

Module on Comparative Review of Law on School Management in Europe

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1. Management in Educational Institutions

1.1. Subject-Matter of Educational Establishments

Educational establishment is a nonprofit organisation carrying out licensed training and education activity as a main type of activity.

Federal Law On Education in the RF states that educational establishment is created in the form determined for nonprofit organisations (part 1, art. 22). Non-profit organisations are established to achieve socially useful purposes and are given special (targeted) legal capacity. The legislator allows almost all non-profit organisations to be engaged into income-generating activities as long as they serve the purposes for which they are established.

The most wide-spread organizational and legal form typical of educational establishments is *an institution*.

Institution is an establishment created by the owner to perform managerial, social and cultural or other functions of a non-commercial nature. Main objectives of institution activities cannot be related to profit-making.

The definition of an educational establishment is broader than that of an institution, since educational establishments may be different organisations having the right to carry out educational activities, such as autonomous educational establishments in Russia.

Types of educational establishments

Russian Federation:

Federal Law On Education in the RF classifies educational establishments according to different types, for example, in compliance with educational programmes being the main objective of their activity (art. 23 of Federal Law On Education in RF):

– *implementing basic educational programmes:*

1) *pre-school educational establishment* (kindergarten, childhood development centre) is an educational establishment implementing training and education activity on educational programmes of pre-school education, supervision and care of children as its main target activity;

2) *general educational institution* (school, gymnasium, lyceum, cadet establishment, special (correctional) establishment) is an educational establishment implementing training and education activity on educational programmes of primary general, basic general, and (or) secondary general education as its main target activity;

3) *vocational educational institution* (college, technical school, training school) is an educational establishment implementing training and education activity on educational programmes of secondary-level vocational training and (or) on job-training programmes as its main target activity;

4) *higher educational establishment* (higher educational institutions) is an educational establishment implementing training and education activity on educational programmes of higher education and scientific activity as its main target activities.

– *implementing supplementary educational programmes* (art schools, sports schools, stations, palaces, centres):

1) *supplementary educational establishment* is an educational establishment implementing training and education activity on supplementary general educational programmes as its main target activity;

2) *supplementary vocational educational establishment* is an educational establishment implementing training and education activity on supplementary vocational educational programmes as its main target activity.

Republic of Belarus:

Education Code of the Republic of Belarus, No. 243-3 dated 13 January 2011, defines the following types of educational institutions:

- *pre-school educational institutions* (kindergartens, mother schools);
- *institutions of general secondary education* (schools, colleges, lyceums);
- *vocational technical training institutions* (technical vocational schools, colleges, and lyceums);
- *institutions of secondary vocational education* (specialized pre-school institutions, specialized general education schools, special needs schools, special education and rehabilitation centres);
- *institutions of higher education* (universities, academies, and institutes);
- *others* (special educational institutions; additional education for children and young people; adult educational institutions; educational and recreational institutions; social and teaching institutions; specialized educational and upbringing institutions, and specialized treatment and upbringing institutions).

Germany:

- *pre-school institutions* (mainly kindergartens, preparatory classes, and introductory groups which are voluntary to be visited at the wish of parents for three years);
- *general educational institutions* (*primary schools* starting at 6 years. The period of study is four years, in Berlin and Brandenburg is six years);
- *first-stage educational institutions* (Sekundastufe I) are basic schools, real schools, gymnasiums, comprehensive schools. Students receive a certificate of education only after finishing real and basic schools, i.e. after 5-6 years of study;
- *second-stage educational institutions* (Sekundastufe II) include senior forms of gymnasium, as well as vocational schools and vocational on-the-job training ("dual system" is parallel training and practice in the workplace - 2 years together with 1 year of preparation for vocational training). Graduation is equal to secondary education and provides professional qualifications, after which it is possible to continue education in the professional sphere;
- *higher educational institutions* (universities, technical universities, colleges of art, higher musical schools, university of applied sciences, etc.)¹.

Czech Republic:

The main legal norms for education in the Czech Republic are the Law on Education (Law No. 561/2004, on pre-school, general, secondary and higher vocational, and other education), and the Law on Higher Education (Law No. 111/1998, on higher

¹ <http://www.langinfo.ru/drugie-inostranye-jazyki/nemeckii-jazyk/stati-ob-obrazovanii/obrazovatel'naja-sistema-germanii.html>

educational institutions), as well as regulations on the website of the Ministry of Education, Youth and Physical Education.

– *pre-school institution (nursery/kindergarten)*: 3-6-year-old children attend kindergartens, both public and private (less wide-spread) where they receive pre-school education.

– *general education 9-year school (basic school)*: basic education is the second stage of the Czech educational system. Studying in basic schools lasts for nine years, including:

- basic schools (studying is divided into two stages – five and four years);
- eight- and six-year gymnasiums;
- music/ballet schools;
- specialized schools for children with disabilities;
- special needs school for mentally retarded children.

– *secondary educational institution (secondary school/ gymnasium/ training school/ technical school)*: secondary school is the third stage of education. There are three types of secondary educational institutions available:

- technical school/training school: education takes 1-2 years, graduation provides the certificate of secondary education;
- secondary vocational training school: education lasts for 2-3 years; graduation provides a certificate of secondary vocational education with professional qualification;
- gymnasium: period of study is 4 years, the graduate is given a certificate of maturity (Matura), which is a prerequisite for enrollment to the university.

– *higher educational institution (university/ institute/ higher technical school)*: the fourth stage of education. Higher educational institutions offer the opportunity of getting higher education at three levels (three-level higher educational system): Bachelor's degree programme, Master's degree programme, and Doctoral Studies (postgraduate studies).

1.2. Educational Institution Management

Management is

- an activity aimed at developing decisions, arranging, monitoring, and regulating the object of control in accordance with the preset objective, as well as analysis and summing up based on reliable information;
- a function of organizational systems that ensures preservation of the structure of the establishment, maintaining the operating or working mode, implementation of programmes, and achieving of goals.

Management of an establishment is the process of developing and implementing management decisions by the management entity (based on information on the object of management in the external environment) as part of a targeted impact on the object of management for arrangement and coordination of its activities in the functioning of the system.

The main task of management *is* to ensure orderliness of the corresponding system, its wholeness, normal functioning, and development.

Educational institution management is:

- a scientifically based influence on the teaching staff, operations staff, students, parents, and society aimed at optimal resolution of education and upbringing problems.
- a complex process consisting of the right choice of goals and tasks, study and global analysis of the achieved level of educational and upbringing work, the system of rational planning and arranging teamwork, and the choice of optimal ways to improve the level of education and training, and efficient monitoring.
- a scientifically based actions, especially by the administration and other employees of the educational establishment (teachers), aimed at the rational use of time and their forces, including students, in the educational process to study subjects in-depth, moral education, all-round development of the personality, and preparation to exercise the employment duties.

The efficient management of the educational establishment consists of the proper choice of goals and tasks, study and in-depth analysis of the level of education achieved, the system of rational planning, identification and dissemination of advanced teaching experience and the use of the achievements of pedagogical science in the training of a specialist on the work with students, efficient monitoring and verification of performance of management decisions.

The *management objects* include:

- educational institutions, establishments implementing postgraduate educational programmes, other establishments, individual entrepreneurs, who have the right to exercise training and education activity in accordance with the law;
- public educational establishments that ensure functioning of the educational system;
- cohort of students in the educational institutions;
- adoption of orphaned children;
- teaching and other staff in the educational institutions;
- number of graduates, their distribution, job placement, and employment;
- study guides;
- material and technical resources of educational institutions;
- other objects.

1.3. Principles of Management of Educational Institution

Principles of management of educational institution are the main guidelines for the subject of management activities (director, manager, teacher) in the management process. They make a framework for management theory and practice.

The *principles of management of educational institution* are provisions that reflect the most general, fundamental requirements to management activities. The principles of management of educational institution need to be compulsory, since violation of any of these principles reduces significantly management efficiency.

The principles of management of educational institution are:

- democracy and humanity;
- systematic character and integrity;
- rational combination of centralization and decentralization;
- objectivity and completeness of information;
- combination of single authority and collective character.

The principle of a combination of single authority and collective character reveals the essence of state-public administration. Single authority provides discipline, order, promptness in decision-making process, and collective character means flexibility and creativity. Single authority is carried out by the administration of the educational institution, which includes Director, Rector, etc., their deputies as well as the heads of structural units. If a collective character is a priority at the stage of discussion and decision-making, single authority is necessary at the implementation stage.

Specific principles of management of educational institution are:

a) pedagogical orientation of management (the desire of the head to remain a teacher in his/her management activities, observing the teaching tact, showing patience for personal and professional shortcomings of subordinates, being interested in creating a situation of a constructive dialogue, a situation of success, support and some positive competitiveness and mutual assistance among the members of the administered staff);

b) normative character (attention to meeting the normative requirements contained in both educational programmes implemented by the educational institution and state educational standards, as well as departmental documents from higher levels of education management);

c) unity of teaching positions (improving the efficiency of management of the educational system, provided that all participants of the teaching process will be united in their approaches to its arrangement);

d) combination of children and adults' interests.

Russian Federation: management of the educational system is implemented through the principles of legality, democracy, the autonomy of educational establishments, informational openness of the educational system, and taking into account public opinion, and is of a state-public character (part 1, art. 89 of the Federal Law on Education in the RF).

Republic of Belarus: management in the sphere of education is implemented through the principles of legality, democracy, publicity, taking into account public opinion and systematic character of management in education (part 2, art. 105, Education Code of the Republic of Belarus No. 243-3 dated 13 January 2011).

Germany: guarantees the freedom of art and science, research and teaching (par. 3 of art. 5), freedom of belief and religion (art. 4), freedom to choose a profession and

place of study (par. 1 of art. 12), equal protection by the law (par. 1 of art. 3), and the rights of parents (par. 2 of art. 6). The entire educational system is under the supervision of the State (art. 7); the Federation and the Lands can work together on the basis of agreements on educational planning, as well as support institutions and projects in the field of scientific research, the importance of which goes beyond the regional framework (the German Constitution).

Czech Republic: citizens have the right to choose freely their education in primary and secondary schools depending on their abilities, as well as in the sphere of higher education (art. 33); citizens belonging to national minorities have the right to receive education in their mother tongue in accordance with the time-limit prescribed by the law (art. 24, 2); everyone has the right to choose freely his or her occupation and professional career (art. 26, 1); legislation establishes all conditions to study religion in public schools (art. 16, 3); guaranteed freedom to carry out scientific research and artistic works (art. 15, 2 of the Constitution of the Czech Republic).

2. State-Public Educational Institutions Management

State-public management of education is one of the types of interaction between the state and the society. Its function is to ensure the implementation and satisfaction of the educational needs of society and its subsystems.

The purpose of the state-public management of education is to make the best combination of state and public initiatives in the interests of an individual, the community, and the authorities, i.e. they will be formed along with the dialogue between clients and specific consumers of educational outcomes.

2.1. Pre-school Educational Institution Management

Russian Federation:

The pre-school educational institution (pre-K) has a managed and managing systems. A managed system consists of interconnected groups of staff: teaching, medical, and service. The organizational structure of management in the pre-school educational institution is the combination of all its bodies with their functions, and is represented in two structures:

structure I – public management: General Meeting, Teachers Council, and Institutional Board.

– *Pre-K General Meeting:* provides overall Pre-K administration; adopts a collective agreement; adopts the rules of the labour internal order; adopts the Charter, amendments, and additions thereto, the agreement between the Pre-K and parents (legal representatives); elects the Pre-K Board; hears the Pre-K Board report.

– *Teachers Council* is empowered to determine the direction of educational institution activities; discuss the issues of the content and planning of the educational process; select and approve the educational programmes to implement in the Pre-K; consider the issues of staff training and retraining; arrange identification, training, dissemination, introduction of teaching experience; hear the Head's reports on the creation of conditions for the implementation of educational programmes; recommend for giving industry and state awards.

– *Pre-K Board* adopts the Pre-K Development Programme, local acts; proposes the amendments and supplements for the Pre-K Charter; decides on the issue of Pre-K protection; hears reports of the administration as well as of the heads of self-government on the work carried out.

structure II – administrative management which has a linear structure consisting of three levels:

The first level is Pre-K Head. Managerial activities of this level provide material, organizational, legal, social, and psychological conditions for the implementation of managerial function for the educational process in the Pre-K. Management object is the whole team.

The second level is a senior educator, a housekeeping manager, and a nurse. The second-level management object is a part of the team.

The third level of management is implemented by educators, specialists, and service personnel. The objects of management are children and parents.

Finland:

According to the general Law on Education, the provision of pre-school education in Finland has been entrusted to the local authorities since 2001. In addition to the state kindergartens, there are the private ones.

In Finland, private kindergartens and schools receive the state subsidy if they are established on the initiative of the public organizations concerned. Both parents and teachers may be involved in their creation.

Parents societies and social organizations are fund holders, they employ teachers, rent premises, if necessary, etc. The Executive Board heads their work, it is renewed every two years.

The lower stage of the educational system is presented by pre-school institutions. These are kindergartens and preparatory classes at primary schools. Children are developing learning skills through games. Municipalities are obliged to provide free pre-school education to all six-year-old children, although it is not compulsory. Yet more than 90 per cent of children of the appropriate age are currently attending kindergartens and preparatory classes.

There are no special preparatory schools in the Finnish school system, and pre-school education is provided in schools and kindergartens. Pre-school education means upbringing and education of children during the year preceding their enrollment in school. Pre-school education is aimed at strengthening preconditions for learning among children. In practice, it means that children get new knowledge and skills through games. According to the law, municipalities are obliged to provide free pre-school education to all six-year-old children.

2.2. General Educational Institution Management

Russian Federation:

The management structure of the general educational institution consists of four levels:

The 1st level defines strategic directions for school development: school Principal, as well as the heads of the School Board, parent committee and school-wide students self-governing bodies;

The 2nd level arranges, directs, and coordinates the activities of several teachers in a particular direction: Deputy Principals of the school, school psychologist, social care teacher, facilitator for extracurricular work, heads of methodical associations, etc., as well as members of the School Board, parent committee, bodies and associations participating in the school management;

The 3rd level exercises managerial functions concerning students and their parents: subject teachers, form teachers, supplementary education teachers, tutors;

The 4th level is students self-government: Individual students and class and school-wide students self-governing bodies.

Germany:

In Germany, primary school (Grundschule) is managed by a *Director* who has a special title (e.g., Rektor), is responsible for the educational and teaching work of school in whole, and at the same time is a member of the teaching staff. He/she shall work closely with the Teachers Council and the School Board (Schulkonferenz).

Responsibilities of the Director: provision of conditions for the fulfillment of educational tasks of school; improving the professional grade of teachers; strengthening the cooperation of teachers, students, and parents; appointment of form teachers;

monitoring school enrollment and graduation; supervision of the School Board; preparation of teacher conferences; planning and implementation of experimental work; preparation and inclusion of young teachers and trainees in the normal rhythm of work .

When the Director is absent, *his Deputy or full-time teacher* with the highest length of service or the oldest one, if some of them have the same length, carries out his or her functions. Among school teachers there is a group that performs special tasks in support of the Director; it includes subject specialists, as well as participants for the preparation of Teachers Conferences, evens to improve teaching skills of young colleagues and trainees, experimental activities, career-guidance work, etc.

Form teacher at school is not a teacher with special tasks. He/she is appointed by the Director and is responsible for the educational process in his/her class, its progress, represents class's interests among teachers, and reports on everything that happens to the Director and Teachers Conference.

Among the collegiate subjects of internal school management sharing duties and responsibilities with the head of the school, *Teachers or School Conferences* occupy the central position. They were established as a body for the joint discussion and resolution of important education and training issues that require the cooperation of teachers. Depending on the location of the educational establishment, they may have the status of partnership or cooperation with the head of the school (North Rhine Westphalia, Rhineland-Palatinate) or the recognition of its priority role (Hamburg), or have the leading position (Hesse).

Teachers have the right to vote at joint and particular (form, subject, thematic, special) Teachers Conferences and are obliged to participate in their work. In special cases, the Commissions are formed for the work of Conferences whose members may participate with the right of a deliberative vote.

Some Lands have a different type of School Conferences in the form of *teacher representation or Teachers Council or Staff Council*. These elected bodies for discussions and decision making on various teaching, social, and personal issues include representatives of teachers, parents, and students, the number of whom is determined by legal documents depending on the size of school and the number of teachers employed².

2.3. Vocational Educational Institution Management

Russian Federation:

The management structure in the vocational educational institution is similar to the structures discussed above:

- Director;
- the Board of the vocational educational institution;
- Teachers Council;
- Governing Board;
- Assembly of the representatives of the teaching staff, parents, community, and students;
- Methodological Council;
- Student Council, etc.

² CyberLeninka: <https://cyberleninka.ru/article/n/upravlenie-obrazovaniem-v-germanii-traditsii-i-innovatsii>

The *Director* is responsible for the overall management of the vocational educational institution (the level of strategic management); he/she defines the development strategy together with the Governing Board, represents interests of the institution in state and public bodies. He/she is personally legally liable for the arrangement of activities of the educational establishment and creates favourable conditions for its development.

The Board of the vocational educational institution is an elected representative body consisting of a Director, representatives of all categories of employers and students. The Board is chaired by the Director. The main areas of work of the Board of the vocational educational institution are the identification of priority areas for training and education activity; the development of the material and technical as well as training and laboratory facilities; remuneration issues; the nomination of candidates for awards and rewards; the creation of health and hygiene conditions for training and education activity, health and social support for the members of the college community.

Teachers Council is a deliberative body chaired by the Director of the college, which includes all teachers, masters of vocational training, and other teaching staff, deputy directors, chairmen of cyclic methodological commissions, a head of physical training. The Teachers Council participates in the process of education and upbringing; solves the tasks of improving the educational process; evaluates the results achieved in the educational and methodological as well as educational work.

Governing Board solves the issues of arranging the educational activities and the development of the material base of the vocational educational institution and participates in the development of the institution.

The highest collective managerial body is *an Assembly of the representatives of the teaching staff, parents, community, and students*. It has sessions once per two years. The Assembly makes crucial decisions in different areas. Within the period between meetings, the Governing Board acts as the management authority.

Methodological Council heads a targeted monitoring system based on coordinating the activities of all units and officials in the implementation of the monitoring activities on a single methodological basis. The chairmen of the Methodological Councils are appointed by the order of the Director from the most qualified teachers and employees of the structural units of the establishment. The Methodological Councils/Commissions are responsible for the programme compliance with FSES requirements; timeliness of development, the quality and adequacy of programme content; they plan and implement the programme of the teaching, learning, and educational processes.

Student Council is a system of management that allows each student to participate in the management of a vocational educational institution through the student self-government bodies.

2.4. Higher Educational Institution Management

Russian Federation:

The main authorities of the HEI in the RF are:

- Conference of employees and students;
- Academic Board;
- Rector;
- Board of Trustees;
- Student Council;

- Trade Union, etc.

Higher educational establishments create Academic Boards of Faculties and/or Institutes (Departments) of the establishment.

The Conference of employees and students is a collegiate management body. The Conference of employees and students shall be competent to elect the members of the Academic Board; elect the Rector; adopt the development programme; discuss the draft and make decision on signing and amending the collective agreement, and to approve the performance report. The Conference of employees and students is convened as required, but at least once every five years.

The Academic Board is a collegiate body managing the higher educational establishment. The number of members of the Academic Board is determined by the Conference of employees and students. The Academic Board includes Rector, Vice Rectors, as well as Directors of Institutes, Deans of Faculties by the decision of the Academic Board. The Rector chairs the Academic Council of the educational establishment. The term of the Academic Board is five years. The Academic Board is responsible for making decisions to convene a Conference of employees and students, as well as other matters related to its conduct; the identification of key prospects of development, including its educational and scientific activities; normative regulation of the main issues of arranging training and education activity; considering the financial and economic plan and the development programme; considering and decision-making on educational, scientific, research, information, analytical, financial, and economic activities, as well as on the issues of international cooperation and other issues.

The sole executive body of the higher educational establishment is the *Rector* who exercises day-to-day supervision of the activity of educational establishment. The Rector is elected by secret ballot procedure at the Conference of employees and students for up to 5 years from the candidates certified in the prescribed manner. The Rector is responsible for the management of educational, scientific, upbringing, as well as organizational and economic activities.

A *Board of Trustees* is set up in the higher educational institutions. The objectives of the Board of Trustees are contributing to the solution of current and prospective tasks for the development of the establishment, as well as promoting the attracting of financial and material resources to support the activities and development of the establishment. The Board of Trustees shall be established for the term of office of the Rector. The Board of Trustees is composed of the representatives of business, financial, and academic circles, employers' associations, public associations, the representatives of the executive authorities of the constituent entities of the Russian Federation, the bodies of local self-government, individuals, including graduates. The composition of the Board of Trustees shall be approved by the decision of the Academic Board upon the recommendation of the Rector and declared by the order of the Rector. Members of the Board of Trustees carry out their activities on a voluntary basis.

In order to take into account the opinions of students and teachers on management issues and when adopting the local regulations affecting their rights and legitimate interests, the initiative of students and teachers in the higher educational establishments:

- 1) creates *Student Council* formed from the representatives of public student associations including one representative from each association and (or) students. The Student Council is headed by the chairperson of the Council elected from the members of the Council for a term of one year by a simple majority vote. The structure, order of formation, term of office, and competence of the Student Council, as well as the manner of taking decisions by the Student Council and speeches on behalf of the establishment are governed by the Regulations on the Student Council approved by Rector;

2) authorises a *Trade Union*. The structure, manner of arranging, terms of Trade Union powers, manner in which the Trade Union takes decisions and other matters relating to the activities of the Union are determined by the Union's Charter.

Germany:

In Germany, in accordance with the article 62.1 of General Act on Higher Education, the higher educational institution is headed by *the Rector or the President*.

The Rector (Vice-Rectors) of the university is elected by the majority of votes of the Council from HEI full-time professors for a period of not less than two years. At the end of the term, he/she returns to his/her previous position. The status of Full-Professor provides lifelong employment and high social prestige.

The President of the HEI is elected by the Council on a competitive basis for a four-year term. The candidate for the post should have higher education, extensive experience of scientific or field work, work in management structures or legal bodies. The age of the candidate is generally limited to 65 years old. Councils' decisions on the election of Heads of universities are approved by the local authorities.

Every university has *self-governing bodies*:

- *Council*, consisting of the representatives of the Boards of Faculties (Departments) and groups of university staff not represented in the Faculty Boards; its main function is to elect the Rector (President) of the University and the Vice-Rectors (Vice-Presidents);

- *Academic Board* dealing with the scientific and research work and the educational process;

- *Kuratorium* consisting of an equal number of representatives of local authorities and HEI management. The Kuratorium addresses the budgetary issues, the issues of creation and abolition of HEI departments and the implementation of links with foreign universities.

The Head of the University performs the following functions: as a Chairman of the Academic Board, he/she solves all academic and scientific issues; defines mainly the academic and educational policy of the University; approves curricula and educational programmes; defines the admission requirements and procedures, the procedure for assigning degrees, etc.; coordinates the activities of the permanent commissions of the Academic Board dealing with long-term planning for the development of the university, research and staff training, educational process, documentation and library matters; arranges the work of Rector's Office which includes Vice-Rectors, Chancellor, and other administrative staff; makes communication between the university and State administrative bodies, business and public representatives; in conjunction with the Academic Board submits proposals on the establishment, modification and abolition of departments (faculties) and scientific units into the Kuratorium; through the Kuratorium cooperates with foreign universities; is responsible for the development of the budget of the university, faculties, institutes and other departments; reports to the Council annually on the activities of the educational institution.

Finland:

The Finnish higher educational system consists of two parallel sectors: universities (and equivalent HEIs) and vocational HEIs.

Universities award first cycle university degrees called kandidaatti/kandidat, second cycle university degrees called Master's (maisteri/magister) and third cycle scientific post-graduate degrees- lisensiaatti/licentiat and doctorate (tohtori/doktor).

Polytechnics or University of Applied Sciences award first cycle polytechnic Bachelor's degrees (ammattikorkeakoulututkinto (AMK)/yrkehogskoleexamen (YH)) and second cycle polytechnic Master's degrees (ylempi ammattikorkeakoulututkinto)

The Universities are administered by the Board, Rector and Academic Rector, University Collegiate Body, Faculty Councils and Deans.

The *Board* decides on the strategy and central goals of the university's operations and is in charge of the university's finances. The Board elects the Rectors of the university.

The university has a Rector and an Academic Rector, both of whom are based at a different main campus of the university. The *Rector* attends to the tasks defined in the Universities Act, while the *Academic Rector* attends to tasks relating to teaching and research.

The *University Collegiate Body* is an administrative body composed of members of the university community. The most important task of the University Collegiate Body is to decide on the number of members in the Board and its term of office, to elect external members to the Board, to approve the university's financial statement and to discharge the Board and Rectors from liability.

3. Collegiate Management of Educational Establishments

In European national educational systems, the collegiate management bodies are presented in a variety of different forms: "*councils*", "*committees*", "*commissions*", "*managers*", "*tutorial*", "*trust-based*", "*facilitatory*", "*conciliative*".

Despite the variety of forms, all of them have two features:

- they include representatives of society (parents of students, employees of educational institutions, representatives of local communities);
- they may make decisions concerning the activities of educational institutions, i.e. they have managerial authority.

With regard to composition, parents are generally presented in all bodies, but representatives of local educational authorities are not always invited:

- in Greece, Spain, France, and Portugal, i.e. in the countries with centralistic character of school management, as well as in England, Wales, and Northern Ireland, both parents and administration staff are represented in the Collegiate Councils;
- in Italy and Portugal, teachers make the majority of Collegiate Councils; but mostly equal share prevails (Germany, Spain, France, Luxembourg, the Netherlands, and Austria);
- in Denmark, junior schools of Ireland, self-governing schools of Scotland there are more parents than teachers;
- in Sweden, the composition of the Councils varies depending on the community (municipality).

Depending on the tasks and duties, the collegiate bodies differ considerably and can be divided into three categories:

3.1. Bodies with a Deliberative Function Assisting the Head of the Educational Establishment

The direction of the activity of the bodies in this category vary considerably in different countries. In some cases, collegiate bodies have the right just to make proposals or to express opinions (for example, in public schools of the Flemish Community in Belgium, as well as in Holland and Norway). In Austria, the School Forum (junior school) and the Commission of the School Community (secondary school), as part of the overall trend towards strengthening school autonomy, have the right to vote in decisions on matters relating to the school's educational programme, number of classes, and expenditure of funds. In Germany, the School Conference deals with various aspects of school life and teaching (programmes, distribution of premises, school events, precautionary measures); it also deals with general issues, such as homework assignments or school experiments. In schools of primary stage (not in all Federal Lands) and secondary stage the collective bodies are formed to assume the advisory function.

Russian Federation:

Body	<p>1) Student Councils, Councils of parents (legal representatives) of minor students, or other bodies; 2) Trade Unions of students and (or) employees of the educational establishment (par. 6 of art. 26 No. 273-FZ On Education in the RF).</p>			
Chairmanship Composition	<p>The representative of the administration of the educational establishment with full voting status Members represent the following groups:</p>			
	Teachers/ educators	Representatives of parents of each class	Representatives of public associations of students aged 14 and older	Trade Unions may include retired employees
Functions /powers	<p>The Student Council shall have the right to:</p> <ul style="list-style-type: none"> - prepare and make proposals to the management of the educational establishment on the optimization of training and education activity, arranging everyday life and recreation of students; - participate in the development and implementation of the reward scheme for students for the achievements in different spheres of learning and extracurricular activities, including active participation in the activity of Student Council and public life of the educational establishment. <p>The Council of parents shall have the right to:</p> <ul style="list-style-type: none"> - make proposals to the administration of the educational establishment, bodies of public administration and to be informed of the results of their consideration; - thank parents (legal representatives) of students for their active work in the Council of parents, assistance in carrying out events, etc. - participate in taking decisions on the arranging and improving training and education activity; - participate in arranging mentoring for students and families with social risk. <p>The Trade Union of the employees of the educational establishment has the following powers:</p> <ul style="list-style-type: none"> - participates in the elaboration of proposals for legislative and other legal acts affecting social and labour rights of teachers and other employees, as well as on social and economic policies, forming social programmes and other matters for the benefit of Trade Union members; - participates in the development of employment programmes, implementation of measures for the social protection of educators being the members of the Trade Union, including advanced training and retraining of the redundant employees; - participates in the resolution of collective labour disputes through various forms of collective protection of the social and labour rights and professional interests of Trade Union members; - participates with other social partners at the level of educational establishment and municipal education in managing extrabudgetary public funds of social insurance, health insurance, pension fund, etc. formed by insurance contributions; - exercises the rights of Trade Union members to be represented in 			

	<p>collegiate bodies of educational institution management;</p> <ul style="list-style-type: none"> - participates in the procedures for introducing a professional standard for a teacher with regard to the compliance with the social guarantees of the teaching staff.
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Belgium:³

Body	The Flemish Education Council (Vlaamse Onderwijsraad – Vlor)
Chairmanship Composition	<p>General Council and a council for each of the four levels of education: primary, secondary, higher, and lifelong learning.</p> <p>Representatives of all partners in education meet in the Vlor:</p> <ul style="list-style-type: none"> - representative authorities of the organizers of education - training centres; - educational advisory services; - teachers and other educative staff via the unions; - parents; - pupils and students; - social partners; - experts; - elected school heads.
Functions /powers	<p>The Flemish Parliament Act on nursery and primary education of 25 February 1997 allows school boards to determine their own curriculum, action plans and school development plans. The schools are also free to choose their own teaching methods and educational methods.</p> <p>The special Flemish Parliament Act of 1988 on secondary community education sets out that local councils are granted decision-making powers with regard to staffing policy, financial and materials policies.</p> <p>The Flemish Act on university education of 12 June 1991 assigned a large degree of autonomy to universities. Under this Act, the government provides the funds required. Universities are responsible for the way they use those funds. With regard to staffing policy, the government only determines the framework.</p> <p>Also curriculum content is the responsibility of each university.</p> <p>The 1994 Act on colleges of higher education lays down that colleges of higher education are responsible for the annual lump-sum grants allocated to them. The government expects a result-oriented management from the colleges of higher education: the development of a vision; the development of a long-term strategy; the provision of clear operational directives; the development of the curricula.</p>

Germany:

Body	SCHULKONFERENZ, SCHULGEMEINDE, SCHULFORUM, SCHULAUSSHUSS (School Conference, School Community, School Forum, School Commission)
Chairmanship	Principal of the school.

³ See: <http://www.eui.eu/Documents/MWP/AcademicCareers/Countries/Belgium/BelgiumFlemishHigherEducation.pdf>; [http://www.vlor.be/sites/www.vlor.be/files/vlor_in_english -- 4 presentation.pdf](http://www.vlor.be/sites/www.vlor.be/files/vlor_in_english_-_4_presentation.pdf); <http://ncee.org/wp-content/uploads/2013/10/Belgium-Education-Report3.pdf>

Composition	Parity composition: either 1/3, 1/3, 1/3 or 1/2, 1/4, 1/4		
	Members represent the following groups:		
	Teachers	Parents	Students
Functions /powers	These school cooperating bodies deal with different aspects of school life and the process of education (school and economic order, arranging of lessons and breaks, distribution of premises, measures for the protection of schoolchildren, as well as the conducting of school evens) and discuss general issues of teaching and training arrangement (suitability of school textbooks, justification of class and homework, evaluation criteria). They have the partial right to participate in the adoption of decisions related to these spheres, among which are school experiments. In some Federal Lands, these bodies develop, approve or reject the composition and division of the school, transfer of the school to another place or merging with another school, as well as construction works, provision with the equipment and school procurement. In some Lands, these bodies are also assigned with the function of appointing the head of the school.		

Czech Republic:

Body	School Board (Školní Rada)		
Chairmanship Composition	Principal of the school.		
	Members represent the following groups:		
	Teachers and their representatives	Parents	Students (full-aged)
Functions /powers	The School Board's activities are the approval of the long-term direction of activities and annual report; the approval of the draft budget for the following year; the approval of school schedule, distribution of scholarships to students in secondary schools; the approval of the evaluation method based on the provisions of the School Act; the cooperation with the Principal in the elaboration of conceptual directions of development of the school legal entity; the participation in the analysis of school's economy and making suggestions for its improvement		

3.2. Bodies with Certain Decision-Making Powers Responsible for the Ongoing Work Together with the Head of the Educational Establishment

These bodies also have very different functions in different EU member countries. In Greece, the Teachers Conference is responsible for the arranging (ordering) of school work and for ensuring regular contacts between teachers and parents. In France, the Governing Board organizes the school work at the secondary and senior levels and adopts the school curriculum.

In Italy, primary School Boards and middle and high School Councils deal with financial and organizational matters, and planning of school life. In Spain, Consejo

Eskolar del Centro inspects and administers school life. It ensures active participation of the entire school community and chooses the head of school.

In Portugal, Concelho de Eskola chooses and appoints the head of school, inspects the work of the school and approves numerous documents prepared by the Teachers Conference (Teachers Council) of the school.

In Denmark, the School Conference is responsible for the school work. In addition, the task of the School Conference is to develop the school curriculum and submit it to the municipal council for approval.

France:

– elementary and primary schools:

Body	CONSEIL D'ECOLE (School Conference) for elementary and primary stages		
Chairmanship Composition	Principal of the school. Members of the School Conference include:		
	The Burgomaster or his Deputy	All school teachers	Representatives of parents (1 representative per class)
Functions /powers	School Conference defines the school Charter, the division of the school week; expresses its opinion on all matters important for the school, and approves the school curriculum.		

– colleges and lyceums:

Body	CONSEIL D'ADMINISTRATION (Governing Board) in colleges and lyceums		
Chairmanship Composition	Principal of the school (Principal in colleges, Proviseur in lyceums). The Governing Board shall be composed of the members of the following groups:		
	Local authorities and school administration (1/3)	School staff (1/3)	Parents and students (1/3)
Functions /powers	This body has sufficient competence in the field of arranging school education and school work. It approves the school plan, which defines how the national objectives of education and curricula should be interpreted in the specific educational institution.		

Denmark:

– public school:

Body	Skolebestyrelse (School Conference) In the public school		
Chairmanship Composition	The chairperson is an elected member of the School Conference Representatives of the following partners in the field of education:		
	Staff (2)	Parents (5 to 7)	Students (for schools with minimum five school levels) (2)
Functions /powers	The School Conference performs the functions corresponding to the main tasks assigned to it by the Community Council. It defines main conditions for different aspects of school activities, including the arrangement of the educational process, the number of hours of study,		

	the selection the electives, the arrangement of the teaching process in separate classes, the distribution of responsibilities among teachers, and the joint work of the school and the family. It formulates proposals for the curricula and submits them to the Community Council. It also adopts the school budget and approves the use of various educational means.
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– *general secondary schools:*

Body	Skolebestyrelse (School Conference) In general secondary schools			
Chairmanship Composition	The chairperson is elected among the members of the Conference. Representatives of the following partners in the field of education:			
	Teaching staff	District Council	Community Council	Parents and students
Functions /powers	The School Conference determines, on the basis of suggestions of school administration, the number of students enrolled in school, the list of subjects studied, terms of vacations, and the budget of the school.			

3.3. Public Bodies with Managerial Powers

In Ireland, school governing councils (Boards of Management) act as an intermediary between the school and the Ministry. They are responsible for the management of school and, in particular, for the recruitment of teachers and other staff.

The tasks of Governing bodies (England, Wales) and Boards of governors (Northern Ireland) include defining the direction and objectives of the school, as well as the management of resources and staff (including recruitment). In these cases, it is possible to speak of authentic self-government bodies.

United Kingdom – England, Wales, Northern Ireland:

Body	GOVERNING BODY (School Management Board) (continuing schools in England and Wales) Board of GOVERNORS (School Management Council in Northern Ireland)		
Composition	The administrative bodies shall comprise:		
	Elected representatives of parents	Teaching and non-teaching staff	LEA or other representatives of school administration (depending on the type of school), local community, industry representatives and other people
Functions /powers	This body develops, within the framework of the harmonization of school rights, the basic general objectives of education and upbringing and is responsible for the management of staff and other resources of school.		

4. Case Laws

4.1. Case law concerning the implementation of the principle of collegiate management of educational establishment

The appellate decision of the Irkutsk Region Court dated 21 December 2015 with regard to case No. 33-12005/2015 dismisses the claim to recognize the illegal paragraph of the university rules. According to the circumstances of the case, the plaintiff indicates that the disputed paragraph of the rules contradicts with the acting legislation, in particular part 5, art. 26, of the Education Law, part 1, art. 8 of the Federal Act dated 12 January 1996 No. 7-FZ On nonprofit organisations, according to which the procedure for making decisions by the HEI Academic Board (governing board) is established by the Charter of the educational establishment in accordance with the legislation of the RF. The disputed paragraph of the rules, in the opinion of the plaintiff, violates the rights of the primary Trade Union organization of university employees, as stipulated by the Federal Act dated 12 January 1996 No. 10-FZ On Trade Unions, their rights and guarantees of activity, the Industrial agreement on establishments managed by the Ministry of Education and Science of the Russian Federation for 2015-2017, restricts the activities of the Trade Union and impedes its functioning. Court decision dismisses the claim because, when the rules were adopted, the defendant did not violate the adoption procedure envisaged by the paragraph of defendant's Charter, according to which local legal acts affecting the rights of students, postgraduates, and university employees are adopted taking into account the opinion of the Student Council, and in the manner and in the cases envisaged by the labour legislation.

4.2. Case law concerning the regulation of the home kindergarten as a structural unit of the pre-school educational establishment

The decision of the Administrative Judicial Board of the RF Supreme Court dated 20 June 2012. No. 64-APG12-4 (recommended but not obligatory procedure for regulating home kindergartens). The prosecutor of the Sakhalin Region filed to the Sakhalin Regional Court a lawsuit to recognise paragraph 1 of the Order of the Ministry of Education of Sakhalin Region, dated 17 November 2011 No. 1309-OD On arranging the activities of home kindergarten being a structural unit of the pre-school educational establishment, inconsistent with federal legislation and not in force from the effective date of the court decision. In support of the claim, the Prosecutor referred to the fact that the Ministry of Education of Sakhalin Region, adopting a model provision for arranging the activities and creation of a family kindergarten, exceeded its powers. The Administrative Judicial Board considers that the court's findings on a non-conformity with federal legislation of the disputed legal regulation concerning the excess of regulatory competence in the sphere of education by Russian Federation entity are based on the correct interpretation of the substantive law.

General issues of upbringing and education are jointly administered by the Russian Federation and the constituent entities of the Russian Federation. As for the matters under joint jurisdiction, the Russian Federation and the constituent entities of the Russian Federation issue Federal laws as well as the corresponding laws and other regulatory acts of the entities of the Russian Federation which may not be in conflict

with the Federal laws (par. 1 of part 1 of art. 72, parts 2 and 5 of art. 76 of the Constitution of the Russian Federation).

By virtue of Law of the Russian Federation dated 10 July 1992 No. 3266-1 On Education the Federal law-maker simultaneously included legislation of the entities of the Russian Federation into the system of legal regulators in the field of education (art. 2) and distinguishes competences of the Russian Federation and the entities of the Russian Federation. In particular, the elaboration and adoption of model provisions on educational institutions is the prerogative of the Russian Federation (par. 10 of art. 28).

In accordance with paragraph 8 of the model provision on the pre-school educational institution approved by the Order of the Government of the Russian Federation dated 12 September 2008 No. 666 having been in force until 30 April 2012, the main structural unit of the pre-school educational institution is a group of preschool children. If the groups are established in the educational establishments of other types implementing the basic educational programme of pre-school education under the license, their activities are governed by this model provision.

At present time the model provision on the pre-school educational institution approved by the Act of the Ministry of Education and Science of the Russian Federation dated 27 October 2011 No. 2562 regulates the activity of state and municipal pre-school educational institutions of all types. For non-state pre-school institutions, this model provision performs an exemplary function. A group of pre-school pupils is recognized as the main unit of the pre-school educational institution. At the same time the model provision does not exclude home pre-school groups set up to meet the needs of the population in the services of pre-school education and created in families with general education orientation or supervising and taking care of children without any implementation of basic general pre-school educational programme.

It is obvious that under such circumstances no other executive body, both federal or regional, has the right to establish its own statutory regulation in this regard at its own convenience.

Glossary

State-public educational institutions management is a type of management combining participation and interaction in the management of forming the subjects and their bodies, on the one hand, expressing and representing interests, policies, guarantees, and state competence in the field of education, on the other hand, expressing and implementing interests of society and population.

Commission is a group of people or a body consisting of a group of people with special powers.

Competence is a combination of governmental authorities of the state body (an official) for proper performance of certain tasks and exercising the respective functions of public administration and management of social processes.

Local regulatory act is a regulatory act issued by the Management (Administration) of the establishment, institution, enterprise aimed to regulate in-house relations, which is valid only within the establishment concerned.

Non-profit organization is an establishment which does not make profit as the main purpose and not does distribute profits among the participants.

Education is a united targeted process of upbringing and education that is a socially meaningful benefit and is carried out in the interest of an individual, family, society and the State, as well as a combination of accumulated knowledge, skills, practices, values, experience, and competences of certain volume and complexity for the intellectual, moral, creative, physical, and (or) professional development of a person, satisfaction of his/her educational needs and interests.

Teaching is a targeted process of arranging activities of students to get knowledge, skills, practices and competence, acquire experience, develop capabilities, learn how to apply knowledge in everyday life, and form motivation of students toward lifelong learning.

Educational programme is a set of basic characteristics of education (volume, content, planned outcomes), organizational and pedagogical conditions, and, in the cases provided by acting Federal Law, appraisal forms that is presented in the form of a curriculum, academic calendar, work programmes for subjects, courses, modules, other components, and evaluation and methodical materials.

Training and education activity is an activity of implementing educational programmes.

Educational establishment is a nonprofit organisation carrying out licensed training and education activity as a main type of activity in accordance with the goals of its creation.

Educational system is a combination of elements having connections and relations with each other, which provides the possibility of implementing the educational process (organizational, pedagogical, teaching, didactic).

Higher educational establishment (higher educational institutions) is an educational establishment implementing training and education activity on educational programmes of higher education and scientific activity as its main target activities.

Student is an individual who acquires an educational programme.

Establishment is a group of people whose activities are consciously coordinated to achieve common goals or objectives.

Establishment providing education is a legal entity carrying out licensed training and education activity as supplementary one.

Establishments carrying out training and education activity are educational establishments as well as establishments providing education.

General educational institution (schools, gymnasiums, lyceums, cadet establishments, special (correctional) establishments) is an establishment implementing training and education activity on educational programmes of primary general, basic general, and (or) secondary general education as its main target activity.

The principles of management of educational institution are provisions that reflect the most general, fundamental requirements to management activities.

Vocational educational institution (colleges, technical schools, training schools) is an educational establishment implementing training and education activity on educational programmes of secondary-level vocational training and (or) on job-training programmes as its main target activity.

Management is

1) a function of organizational systems that ensures preservation of the structure of the establishment (system), maintaining the operating mode (working mode), implementation of programmes (plans, projects), and achieving of goals.

2) an activity on the targeted change of arrangement, operation, and development of the system using feedback. Management (in the organizational system, in the establishment) is the process of developing and implementing management decisions by management entity (based on information on the object of management in the external environment) as part of a targeted impact on the object of management for arrangement and coordination of its activities in the functioning of the system.

3) in a broad sense, it is an activity to order processes in nature, technology, and society, eliminate their entropy (disorder) and bring them into a new state, taking into account trends in their development and changing environment. Management shall ensure orderliness of the corresponding system, its wholeness, normal functioning, and development.

Educational institution management is

1) a scientifically based influence on the teaching staff, operational staff, students, parents, and society aimed at optimal resolution of educational and upbringing problems.

2) a complex process consisting of the right choice of goals and tasks, study and global analysis of the achieved level of educational and upbringing work, the system of rational planning and arranging teamwork, and the choice of optimal ways to improve the level of education and training, and efficient monitoring.

3) a scientifically based actions, especially by the administration and other employees of the educational establishment (teachers), aimed at the rational use of time and their forces, including students, in the educational process to study subjects in-depth, moral education, all-round development of the personality, and preparation for the exercise of employment duties. Charter is a set of rules, regulations governing the construction and activities of any establishment, rights and duties of its members.

Participants of educational relationships are students, parents (legal representatives) of minor students, educators and their representatives, establishment carrying out training and education activity.

Participants of relationships in the educational sphere are the participants of educational relationships and federal state bodies, bodies of state power of the entities of the Russian Federation, bodies of local self-government, employers, and associations of them.

Institution is an nonprofit organisation created by the owner to perform managerial, social and cultural or other functions of a non-commercial nature.

Federal State Educational Standard is a set of mandatory requirements for the formation of a certain level and (or) for the occupation, profession, and major approved by the federal executive authority carrying out functions on the formulation of public policies and statutory regulation in the field of education.

Forms of management activity are the ways to exercise the functions of a public body in the process of management.

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