

Comparative review of administration and governance of schools at central and/or regional level – Albania case

Case title

Sharing responsibility of preschool teacher management between national government and local government

Field and level of education of the case

Preschool education human resources administration and governance dispute between the central and the local level

Case description

Legal background

On the Minister Instruction no. 38, date 06.10.2015 “On procedures for parallel moving, hiring and firing of pre-university teachers”, based on the Article 102, point 4 of the Constitution of the Republic of Albania and on article 54, 55 and 60, law 69/2012 “On pre-university education system in the Republic of Albania”, the procedures for teacher hiring and firing are administered by the Local Education Units, education institutions and parent representatives. The hiring is based on open competition for all candidates that fulfill the criteria for exerting the teaching profession. There are three stages: 1) Portfolio application sent to the Local Education Units. The teachers that pass the minimal requirements demanded by law participate in stage 2) Application through the portal “Teachers for Albania”, a national testing portal managed by the Ministry of Education and Sports. The ranking of the participants based on the LEU, teaching profile is made public. 3) The candidate with the highest points is invited to choose from the free positions, and is hired for one year probation, during which the LEI establish a commission with the participation of parents’ representatives, psycho-social services, and teacher council of the school in order to take the decision on hiring the teacher after the probation year is over. No representatives of the Local Government are part of these commissions.

Based on inter-sectorial strategy on decentralization and local government 2015-2020 Nr. 691, date 29.7.2015, the Prime Minister Instruction e no. 127, date 16.09.2015 on “Taking measures for the functioning of the inter-sectorial strategy on decentralization and local government” specifies that the responsibility for managing the preschool teachers to be transferred to the Local Government Units”. However, the only step taken towards this decentralization is the Ministry of Education and Sports instruction No. 28.01.2016 confirms that the funds have been transferred. There are no legal and sublegal acts to regulate the hiring and firing of the teachers. Until these acts are finalized, the teachers will only receive their salaries from the Local Government Units.

Case from Municipality Tirana

Tirana Municipality manages only the ongoing payment of the salaries for the teachers hired based on the above-mentioned Instruction. The Economical Center of Children’s Development and Education (ECDCE), a structure of the Municipality of Tirana is responsible for the infrastructure of the Education institutions, the economic aspects of food and consumables, as

well as paying teachers' salaries, based on the list that they receive from LEA Tirana. No decisions are taken by them. It functions based on the Municipal Council Decision no. 32, dt.01.07.2004 "for implementing the regulations, organization, functioning, duties and competencies of the Administration of ECDCE; and the Order of the Mayor Nr.7244, dt.04.03.2016 "For The organization of the Organizational structure of Economical Center of Children's Development and Education.

Case from Municipality of Elbasan

The Municipality of Elbasan, based on the Law no. 139/2015 on Local self-governance, has set up the Directorate for Preschool Education Policies, which is a dependent institution of the Municipality Elbasan, responsible for assuring the quality of the preschool education service in Elbasan Municipality. Its main functions are:

- Supports the Municipality for designing development policies on preschool education
- Manages human resources
- Checks on the quality of the preschool education service, taking measures for the improvement of the access and quality
- Completes the actual assessment of the service quality
- Organizes and holds training and qualification of the training personnel of the preschool institutions under its responsibility.

Conclusion

It is clear that there are different interpretations of the law, due to the fact that there are no specific bylaws to regulate the responsibility of staff quality check. Due to the fact that teachers are hired by the Central Government, but paid by the local government, such a dual responsibility needs to be very carefully regulated, so that there is an alignment of human resources quality control, ongoing professional development, and designated responsible bodies.

Due to this situation, there are cases of Local Government Units who have demanded the right to manage the hiring and firing process as specified by Decentralization Strategy, as just managing the salary funds is not the full responsibility of managing the human resources. The cases of the Municipality Tirana and Municipality Elbasan show a very diverging viewpoint, which can produce discrepancies on the quality of teachers, directly affecting the quality of education and development for the children under their care.

Such a situation has arisen due to the lack of drafting and approving legal and sublegal acts, by keeping the decentralization process still a concept, not a finalized reality.

Sources

- Article 102, point 4 of the Constitution of the Republic of Albania
- Article 54, 55 and 60, law 69/2012 "On pre-university education system in the Republic of Albania"
- Law no. 139/2015 on Local self-governance

- Inter sectorial strategy on decentralization and local government 2015-2020 Nr. 691, date 29.7.2015
- Municipal Council of Tirana Decision no. 32, dt.01.07.2004 “for implementing the regulations, organization, functioning, duties and competencies of the Administration of ECDCE
- Order of the Mayor of Tirana Nr.7244, dt.04.03.2016 “For The organization of the Organizational structure of Economical Center of Children’s Development and Education.

Prepared by Gerda Sula, UT