed for the commission of a single immoral offense by the employee.

4.2. Reflection of the right to inviolability of private life and the profession of a teacher in the legislative acts of the Republic of Lithuania

The inviolability of a person's private life is guaranteed by Article 22 of the Constitution of the Republic of Lithuania. Information containing information about a person's private life can be published only by a court decision or in the manner prescribed by law. It is forbidden to publish the contents of correspondence, telephone messages without the consent of the addressee, and also to make filming, photographing or sound recording during closed events without the consent of the organizers of this event (Article 18 of the Law "On Public Information").

4.3. Reflection of the right to inviolability of private life and the profession of a teacher in the legislative acts of the Russian Federation

In part 1 of Art. 17 of the Constitution of the Russian Federation stipulates that in the Russian Federation the rights and freedoms of man and citizen are recognized and guaranteed in accordance with the Constitution of the Russian Federation and "in accordance with universally recognized principles and norms of international law", which, by virtue of Part 4 of Art. 15 of the Constitution of the Russian Federation are an integral part of the legal system of the Russian Federation and have an advantage over the laws.

The right to privacy, personal and family secrets is guaranteed to citizens by the Constitution of the Russian Federation (Article 23), which states: "Everyone has the right to privacy of correspondence, telephone conversations, postal, telegraphic and other communications. Restriction of this right is allowed only on the basis of a judicial decision ". Article 24 of the RF Constitution prohibits the collection, storage, use and dissemination of information about a person's private life without his consent.

The Federal Law "On Information, Informatization and Information Protection" (1995) defines what is included in the sphere of private life: "... information about citizens (personal data) - information about the facts, events and circumstances of a citizen's life, allowing to identify his personality "(Part 7, Article

2). The personal data should include information about the facts of the person's biography, about the state of his health, about his property status, about his profession and occupation, his actions, his worldview, views, assessments and beliefs, about relations in the family or about a person's relationship with others.

The Criminal Code of the Russian Federation (articles 137, 138, 155) provides for punishment in the form of a fine and imprisonment for divulging the above-listed types of privacy and secrecy of adoption. The conditions for such punishment, as a rule, are the lack of consent of the citizen himself, the existence of selfish or low-interest, as well as harming the rights and interests of citizens. In addition, the inviolability of private life is recognized as an object of civil rights and protected in a judicial and other order under the Civil Code (Articles 128, 150).

In its turn, the Code of Administrative Offenses provides for responsibility for violation of the procedure for disseminating information on citizens (personal data) established by law (Article 13.11).

In the Russian Federation, responsibility for violation of privacy is established in the event that this act has caused harm to the rights and legitimate interests of citizens.

The ways of protecting non-property goods, which include privacy, are established in Art. 150 Civil Code of the Russian Federation. In particular, the injured citizen can apply to the court with a demand to recognize the fact of violation of his personal non-property right and the publication of a court decision. The right to privacy can also be protected by suppressing or prohibiting acts that violate or endanger the violation of this right. Finally, it is also possible to use common methods of protecting civil rights (Article 12 of the Civil Code of the Russian Federation).

In addition to civil liability for intrusion into private life, the violator may incur criminal liability. So, in accordance with Art. 137 of the Criminal Code of the Russian Federation, the illegal collection or dissemination of information about the private life of a person constituting his personal or family secret without his consent or dissemination of this information in a public statement, a publicly displayed work or the media is punishable by a fine of up to 200 thousand rubles. or compulsory, corrective or forced labor or arrest (for up to four months) or imprisonment (for up to two years). Even more serious is the punishment for the same acts committed with the use of official position. Given that for one act may be imposed measures of responsibility of a different nature, the same violation may entail the institution of criminal proceedings under art. 137 of the Criminal Code of the Russian Federation "Violation of the inviolability of private life", and the application of civil liability.

Measures to protect the private life of a citizen can be found not only in the Civil Code of the Russian Federation, but also in the administrative, labor, criminal and other branches of law. The most complex issues of collecting, storing, disseminating and using information on private life are regulated by Federal Law No. 152-FZ of July 27, 2006 "On Personal Data"

Chapter 5. Comparative law on autonomy in higher education institutes (university autonomy)

There can be recognized 4 criterias by which university autonomy higher education institutes can be examined:

- Organisational;
- Financial;
- Staffing;
- Academic.

Organisational autonomy refers to a university's ability to decide freely on its internal organisation, such as the executive leadership, decision-making bodies, legal entities and internal academic structures.

The ability to independently select, appoint and dismiss the executive head and to decide on the length of his/her term of office is by no means guaranteed in all European higher education systems. Legal guidelines and restrictions still apply in many countries.

University governing bodies, which usually consist of a board or council, a senate or both, decide on long-term strategic issues, like statutes and the budget, and academic matters, such as curricula and staff promotions. If external, non-university members are included in governing bodies and hence

involved in such fundamental institutional decisions, it is important that universities have their say in their appointment.

The capacity to create profit and not-for-profit legal entities and to decide on internal academic structures is directly linked to an institution's ability to determine and pursue its academic and strategic direction. The ability to set up distinct legal entities may also open up important new funding streams.

State of organizational autonomy in different countries:

Country	Level of autonomy	Description of implementation
Belgium	Medium high	Flanders Except for the two 'free' universities, selection criteria for the executive head are stated in the law. Universities decide on the term of office and dismissal procedure, and the appointment of the executive head does not require external validation. All universities have a government-appointed Commissioner in their governance structure. The government also proposes part of the external members in the university board/council-type body for all but the two 'free' universities. The subject fields within which universities can offer degree programmes are specified in law. Universities may decide on their academic structures and create legal entities.
	Medium low / high	Wallonia The community-governed universities are less autonomous than the rest of the system with respect to organisational matters. The law stipulates selection criteria and the term of office for the executive heads of these two universities. The rector's dismissal is always regulated in the university statutes. The inclusion of external members in the university governance structure is mandatory and controlled externally for the community-governed universities but is an internal matter for the others. Universities can decide on their academic structures and may create legal entities.
Poland	Medium high	Universities appoint their executive heads independently; however, selection criteria, term of office and dismissal procedure are all stated in law. The university senate may not include external members. Universities may determine their internal academic structures. The activities of any legal entities established by universities must be linked to the mission of the university.
Lithuania	High	Lithuanian universities select, appoint and dismiss their rector independently. The law includes basic selection criteria and specifies the term of office. Universities have recently acquired the capacity to select external members in governing bodies independently.
Albania	Low	The yearly admission quotas, before being declared, are consulted with the respective higher schools to better harmonize the possibilities with the demands. The quotas have been liberalized in a lot of branches. According to the governmental plan, the admission quotas are determined in total for each institution, but divided for each branch of study.
Russia	Low	Educational organizations of higher education may be granted the right to independently recognize, in the manner established by them, the recognition of foreign education and (or) foreign qualifications for the purpose of organizing admission to study in these organizations, as well as access to the professional activities of persons having a foreign education and (or) foreign qualifications.
Belarus	High	Universities carry out educational activity from the moment of reception of the special permission (license) on realization of educational activity. Besides universities create structural divisions and separate structural divisions. Creation, liquidation of the structural subdivisions of higher educational institutes (including isolated structural units), the definition of the main areas of their activities can be carried out on the basis of the proposals of the higher educational institute's Council.

		The higher education institution is subject to state registration, and its liquidation (termination of activities) is carried out in the manner prescribed by the legislative acts of the Republic of Belarus.
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Financial autonomy refers to a university's ability to decide freely on its internal financial affairs. The ability to manage its funds independently enables an institution to set and realize its strategic aims. European universities receive an important proportion of their funds from the state. Whether this funding is provided as a line-item budget or a block grant, the extent to which it may be freely allocated to different budget lines and the length of the funding cycle are important aspects of financial autonomy.

The abilities to keep a surplus and borrow money on the financial markets facilitate long-term financial planning and provide universities with the flexibility they need to fulfill their diverse missions in the most suitable way. Similarly, the capacity to own and sell university-occupied buildings enables them to determine institutional strategies and academic profiles.

The ability to charge tuition fees opens up new private funding streams, which make up a significant percentage of university budgets in some higher education systems. In these cases, the freedom to charge and set the level of tuition fees is a crucial factor in deciding on institutional strategies.

Country	Level of autonomy	Description of implementation
Belgium	Medium high	Flanders Universities receive public funding via an annual block grant whose internal allocation they control. They can keep any surpluses generated but they have to justify the purpose for which the reserves will be used. Universities can sell their buildings with some restrictions. An external authority sets the level of tuition fees for national/EU students at all levels.
	Medium low	Wallonia Universities have no decision-making capacity on tuition fees for domestic / EU students and limited options to reallocate funding internally. They can borrow money and may retain surpluses. Ownership of real estate is possible, with restrictions.
Poland	Medium low	Although universities are free to allocate internally the funds received through the annual block grant, they do not control research funding distribution as it is directly allocated to faculties. The use of any surplus generated is subject to constraints imposed by an external authority. Borrowing is possible with some restrictions. Property transactions require external authorisation depending on the origins of the buildings involved. Universities may not charge tuition fees to full-time national/EU students. Fees for non-EU students are set through co-operation between universities and an external authority.
Lithuania	Medium high	Lithuanian universities receive annual block grants with limited internal allocation possibilities. They cannot keep surpluses but may resort to borrowing more easily than in the past. The State continues to own university buildings. The externally set ceilings on tuition fees charged to self-funded students were lifted and universities can now set the level of fees for these students autonomously.
Albania	Medium low	The Ministry of Education and Science is the institution which designs the plan of the scholarships according to the quotas for each district, whereas the education directorate allocates it for each commune and municipality. The expenses for the salaries and social insurances fund in the local budget

		are planned by the Ministry of Education and Science and administered by the organs of the local government.
Russia	Medium	Financial resources for the provision of educational activities are brought to higher education institutes generally, without dividing them by types and directions of expenditure. In the future university independently distributes these funds according to the types of expenses (wages, repairs, etc.). This allocation is fixed in terms of financial and economic activities and approved by the founder.
Belarus	Medium high	Universities dispose of the property assigned to him on the basis of the operational management right, in accordance with the procedure established by law; carry out income-generating activities that are in line with the subject of the operation of the university, is necessary for the implementation of statutory functions and publicly significant tasks in the field of education, meets these objectives. Moreover universities dispose of funds received from income-producing activities, as well as property acquired by them in accordance with the law.

Staffing autonomy refers to a university's ability to decide freely on issues related to human resources management, including recruitments, salaries, dismissals and promotions.

In order to compete in a global higher education environment, universities must be able to hire the most suitable and qualified academic and administrative staff without external prescriptions or interference.

The ability to determine salary levels is of prime importance when attempting to attract an excellent international workforce. The civil servant status held by university employees still prevents institutions in a number of European countries from setting salaries.

The capacity to promote and dismiss personnel freely enhances an institution's flexibility, providing it with a competitive advantage with regard to staffing matters. The possibility to promote staff on the basis of merit remains restricted in a number of European higher education systems. Compliance with applicable labour laws and regulations is of course not regarded as a restriction on institutional autonomy.

Country	Level of autonomy	Description of implementation
Belgium	Medium high	Flanders Decisions on individual staff salaries are restricted by overall limits in payments to staff. The dismissal of staff is subject to regulations specific to the higher education sector.
	Low / medium low	Wallonia The community-governed universities are less autonomous than the rest of the system with respect to staffing matters. The community-governed universities must obtain external approval of their recruitment plan. Salaries, promotions and dismissals are strictly regulated due to the civil servant status of senior academic staff in all universities. Senior administrative staff may have civil servant status and, regardless of their status, their salaries are set externally.
Poland	High	There are some restrictions regarding the ability of universities to recruit senior academic staff but universities recruit senior administrative freely. Minimum salary levels are set by an external authority. Dismissals for senior academic staff are subject to regulations specific to the sector, while this is not the case for senior administrative staff. Senior academic staff have a special status in law with rights that provide a high level of

		protection against dismissal.
Lithuania	High	Lithuanian universities recruit their senior academic staff relatively autonomously on the basis of minimum regulations and salary bands set in law. Recruitment and salaries of senior administrative staff are an internal university matter. There are no specific regulations regarding dismissals and promotions are possible in case of vacancy.
Albania	Low	The criteria and competences of personnel hiring have been set by decision of the Council Ministers.
Russia	High	Universities are independent in the formation of their administrative structure. Moreover university has a right to recruit employees independently, determine the required number and types, and establish their job responsibilities.
Belarus	Low	Direct management of the institution of higher education is carried out by its head (rector, chief). The head of a state institution of higher education shall be appointed and dismissed in accordance with the procedure determined by the President of the Republic of Belarus. The head of a private higher education institution is appointed and dismissed by the Minister of Education of the Republic of Belarus at the recommendation of the founder. The dean (head) of the faculty is appointed to the position on the recommendation of the council of the institution of higher education and dismissed from the post by the head of the institution of higher education. The head of the department is appointed to the post after his election by the council of the institution of higher education and dismissed by the head of the institution of higher education. In the institution of higher education, a board of trustees may be established and other government bodies may be set up by the decision of the President of the Republic of Belarus.

Academic autonomy refers to a university's ability to decide on various academic issues, such as student admissions, academic content, quality assurance, the introduction of degree programmes and the language of instruction.

The ability to decide on overall student numbers and set admission criteria are fundamental aspects of institutional autonomy. While the number of study places has important implications for a university's profile and finances, the capacity to select students contributes significantly to ensuring quality and matching student interest with the programmes offered.

The capacity to introduce academic programmes without outside interference and to select the language(s) of instruction enables a university to pursue its specific mission in a flexible way. A free choice of teaching language may also be important in the context of institutional internationalisation strategies.

Although quality assurance mechanisms are essential accountability tools, related processes can often be burdensome and bureaucratic. Universities should therefore be free to select the quality assurance regime and providers they consider as appropriate.

The ability to design the content of courses (except for the regulated professions) is a fundamental academic freedom.

Country	Level of autonomy	Description of implementation
Belgium	Low	Flanders Student selection at Bachelor level is regulated externally and based on free admission. Admission to Master's programmes is co-regulated by universities and an external authority. At both levels, all new degree programmes must be submitted for prior accreditation in order to be

		introduced. The system is evolving towards institutional accreditation. Universities cannot choose the quality assurance provider carrying out accreditation. There is a limit to the university curriculum that can be delivered in languages other than Dutch.
	Low	Wallonia Free and centralised admission both at Bachelor and Master levels, combined with tight regulations on the introduction of new programmes, creates a limiting environment for universities. The law limits the options for universities to develop programmes in other languages and evaluation by the national agency is mandatory.
Poland	Medium high	Universities decide on student numbers and set admission criteria at all levels. Universities may introduce new Bachelor's and Master's programmes freely, with exceptions. There are some restrictions on the ability of universities to introduce new doctoral degree programmes. Polish universities cannot choose either quality assurance mechanisms (mandatory programme or faculty-level accreditation) or providers.
Lithuania	Medium low	Universities can decide on the number of fee-paying students but can only select students at Master level. Programme evaluation is mandatory every six years. There are limitations on the use of foreign languages in academic programmes. Some of the content of academic programmes is determined by an external authority.
Albania	Medium low	The teaching plans are developed in the faculties and approved by higher school senates in harmony with the requirements of the Ministry of Education and Science which requires the observance of the same ratio of teaching hours of general educational courses in different universities. Teaching programs are developed for each university course, defining clearly the main topics to be included, the ratios of their spread in time regarding the volume together with the most necessary exercises and practical parts. They also provide the titles of the most necessary publications in support of the content. The programs are developed in an independent way by lecturers or group of lecturers, are discussed in the section and the department and finally receive the approval of the head of the department. The evaluation of the quality of the formation of the specialists from higher schools is performed by the National Accreditation Agency, a new consolidating structure for a very important mission.
Russia	Medium low	Universities with special status (provided by government) can be given the right to develop and approve educational standards on its own at all levels of higher education.
Belarus	Medium low	Typical curricula for academic disciplines are developed by organizations that provide scientific and methodological support for higher education, educational and methodological associations in the field of higher education and are approved by the Ministry of Education of the Republic of Belarus in consultation with interested state bodies subordinate and (or) accountable to the President of the Republic of Belarus, the National the Academy of Sciences of Belarus, the republican government bodies, other state organizations s subordinated to the Government of the Republic of Belarus, which are subordinated higher education institutions and (or) to which the personnel training.