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GOVERNANCE AND ADMINISTRATION OF SCHOOLS AT CENTRAL AND/OR REGIONAL LEVEL IN RUSSIA

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Chapter 1. Notions and Definitions

Before discussing governance and administration of schools in this Module, we need to clarify the key concepts the authors rely on in this analysis. In general, ***an education system*** is a system of formalized transmission of knowledge and values operating within the society. It comprises laws, policies, regulations, public funding, methods of resource allocations, procedures for determining funding levels, human resources, staffing, contracts, compensation, teaching resources, learning materials, etc. In the RF an ***education system means*** a set of interacting successive educational programmes of various levels and focuses, federal state educational standards and federal state requirements, as well as educational institutions functioning in the State, the connections between them and general principles on the ground of which they function. (Art. 10 of the RF Federal Law “On Education” dated December 29, 2012, № 273-FZ).

In modern conditions, an education system operates by ***exercising education services***. ***An education service*** means 1) with regard to a personality, the process of transferring to the customer the knowledge and skills of educational and professional nature necessary for him or her in order to become a professional, for their self-development and self-affirmation, and carried out in close contact with the customer in accordance with the prescribed form and curriculum; 2) with regard to a business, a personnel professional training process necessary to secure working capacity and development of the business under permanently changing market conditions; 3) with regard to the State, expanded reproduction of the total personal and intellectual potential.

Governance in Education is the means in which institutions for education are formally organized and managed through the laws, norms, and rules set forth by governmental bodies and ‘organized society’. [3] Under Eurovoc Thesaurus, 2005, governance must ensure that public resources are managed effectively and problems are solved, and that the processes are exercised efficiently and in response to critical needs of society. Effective governance relies on public participation, accountability, transparency, effectiveness and coherence.

A dynamic side of education is expressed in ***educational administration*** representing a comprehensive effort to achieve specific educational objectives. It deals with the educational practices and involves educational institutions from the schools and colleges to the secretariat and is concerned with both human and financial resources. ***Educational management*** means effective and efficient maintenance of current arrangements of an educational institution in accordance with the purpose or aims of education and the agreed policy of the educational institution. ***Governance and administration of educational systems*** is based on a number of principles, the key notions of which form a conceptual framework of the Module.

Democratisation and humanisation of governance and administration amount to developing autonomy, independence and initiative of all participants of the educational process (managers, teachers, students and parents), encouraging them to discuss publicly and make managerial decisions collegially. Also, democratisation of managerial procedures in the area of educational institutions means implementation of democratic values, such as liberty and freedom in education, equality in education, fraternity, justice, cooperation (e.g. electivity of school principals, introduction of the system of selecting leading pedagogical staff on a competitive basis). That is implemented by means of regular reports of the administration and School Councils to the school collective and the public, and the publicity of the decision-making procedure.

Two approaches to governance and administration of schools include centralisation and decentralisation. ***Centralisation*** means concentration of power at the top level of an organization or a society. An extreme case of centralisation is usually labelled as the one-man rule. ***Decentralisation*** means the transfer of decision-making authority closer to the consumer or beneficiary. In education, decentralisation has different forms: de-concentration, delegation, devolution, and privatization. Under UNESCO’s “Decentralisation in Education: National Policies and Practices,” the main goal of

decentralisation is eventually to manage, plan, mobilize and use resources, implement plans, monitor and evaluate the education system in order to improve educational service at the local level. The key principles underlying governance and administration of schools include 1) the unity of command principle and 2) the principle of collegiality.

The ***unity of command principle*** is the principle ensuring the unity of effort under one responsible person for completing a task. The ***principle of collegiality*** is the principle that means that authority is shared among people working toward the purpose (e.g. colleagues). The principle of ***autonomy*** means the transfer of authority from a central government to provincial, state or regional entities, to municipal, county or district governments, to schools and communities for exercising educational, research, administrative, and financial activities, drafting and enacting local regulatory acts. For the schools, ***autonomy*** is a form of school management in which schools are given decision-making authority over their operations. In many cases accountability is applied to balance autonomy.

Collegiate (collegial) management body of school management is an educational or organisational unit characterised by equal sharing of authority among its members and mainly consisting of the teaching staff of an educational institution.

State-public education management forms a specific type of interrelation between the State and society that, on the one hand, involves permanent and responsible participation of entities that express and represent the interests of the State in the field of education, and, on the other hand, represents and enforces the interests of the society, business, parents and students themselves based on mutual recognition of certain rights and obligations in this area.

In the Russian Federation there are three levels of education management bodies: *federal education management bodies, regional education management bodies and municipal education management bodies*. ***Federal Education Management Body*** is a body that governs education at the federal level. In the Russian Federation, the Ministry of Education and Science and the Federal Service for Supervision in Education and Science govern education at the federal level and perform the functions of elaborating the state policy and normative and legal regulation in the sphere of education. ***Regional Education Management Body*** is an executive agency (e.g. ministry or department of education) that governs education at the level of a constituent entity of the Federation. Regional education management bodies are authorized to supervise, license and certify educational activities of educational institutions operating within the territory of the constituent entity. ***Municipal Education Management Body*** is a department of education or administration for education of a municipality that is authorized to organize and to provide citizens with free and accessible pre-school, primary general, basic general, secondary general education in accordance with basic general education programmes in the municipal educational entities.

Chapter 2. Approaches to Governance and Administration of Schools

The concepts of centralisation and decentralisation are important approaches to consider as they ultimately affect the effectiveness of schools in educating the children of a nation.

Centralisation refers to the condition whereby the administrative authority for education is vested, not in the local community, but in a central body. This central body has complete power over all resources: money, information, people, technology. It decides the content of curriculum, controls the budget, is responsible for employment, the building of educational facilities, discipline policies, etc.

Decentralisation, on the other hand, refers to the extent to which authority has been passed down to the individual school. Site-based management is an example of decentralisation in which individual schools can make their own decisions related to finances and curriculum. However, the locus of power remains with the central body. Advocates of decentralisation believe it will result in higher student performance; more efficient use of resources; increased skills and satisfaction for school administrators and teachers; and greater community and business involvement in and support for schools.

2.1. Centralisation versus Decentralisation in School Governance

There is currently a global trend of decentralising education systems. Most countries are experimenting with or contemplating some form of education decentralisation. The process transfers decision-making powers from central Ministries of Education to intermediate governments, local governments, communities, and schools. The extent of the transfer varies, however, from administrative de-concentration to much broader transfer of financial control to the regional or local level.

There are many connotations related to relevance/application of the concept of centralisation-decentralisation in school sector; for instance:

- a. How far the state accepts responsibility for provision of school facilities vis-à-vis the individuals, families, social groups or private organisations?
- b. To what extent, the division of power exists between the central, state/provincial and local governments in school matters?
- c. And finally, to what extent, the decisions are concentrated in the Ministry of Education or in any other educational organisation?

Three Forms of Decentralisation in Education International Encyclopedia of Education identifies three forms of decentralisation in education system

- a. Organisational Decentralisation;
- b. Political Decentralisation;
- c. Economic Decentralisation.

Organisational Decentralisation refers to an arrangement whereby the professionals in schools make important decisions regarding the educational wellbeing of children. Organisational decentralisation is also compatible with the concept of democracy, where organisational authority is assigned to professionals of various fields to make decisions in their respective areas.

Political Decentralisation refers to an arrangement whereby the parents of children studying in the public schools make policy decisions through a representative Board of Governors. Such boards may exercise some executive powers in appointment of key personnel of the institution, such as, principal/headmaster, heads of different departments, administrative staff, etc. Public school system is a valid example of such decentralisation, whereby the Board of Governors (representing provincial/district government, philanthropists, community leaders, or renowned

personalities/professionals) is entrusted with legitimate authority to take decisions in defined areas of the school management.

Economic Decentralisation. A community following the concept of economic decentralisation prefers an arrangement whereby parents choose a particular school (considering it the best) for their children. In such a case, parents sponsor these institutions by paying tuition fees and/or by donating some money. Such educational institutions usually function on the basis of economic principles; school is considered as a service-provider and children/parents as customers.

Decentralisation of school management, depending on the context and on the support provided by the central government, can lead either to improving schools and learning, or to increasing inequality, and even to the spread of corruption. When resources are limited, decentralisation can simply mean that different regions, different schools will develop at different rates.

Obviously, the state represented by the Ministry of Education, and central planning and supervision should retain some key functions in the management of the process, including financing schools, setting standards, creating guidelines for curricula, monitoring achievements, direct financing and support of backward schools.

The combination of centralisation and decentralisation in the in-school administration ensures the activities of the heads of administrative and public bodies in the interests of all stakeholders, creates the conditions for discussion and decision-making at the professional level, eliminates duplication and enhances the coordination of actions of all structural units of the system, ensuring transparency of the entire management system. By increasing the participation of parents, community-managed schools show significantly lower rates of student and teacher absenteeism.

2.2. Degree and Scope of Decentralisation of School Governance in Russia

The Law on Education in the Russian Federation sets out the scope for the decentralisation of the educational institution management, including schools, by declaring it as a local subject. So, in accordance with paragraph 1.28 (competence, rights, duties and responsibilities of the educational organisation) of the said law the educational institution is given the right to independently determine the normative legal basis of its activities.

Some administrative matters fall under the jurisdiction of the respective regional governments and schools. However, the role of the central government or the Ministry of Education and Science is to establish the fundamental framework of the system of school administration by creating laws, setting rules and regulations, implementing a system of local education management, textbooks and teaching aids approval, unified requirements for the outcomes of education, school licensing and teacher certification.

Chapter 3. Levels of Governance and Administration of Schools

The current stage in the development of education in the Russian Federation is characterised by the establishment of new types of relationships between municipal, regional and federal education authorities, the continued decentralisation of the management of the education system, the practical delineation of powers, competences and responsibilities between these levels, the transition from a state to a public model of education governance.

The system of education can be referred to as the sphere of competence of federal bodies of state power, state authorities of the constituent entities of the Russian Federation and local authorities in the sphere of education [Gavrilova M.V., Danilova N.V., p. 35].

The system of education governance should include a set of such interrelated elements as the main educational programmes and state educational standards of various levels and directions, the network of educational institutions that implement them, regardless of their organizational and legal form and type, municipal educational authorities and their subordinate institutions and organization.

The structure of education governance in the Russian Federation is hierarchical and is characterised by the following features:

- the presence of several levels when each lower level is in the administrative authority of the superior - the decisions of higher authorities are mandatory for the lower ones;
- restriction of administrative subordination of subordinate levels of management to superior individual functions or some of their set - the higher body can take binding decisions for a lower-level decision on a limited number of issues;
- the possibility for the governing body to manage only those organisations that are in its direct administrative jurisdiction.

In general, the basis for the management of school education is a three-level management structure: federal level; regional level; and the municipal level. Nevertheless, in recent years, it has become possible to distinguish the fourth level of governance - the level of the educational institution, i.e. management of an educational institution (school). Thus, in the Russian Federation there are three levels of education management bodies: federal government bodies, educational authorities of the constituent entities of the Russian Federation and municipal authorities.

The education system governance is carried out in accordance with Art. 89, paragraphs 3, 4, 5 of Federal Law No. 273-FZ of 29 December 2012 "On Education in the Russian Federation" [1]:

1. *State administration in the sphere of education shall be carried out within the limits of their authority by the federal bodies of state power and bodies of state power of the constituent entities of the Russian Federation. In municipalities and urban districts, governance and administration in the sphere of education is carried out by the relevant local government bodies.*

2. *The federal executive bodies responsible for public administration in the sphere of education are the federal executive body, which exercises the functions of elaborating state policy and normative and legal regulation in the sphere of education, the federal executive body that exercises control and supervision functions in the sphere of education, as well as federal state bodies that have educational organizations in their hands.*

3. *The federal executive body, which exercises the functions of elaborating state policy and normative and legal regulation in the sphere of education, coordinates the activities in the sphere of education of federal state bodies, executive authorities of the subjects of the Russian Federation and other subjects of the education system.*

3.1. Federal Bodies for Education Governance and Administration

At the federal level, the governance and administration are implemented by the Ministry of Education and Science of the Russian Federation (hereinafter referred to as the Ministry), as well as by Rosobrnadzor, the Federal Service for Supervision in Education and Science (hereinafter - Rosobrnadzor). The Ministry's activities are regulated by the Regulations on the Ministry of Education and Science of the Russian Federation [3].

In general, the Ministry carries out the functions of elaborating state policy and normative and legal regulation in the sphere of education, and Rosobrnadzor is responsible for control and supervision in the sphere of education.

The Ministry is headed by the Minister of Education and Science, who is appointed and dismissed by the President of the Russian Federation on the proposal of the Chairman of the Government of the Russian Federation [3, Article 8]. The Minister bears personal responsibility for the implementation of the powers assigned to the Ministry and the implementation of state policy in the established field of activity [3, Article 8].

Currently, there are 18 departments at the Ministry; departments also include divisions. The Department of State Policy in the field of general education provides implementation of the policy and regulatory and legal regulation in the field of preschool and general education.

The functions of the federal level in the field of education may be combined into six main groups.

a. Formation and implementation of state policy in the field of education (work in the field of law-making process, development of programmes, draft budgets, tax and customs policies, etc.);

b. Specification of general conditions for the functioning of the education system and educational institutions, including legal regulation within the limits of their competence (establishment of federal components of state educational standards, development of by-laws (model regulations on educational institutions, explanations on the application of legal acts, regulatory letters, instructions, methodological materials);

c. Ascertainment of benefits, economic standards, various norms and rules - tax benefits, standards and procedures for financing, wage rates, social benefits for students and employees, construction, operational, medical and other norms and regulations;

d. Creation of educational institutions of federal jurisdiction and their direct governance and administration, i.e. the exercise of the functions of a higher authority and a founder, as well as direct financing of the activities of these educational institutions;

e. Control over the implementation of the legislation of the Russian Federation in the field of education and federal components of state educational standards;

f. Implementation of specific functions - the licensing of educational institutions for programmes of higher and postgraduate professional education, the establishment and appropriation of state awards and honorary titles in the field of education, the organization of the federal system of training and retraining of teachers and employees of state educational authorities.

Currently, the educational policy is determined at the federal level and the strategy for the development of school education is being developed. Regional educational authorities also participate in the implementation of the educational policy and strategy for the development of school education.

3.2. Constituent Entities Bodies of Education Governance and Administration

The bodies of education management of the constituent entities of the Russian Federation (regional level of education management) are represented by the departments (ministries, committees, main administrations, etc.) of the education of the constituent entities of the Russian Federation. The main difference between them and the federal bodies is that they for the most part do not have educational institutions in their direct control, thus exercising mainly functional management of the education system within the region.

Functions of the regional level in many respects repeat the functions of the federal level, but their implementation is limited to a certain territory of the subject of the federation. They can also be grouped together.

1. Formation and implementation of the state (regional) policy in the sphere of education, which does not contradict the policy of the Russian Federation in the field of education. The main tool for its formation is the regional programmes for the development of education, developed in accordance with the Federal Programme for the Development of Education and aimed at solving primarily regional tasks and problems.

2. Determination of specific conditions for the functioning of the education system and educational institutions in the region, including legal regulation within its competence, the establishment of regional components of state educational standards.

3. Ascertainment of additional regional privileges, economic standards, various norms and rules - tax privileges for the regional budget, regional standards and procedures for financing, additional to the federal social benefits for students and employees, construction, operational, medical and other norms, regulations, and so on.

4. Creation of educational institutions under regional jurisdiction and their direct governance and administration - the implementation of the functions of a higher body, the founder, direct financing of educational activities.

5. Ensuring compliance with the legislation of the Russian Federation in the field of education, monitoring the implementation of state educational standards.

6. Implementation of specific functions - licensing of educational institutions (with the exception of licensing under programmes of higher and postgraduate professional education), the organization of training and retraining of teaching staff.

3.3. Municipal Level of Education Governance and Administration

The municipal level of education management is represented by the established municipal authorities. These bodies bear the main burden of implementing the management of educational institutions of general education, the bulk of which is concentrated at the municipal level.

The municipal authorities in the field of education have the following powers.

1. Organisation of the provision of a general and free basic general secondary education for basic general education programmes, with the exception of the authority to provide financial support for the educational process, assigned to the powers of the state authorities of the constituent entities of the Russian Federation.

2. Organisation of the provision of additional education for children and public free pre-school education within the municipal district.

3. Creation, reorganisation and liquidation of municipal educational institutions.

4. Maintenance of municipal educational institutions premises, arrangement of territories adjoining to them.

5. Monitoring children who need to undergo compulsory education in educational institutions that implement educational programmes of basic general education.

6. Guardianship and custodial care.

The implementation of the state policy in the sphere of education at the municipal level largely depends on the quality and efficiency of the work of the relevant municipal bodies. Nowadays, the structure of these bodies is not regulated, and activities are carried out in various forms, depending on the financial capacity of the municipality, formed management system, network of educational institutions and availability of specialists with the qualifications required.

Unlike public authorities whose activities are focused on the development of policies and regulatory frameworks in the field of education, local government bodies should ensure the practical implementation of this policy, monitor compliance with legislative norms within the municipal formation through targeted organizational activities. At the same time, the nature of management in the sphere of education at the municipal level is fundamentally different. The governance and administration is predominantly administrative at the level of the constituent entities of the Russian Federation, and it is based on direct subordination and reporting. The level of the municipal formation presupposes relations of interaction, "co-organisation" between all objects and subjects of education, and governance and administration play the role of a necessary means, a mechanism for their regulation.

It should be noted that a whole range of issues related to the regulation of educational activities under the Federal Law "On Education in the Russian Federation" is attributed to the competence of the educational organisation (see, for example, Art.8). In particular, according to Part 5-7, Art. 12 of the Federal Law No. 273-FZ, educational programmes are independently developed and approved by the organisation that conducts educational activities (in accordance with federal state educational standards and taking into account relevant exemplary basic educational programmes for programmes with a state accreditation).

Chapter 4. Bodies of School Administration and Their Functions

Administration in educational sphere is an essential element of educational system in any State. The modern tendencies concern different mechanisms of interaction between general educational institutions and other bodies that have an impact on their activity. In general, such tendencies may be divided into two types: centralisation and decentralisation of administration of schools.

The Federal Law “On Education in the Russian Federation” stipulates legal and organizational basis of school administration. Art. 26 prescribes that administration in this sphere is realized in accordance with the law of the Russian Federation in consideration with specific features provided by this Federal Law.

There are two main principles which form the basis of administrative process in the sphere of education: principle of one-person management and principle of collective leadership.

In addition to these principles we should consider one more – principle of autonomy of educational institution. Under the Federal Law “On education in the Russian Federation” the autonomy of educational institution means the independency in the education, science, administrative, financial and economic activity, development and enactment of local legal acts in accordance with this Federal Law and other laws of the Russian Federation.

The system of administrative bodies in schools and their functions are determined exactly in accordance with these principles.

An individual executive body in schools is represented by head-master who provides day-to-day management. The functional responsibilities of head-master are stipulated in the Charter of the school in accordance with the Federal Law “On Education in the RF”. In general, such responsibilities are the following:

- to represent the interests of school;
- to manage the finances and assets;
- to provide the educational process;
- to be responsible for the activity of the educational institute, etc.

A collective executive body that is also involved in the process of school administration is formed from the school teachers. The most common collective executive bodies are the following: the General Meeting and the Teachers’ Council. In accordance with the Federal Law “On Education in the RF” the establishment and operation of these administrative bodies at schools is obligatory. The main function of the General Meeting is to enact local legal acts of educational institution and to approve reports on school activity.

Teachers’ Council administrates school in two main areas: methodical and organizational support of educational process, and disciplinary regulation of educational process.

Besides obligatory bodies, there is a possibility to form optional bodies (Council of Overseers, Governing Council, Supervisory Council, etc.) in accordance with the School Charter and the Federal Law.

Federal Law prescribes the necessity of taking into account the students’ opinions and their parents in the process of school administration and enactment of local legal acts. In order to provide administration parents and students may initiate the forming of the Students’ Council, the Parents’ Council and other bodies. It demonstrates the element of decentralisation in the process of school administration.

Decentralisation of administrative process in the sphere of education is reflected in the introduction of new mechanism – state and public administration. This mechanism corresponds to mutual rights and obligations of state and public institutions in the process of school administration. It democratizes the process of school administration, which makes positive impact on the development of the whole educational system.

Chapter 5. Governance and Administration of Schools in Some EU Member States and Other Countries

5.1. Governance and Administration of Schools in Albania

At present, the Republic of Albania is in the process of educational reform. Still, it is possible to outline the main features of the education government and administration in the country. Overall, the government and administration are centralized. The administration at the regional level remains connected to the ministerial level in Tirana, namely the Ministry of Education, Sports and Youth and the Ministry of Finance, and is largely dependent on the central level.

There are three levels of educational governance in Albania. The central level comprises the Parliament with its Committee of Education and Culture, the Council of Ministers, and the Ministry of Education, Sports and Youth. The regional/local level refers to the districts and municipalities and includes administrative bodies, such as Regional Education Directorates, Municipalities, District Councils and their Departments for Education and Health. Finally, at the school level governance comprises the school principals along with their deputies, school boards, as well as the teachers' councils and parents' councils.¹

The constitution of the Republic of Albania sets forth that the Government and the Parliament determine the main educational objectives and structure. They formulate and pass laws on educational issues, execute other activities in this sphere proscribed by the relevant legislation. The main body responsible for the day-to-day supervision and management is the Ministry of Education Sports and Youth as well as provincial/municipal authorities. They ensure that the school meet the requirements and objectives outlined in relative legislation.

The Ministry has several departments among which are the National Examination Agency (AKP), Institute of Education Development (IZHA), State Inspectorate of Education (ISHA), National Agency of Vocational Education and Training, Quality Assurance Agency of Higher Education (ASCAL), The Textbook Publishing House (BOTEM) and others. Regional educational directorates and local educational offices operating at every region support its activities.

The Ministry is in charge of school governance and administration at the national level. The functions of the Ministry are the following: the implementation of laws and other regulations approved by the Parliament and the Government; decisions on legal matters, management and professional supervision; curricula and other documents; development and financing of education; and some others. The Ministry also determines the network of primary and secondary schools.

The Institute of Education Development provides the Ministry with specialized expertise and professional advice. They are in charge of the curriculum content development, modern technologies in teaching and teaching methodologies, as well as school management and leadership practices in general education.

The Agency of National Examinations organises and carries out national examinations in the pre-university education system, as well as state exams for regulated professions and higher education institution admission exams.

The State Inspectorate of Education is responsible for the general improvement of the education service through inspection and follow-up enforcement of legal requirements in the pre-university, as well as tertiary education systems.

5.2. Governance and Administration of School Education in Belarus

We can distinguish some common features of the educational system in the Republic of Belarus, which are the following:

- the structure of education management in the Republic of Belarus has a state-public character;
- the regulation of educational processes in the republic is carried out within the framework of their competence by the state administration bodies, including the Council of Ministers and the

¹ URL: <http://unesdoc.unesco.org/images/0025/002592/259245e.pdf> [Date of access: 12.12.2017]

Ministry of Education of the Republic of Belarus, local government and self-government bodies;

- the public education sector dominates the private sector.

The basic law regulating the most important educational issues is the Constitution of the Republic of Belarus. Article 49 of the Constitution states: *“Everyone has the right to education. Availability and free of general secondary and vocational education are guaranteed. Secondary special and higher education is available to all in accordance with the abilities of each. Everyone can get a free education in state educational institutions on a competitive basis”* [2].

The main document regulating the activity of the education system in the Republic of Belarus is the “Code of the Republic of Belarus on Education” [2]. The Code on Education determines the basis for legal regulation in the field of education, the key principles of the education system, the structure of its organization and functioning.

In accordance with the current legislation, the administration of education in the Republic of Belarus is carried out by the state administration bodies (legislation - the National Assembly / (parliament), the implementation of laws - the Cabinet of Ministers), as well as local governments (see Appendix 1).

The Council of Ministers of the Republic of Belarus exercises the following functions in the field of education:

- defines the state requirements for education and establishes the procedure for monitoring their provision;
- approves model provisions on educational institutions and educational organizations, determines the procedure for their creation, reorganization and liquidation;
- approve samples of documents on education and the order of their issuance;
- determines the procedure for financing, material and technical support and reporting of educational institutions and organizations, the procedure for paying their employees' labour, norms and procedures for the social protection of students as well as employees of the education system.

The central link in the management of education is the Ministry of Education of the Republic of Belarus that in its activities is guided by the acting laws and is subordinated to the Council of Ministers of the Republic of Belarus. The Ministry of Education of the Republic of Belarus is a republican government body that conducts a state policy in the sphere of education that regulates, manages and monitors the quality of education and coordinates the activities of other republican government bodies and state organizations in this area.

The structure of the Ministry of Education includes the Department of quality control of education with the rights of a legal entity; management and departments; structural subdivisions of the regional and Minsk city executive committees, exercising state authority in the sphere of education and youth affairs; State organizations subordinated to the Ministry of Education.

The Ministry of Education of the Republic of Belarus provides the solution of the following tasks:

- ensuring the implementation of the state policy in the sphere of education and guardianship of minors;
- ensuring the functioning of the education system of the Republic of Belarus, creating a system of continuing education;
- implementation of the state youth policy;
- conducting within the limits of its competence state policy in the sphere of rendering psychological assistance in the education system;
- coordination of the activity of the republican government bodies, education departments of the regional and Minsk city executive committees, organizations, individual entrepreneurs, who, according to the legislation, have the right to carry out educational activities, on the

implementation of the functions of the education system, state youth policy, protection of the rights of minors and guardianship of minors;

- monitoring the quality of education, as well as in the sphere of state youth policy;
- the analysis of the implementation of the state policy in the field of child protection;
- implementation of activities to prevent child neglect and juvenile delinquency;
- organization of international cooperation in the field of education, as well as in other areas of activity within its competence;
- organization and development of scientific research in institutions of higher education;
- ensuring state regulation of education, as well as creating conditions for the development of organizations of all forms of ownership that carry out this type of economic activity [3].

Each aforementioned function is reflected in the internal structural subdivisions of the Ministry.

The regional level in the Republic of Belarus refers to 6 regions. The head of the regional education authorities (head of the education department of the regional executive committee) controls the activities of general secondary education institutions at the regional level.

Local educational authorities (district and city departments of education, sports and tourism) ensure the development of education, taking into account the characteristics of the regions, the prospects for their social and economic development, and determine the size and structure of training of workers and specialists; create, reorganize and liquidate in the prescribed manner educational institutions, register their status.

The right to establish, reorganize and liquidate educational institutions shall be exercised in accordance with the procedure established by Article 21 of the Code of Education of the Republic of Belarus. The educational institutions can be founded by:

- President of the Republic of Belarus, Government of the Republic of Belarus;
- state bodies subordinate and (or) accountable to the President of the Republic of Belarus, the National Academy of Sciences of Belarus, the republican government bodies and other state organizations subordinate to the Government of the Republic of Belarus;
- Local executive and administrative bodies;
- legal entities and citizens of the Republic of Belarus;
- foreign states, organizations of foreign states, international organizations, interstate entities, foreign citizens, stateless persons, unless otherwise stipulated by legislative acts, international treaties of the Republic of Belarus [1].

5.3. Governance and Administration of Schools in the Flemish Community of Belgium

5.3.1. Right to establish schools and organize education

According to the Constitution, every natural or legal person has the right to establish schools. These persons can be referred to as the ‘school boards’ in elementary education or ‘organising bodies’ for other levels of education. These bodies may organise schools in line with the following principles: confessional / non-confessional principle or specific pedagogical / educational ideas. Parents (of school-age pupils) also have the right to choose a school for their children to attend. In accordance with the statutory legislation, the organising bodies can select, recruit and promote teachers and support administrative and management staff to support and represent their schools, they may set up educational umbrella organisations.

Compulsory education is free of charge. School/study allowances are allocated in nursery education, compulsory education and higher education based on the same criteria and a family dossier that covers all children from the same family for all educational levels. Educational institutions are encouraged to work together administratively in larger partnerships. Elementary and secondary schools in schools are grouped in communities, higher educational institutions in associations, centres for adult and adult basic education in consortia, teacher training colleges in expertise networks, academies for

part-time art education in art academies, and institutions for advanced secondary education and for higher vocational education with other institutions, companies, sectors or teacher training colleges.

There are also other forms of partnership, such as LCPs, (local consultation platforms on equal educational opportunities, RTCs (Regional Technology Centres for collaboration with the sector), Regional Platforms for alternance training system, ERSVs, (Recognised Regional Collaborations) for adult education and training, etc.

5.3.2. Organising Bodies

Under the Law of 29 May 1959, Art. 2, the organising body (government, natural or legal person) initiates school establishment and is responsible for its organisation. It chooses the level of education, branch of education, courses, venues, the maximum capacity and whether the school infrastructure will be purchased or leased. The organising body also prepares the pedagogical project of the school, school development plan, continuing education plan, school regulations, awarding diploma's (degrees and certificates), and choice of pedagogical counselling services.

5.3.3. Educational umbrella organisations

Following the communautarisation of education in late eighties, various groups of organising bodies set up a representative umbrella organisation to protect the interests of affiliated schools. These large educational-network organisations emerged from former Belgian organisations. The umbrellas also provide pedagogical support and coordinate continuing professional development for the affiliated institutions.

The educational umbrella organisations receive a budget for continuing professional development programmes from the pupil guidance centres, the pedagogical counselling services and boarding schools. They also implement funded specific further education initiatives within their own pedagogical projects.

In order to qualify for funding, schools must incorporate the educational structure laid in decree, follow a curriculum that recognisably contains the attainment targets and development goals, submit to the supervision of the educational inspectorate, participate in an LCP (local consultation platform), adhere to the principles of participatory decision-making imposed by decree and apply a complete smoking ban.

Until 1 January 1989, the Minister for Education was the organising body for State Education in each of the three Belgian Communities. Within the context of communautarisation, Flanders transferred its responsibility as organising body to the elected Autonomous Council for Community Education (ARGO) that was established by the Special Decree of 19 December 1988. Since that time, State education has been called Community Education. The agreement of 17 June 1998 on the allocation of responsibility, depoliticisation and decentralisation and the special decree of 14 July 1998 replaced the ARGO by a new public institution 'Community Education' (with capital letter as an organising body) and new management entities were created specifically for Community Education, namely schools groups. Henceforth, the organising bodies of the community education are the 28 schools together with the Board rather than one exclusive central body.

5.4. Governance and Administration of School Education in Lithuania

The main law regulating the most important educational issues is the Constitution which was adopted by a referendum of Lithuanian citizens on 25 October 1992. The Constitution provides that "Education is compulsory for people under 16. Learning at state and municipal general education and vocational schools is free of charge. Higher education is available to everyone according to the capabilities of the individual. Students whose academic achievements in higher education institutions are fairly good are guaranteed education free of charge". In Lithuania, education is also regulated by other laws of Lithuania, resolutions of the Government and orders issued by the Minister of Education and Science.

The key document regulating the activities of the education system in Lithuania is the Law on Education adopted by the Seimas on 25 June 1991 and set out in new revised editions on 17 March 2011. The Law on Education defines the goals of education in Lithuania, the key principles of the education system, the basic structure of its organisation, activities and relationships as well as the major commitments of the State in the field of education.

The structure of the vocational education and training (VET) system, the design, management and award of qualifications, organisation and management of VET as well as VET funding are all set out in the Law on Vocational Education and Training adopted by the Seimas of the Republic of Lithuania on 14 October 1997 and set out in the new edition on 3 April 2007.

The main document regulating the course of changes in the education system in Lithuania is the National Education Strategy for 2013–2022. The Strategy sets out the Lithuanian education policy priorities, long term goals and directions for changes in education content and financing.

In Lithuania, the Ministry of Education and Science is an institution of the Lithuanian executive power that formulates and implements the national policy on education and research and higher education studies. The functions of the Ministry of Education and Science are defined in the Law on Education (2011).

The Ministry of Education and Science is headed by the Minister who, under the Constitution, is appointed to and dismissed from office by the President at the Prime Minister's recommendation. Being in charge of education, research and higher education management, the Minister of Education and Science is accountable to the Seimas and President and directly subordinate to the Prime Minister.

At present, the Ministry of Education and Science has five departments: Department of General Education and Vocational Training, Education Quality and Regional Policy Department, Department of Higher Education, Science and Technology, Department of the European Union Assistance Coordination and Finance Department. There are also other divisions and structural units that do not belong to the departments: International Cooperation Division, Division of Regional Schools, Law Division, Communication Division, Internal Audit Division, Human Resources Division, Division of Information Systems and Document Management,

5.5. Governance and Administration of School Education in Poland

There are some distinguishing features of the Polish Educational System:

- centralized governance (it is the Minister of Education and the Minister of Science and Higher Education who are responsible for laws and regulations in the sphere);
- decentralized school administration (for which local authorities are responsible);
- lower secondary school students have to take external examinations, but for graduates of upper secondary schools they are optional. Those willing to continue their education at the tertiary level have to take their upper secondary leaving exam called '*egzamin maturalny*';
- the teaching profession is regulated by separate legislation (the Teacher's Charter) which defines rules of admission, duties, remuneration and dismissal of teachers and their career path;
- public education sector dominates over private.

5.5.1. School education administration at national level

The responsibility for the educational policy rests with the Minister of National Education. A few ministers can administer public schools and other educational institutions. The responsibility for the administration of the school education system rests with the Minister of National Education and his/her deputy ministers. The Director General is responsible for the efficient functioning of the ministry as the institution supporting the minister. The Ministry of National Education comprises 15 organisational units (departments and bureaus); departments are sub-divided into units/divisions.

5.5.2. Responsibilities and powers of the minister in charge of school education

The Minister co-ordinates and pursues the national education policy, co-operates in this respect with regional authorities/province governors and other organisational units responsible for the school education system.

The Minister responsible for school education establishes and administers schools, clusters of schools and school consultation centres at Polish diplomatic missions, consulates and military missions in order to provide education for children of Polish nationals temporarily based abroad, as well as public in-service teacher training institutions operating at national level. The minister can also establish and administer public experimental schools and educational institutions and public continuing education institutions operating at national level.

The Minister responsible for agriculture may establish and administer public schools of agriculture and agricultural institutions operating at regional and supra-regional levels and establish and administer public in-service teacher training institutions for teachers of vocational subjects taught in schools of agriculture.

The ministers in charge of internal affairs, of national defence and of justice may establish and administer public schools and educational institutions covering their areas of responsibility.

5.5.3. Education administration at regional level

The regional level in Poland refers to the level of province (*województwo*). In 1998 there were 49 regions, and their number was reduced to 16 in 1999.

The head of the regional education authorities (*kurator oświaty*) exercises pedagogical supervision over school education institutions at regional level. The head of the regional education authorities (REA) is appointed and dismissed by the Minister of National Education at the request of the province governor (*wojewoda*) and, thus, is part of the central government structure. Although the head of the REA is not directly subordinated to the Minister of National Education, the latter has influence on the outcome of a competition for the position of head of the REA by appointing three members of the competition board, and may dismiss the head of the REA also on his/her own initiative. Moreover, the Minister supervises heads of the REAs and coordinates their work in various ways (e.g. by organising meetings, training courses and conferences).

Pursuant to the School Education Act, the head of the REA, acting on behalf of the province governor, performs tasks and exercises powers laid down in the School Education Act and separate regulations within a given province.

5.5.4. Local government bodies at regional level

It should be emphasized, however, that given the fairly extensive organisational autonomy of schools and educational institutions, the powers of local government units as so-called school/institution managing bodies include supervision over organisational units of the school education system with regard to financial and administrative aspects (appropriate management).

Local government bodies at regional (province) level do not perform typical school-education tasks. However, they are responsible for administering some educational institutions that have a supporting role: initial teacher training institutions; in-service teacher training institutions; educational resources centres; and schools and educational institutions operating at regional and supra-regional levels.²

² <https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Poland:Overview> [Date of Access: 10.08.2017]

Chapter 6. Case Law

The review was prepared based on the materials of the court practice provided by the "Federal Center for Educational Law"

http://www.lexed.ru/obrazovatelnoe-pravo/analitika/obzory/detail.php?ELEMENT_ID=5822

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6.1. Autonomy of an Educational Organisation and its Limits Regarding School Management Matters

Under Article 3 of the Federal Law "On Education in the Russian Federation" (the Law), the autonomy of the educational organisation is one of the basic principles of the State Policy of the Russian Federation in the field of education.

Under Article 28 of the Law, "an educational organisation has autonomy, which means autonomy in the exercise of educational, scientific, administrative, financial and economic activities, in drafting and adopting by-laws and local regulations in compliance with the Law, other normative legal acts of the Russian Federation and the Charter of the educational organisation. Educational organisations shall be free to determine the content of education, to choose educational and pedagogical support and educational technologies in their educational programmes."

Implementation of this principle is associated with decentralisation of management in education and means substantial increase in autonomous rights, powers, competences and responsibilities of educational institutions.

Autonomy of educational organisations covers acquisition of the rights of a legal person, elaboration of the Charter of the educational organisation, elaboration of general and educational strategies and main directions for development.

Misunderstanding and improper implementation of the principle of educational organisation autonomy may result in such extremes as full autonomy and independence of schools from the state and social control, from the 'social order' with regard to education, from territorial educational systems, which amounts to distortion of the principle of autonomy of an educational organisation.

Analysis of the jurisprudence shows that possibilities for the development of public-social administration of schools are directly related to the degree of autonomy. The higher the level of the school autonomy, the more freedom it has in defining development strategies and tactics, the more powers the bodies of collegial governance exercise, and the greater the likelihood that they will be able to exercise actual managerial powers is.

As a general rule, educational organisations are free to determine the structure of school governance. Articles 26 and 27 of the Law define the powers of the educational organization in the most general terms. Under Art. 25 of the Law, an educational organization consolidates its established structure in the Charter. Thus, the limits of educational organization autonomy are determined by the powers enshrined in the Charter of the educational organization. In fact, the limits of autonomy are determined by the will of the founder of the educational organization. The limits of autonomy could be challenged in court.

Under Paragraphs 4 and 5 of Article 26 of the Law, the educational organisation forms a collegiate body of governance. Collegiate bodies of governance may include the General Assembly (Conference) consisting of the educational organisation employees (in a vocational educational organisation and educational organisation of higher education the General Meeting (Conference) of employees and students may be founded), the Pedagogical Council (in the educational organisation of higher education it is called the Academic Council), the Board of Trustees, the Governing Board, the Supervisory Board and other collegiate bodies of governance. The structure, formation, terms of office and competences of governing authorities of the educational organisation, the manner in which they

take decisions and speak on behalf of the educational organisation are determined by the Charter of the educational organisation in accordance with the legislation of the Russian Federation.

The Judicial Collegium for Civil Cases of the Moscow City Court dealt with an appeal filed against the decision of the Babushkinsky District Court of the City of Moscow dated 14 October 2014 and refused to satisfy the claims against the State Budgetary Educational Organisation "Sviblovo" Gymnasium No. 1565. The claimant asked the Court to declare the Governing Council illegitimate, and all decisions and Order № 38B "On Forming the List of Elected Members of the Board and Appointing the Date of the First Meeting of the Board" passed after 17 December 2013 illegal. The court of first instance opined that the provisions of the Gymnasium Charter, when the director of the Gymnasium issued an order establishing a list of elected members of the Board, were not violated since the said paragraph established the director's right to take decisions on matters falling within the competence of the Board when that the Board fails to make a decision within the stipulated time limits, and the absence of that decision impedes the normal functioning of the organization.

The Judicial Collegium, in turn, held that, after several general educational organisations merged, the Department of Education of Moscow approved the new Gymnasium Charter that provided for the formation of a single Governing Board. In order to form a new Governing Board, the election of delegates to the Conference devoted to the formation of a Governing Board was to be held in primary organisations. In the Gymnasium such elections had been never held and delegates to the Conference had not been elected thereby depriving the claimant of the right to represent the interests of the class and his son in the Governing Board of the joint educational organisation in violation of Art. 44 of the Law. The court found that the formation of the Governing Board was assigned to the discretion of the Gymnasium. Thus, the court was not entitled to decide on the validity of the decision due to the lack of the grounds for satisfying the claims. In addition, the Gymnasium Charter provides for the right of the Director to decide on matters within the competence of the Board in the event when the Board fails to take a decision within the specified time limits and the absence of that decision impedes the normal functioning of the organisation.

6.2. Powers of the Head of the Educational Organisation to Decide on Redundancy

Cases Involving the Powers of the Head of the Educational Organisation

Under Paragraph 3 of Article 26 of the Law, a head of the educational organisation (rector, director, head, chief or other supervisor) who carries out current management of activities of the educational organisation is the sole executive body of the educational organisation. To this end, the head, within the scope of his or her competence, shall be entrusted with the function of implementing the principle of autonomy in making organisational and personnel decisions.

In the Appellate Determination of the Moscow City Court of 18 May 2015 N. 33-16065/2015, the Court dealt with the claim against unlawful dismissal order because, in the claimant's view, the head of the educational organisation had no right to issue such an order. The Court rejected the claim because the established redundancy procedure was met: the plaintiff was promptly notified of redundancy; the defendant had offered the claimant all the vacancies that the claimant refused. The Court noted that the general education institution was free to form a staff schedule in accordance with the teaching hours and to decide on whether there is a necessity for a certain staff position or it can be reduced and eliminated from the staff schedule. Moreover, making personnel and staff decisions, including changes in structure, staff schedule and number of employees forms an exclusive competence of the employer who is entitled to terminate employment contracts with employees provided the established procedure for dismissal and guarantees are complied with.

The decision taken by the Provincial Court of the Primorskiy Kray in case No. 33-7728 was opposite. The Court held that the head of the State Educational Institution did not have any right to make a unilateral decision on staff redundancy. The Court opined that, according to the Charter of the Provincial State Budgetary Special (correctional) Educational Institution for students with disabilities

the Council of the Boarding School is a permanent, elected collegiate body of the institution that acts as the highest self-governing body of the institution during the period between the staff meetings. The Council's competence includes deciding on changes in the structure and staffing within the framework of the wage and salaries fund. Thus, it is the responsibility of the School Council, rather than the director, to decide on restructuring and staffing of the institution. The School Council did not make any decision concerning redundancy and changing the structure of the institution. Under such circumstances, the Court had rightly concluded that the Director of the school violated the Law, and the Order "On changing the staff schedule and reducing the number of the staff of the Institution" was unlawful, since the Director unilaterally decided to change the structure and staffing of the Institution and approved the new staff schedule without the decision passed by the School Council. In addition, it was held that, in violation of art. 82 the RF Labour Code and the provisions of the collective bargaining, the trade union had not been informed about the redundancy, which constitutes a gross violation of the labour legislation and invalidates the redundancy order issued by the director.

6.3 State Governance in the Educational Area

Cases Involving the Hierarchy of Governing Bodies

The Primorsky Regional Court dealt with the appeal brought against the decision of the Leninsky District Court of the city of Vladivostok № 33-3174 dated 20 April 2015 which satisfied the claim of the prosecutor who asked to obligate the Department of education and science of the Primorsky Region and the Administration of the city of Vladivostok to fund the necessary number of course books and other materials (enumerated in the federal list of the recommended teaching materials) for the students of secondary schools in the city of Vladivostok due to the fact that they felt the lack of the needed learning materials.

Under p.1 of Art.35 of the Law "On Education" students obtaining free education in secondary schools are provided with all the needed learning materials while studying at schools.

Under p.3 of Art.89 of the Law "On Education" state governance in the educational area is exercised (within their limits) by the federal and local bodies of public authorities (correspondingly). In municipal districts and city districts governance in the educational area is carried out by the bodies of local government. According to the local Regulations (dated 03 July 2009 № 171-pa and dated 03 March 2005 № 49) it is the duty of the Department of education and science of the Primorsky Region and the Administration of the city of Vladivostok to find the ways to provide secondary schools with all needed teaching materials. Thus, the court refused to satisfy the claim brought by the Administration of the city of Vladivostok.

There was a similar case № 11-2645/2015, where the Judicial Collegium for Administrative Cases dealt with the appeal brought by the Administration of Sosnovsky Municipal district of the Chelyabinsk Region against the decision of the Sosnovsky District Court of the Chelyabinsk Region dated 16 December 2014, which obligated the Administration to fund the provision of the students at school with all the needed learning materials (while studying at school) free of charge. The Administration stated that the procedural law was infringed and it was the secondary school itself who should have been obligated to find the ways to purchase all the needed learning materials. Under p.4 of Art. 123.22 of the Civil Code of the Russian Federation the secondary school is a federal state-funded enterprise, and, in case it lacks its own funds, the vicarious liability is borne by its owner (the Administration). Taking this into account and relying on p.1 of Art.35 of the Law "On Education" (see case1), and p.3 of Art.89 of the Law "On Education" the Judicial Collegium for Administrative Cases refused to satisfy the claim.

6.4. State Requirements to Those Conducting Educational Activity

Cases Involving Licensing of Educational Activity

The Fourteenth Arbitrazh Appeal Court dealt with the appeal № A66-122/2016 filed against the decision of the Arbitrazh Court of the Tver Region dated 5 February 2016. The case was initiated by the Administrative body against a sole proprietor (a teacher of English) who hired an employee to help her teach English, but the defendant didn't obtain an educational licence that was necessary under p.2 of Art. 90 of the Law "On Education in the RF". According to the Arbitrazh Court of the Tver Region that was the ground for the administrative liability (under Art.1.5, 2.1, 14.1 of the "Code of Administrative offences of the RF"), but due to the insignificance of the offence the Court refused to find the defendant liable. So, the Administrative body filed the appeal to the Fourteenth Arbitrazh Appeal Court that again didn't satisfy the claim relying upon the articles mentioned above and due to the fact that the period within which the defendant could be considered liable of an administrative offence had expired.

Cases Involving Compliance with Federal State Educational Standards

The Arbitrazh Court of the Moscow District dealt with the cassation against the decision of the Ninth Arbitrazh Appeal Court dated 9 June 2014 on case № A40-175853/13. The cassation was lodged by Moscow Academy of Arts (Academy) who asked the Court to find the Order of Rosobrnadzor (stating that they had to refuse the Academy in state accreditation of educational activity) invalid. Under p.2 of Art.92 the goal of the state accreditation of educational activity is to confirm that the educational activity is exercised in compliance with the federal state educational standards. During the examination of the Academy's performance a lot of significant drawbacks were revealed, for example, the absence of a number of training programmes, different number of hours in the curriculum and in training programmes, the absence of the library and e-classrooms, the absence of scientific work and many others. Due to these facts the claim was not satisfied.

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Appendix 1.

