



Technical Area (Sectoral) Profile PUBLIC EDUCATION

**ASSOCIATION OF UKRAINIAN CITIES
DIALOGUE Project**

**Technical Area (Sectoral) Profile
PUBLIC EDUCATION**

Kyiv – 2012

TABLE OF CONTENTS

- I. Brief Description of the Sector
- II. Current legal framework for local government activities in the technical area of Public Education
- III. Key problem issues in the sector and potential ways to resolve them
- IV. Target audience

I. Brief Description of the Sector

In Ukraine, public education is divided into pre-school, comprehensive secondary, vocational, and higher education. Educational services are provided in state-owned, communally-owned, and private educational establishments.

The Ministry of Education and Science, Youth and Sport defines the main directions of development of the public education sector, develops and approves national education standards, curricula, determines procedure of entering higher education establishments, submits budget proposals to the Ministry of Finance on the financial needs of the sector.

Local governments in the public education sector are empowered to: creation and liquidation of comprehensive educational establishments and kindergartens; logistics and maintenance of schools, kindergartens, youth clubs; financing of educational establishments; ensuring regular free transportation of pupils to and from schools; registration of preschool- and school-age children; assisting school graduates in finding employment; and creation of appropriate conditions for the upbringing of children, youth, development of skills, and meeting their interests.

Most of the local self-governance authorities are composed of individual units that manage educational institutions on the corresponding territory, appoint and dismiss directors of schools, kindergartens, and extracurricular educational establishments; submit proposals to local councils on the volume of budget financing for the relevant year. They also decide on custody and guardianship of children who have no parents.

Local governments may establish communally-owned educational establishments to be maintained solely by the local budgets.

Educational establishments are financed from both the State Budget and local budgets, depending on the type of establishment and whether it belongs to the state or municipal property. The distribution of financial commitments with regard to the maintenance of educational institutions is the following: pre-school educational establishments and of comprehensive secondary education are to be financed from the budgets of villages, towns and cities; cities of rayon and oblast significance finance, additionally, performance of specialized educational establishments (gymnasia (grammar schools), lyceums etc.); whereas higher, vocational and postgraduate educational establishments are to be financed at the expense of oblast budgets. The state provides subventions to local governments to pay educational workers as well as for utilities and energy bills for educational establishments.

II. Current legal framework for local government activities in the technical area of Public Education

Laws of Ukraine

1. Constitution of Ukraine, approved at the fifth session of the Verkhovna Rada of Ukraine on June 28, 1996.
2. Law of Ukraine “On Local Self-Governance in Ukraine” # 280/97-BP of May 21, 1997.
3. Law of Ukraine “On Ratification of the Charter of Regional Languages and Minority Languages” # 802-IV of March 15, 2003.
4. Law of Ukraine “On the Autonomous Republic of Crimea” # 95/95-BP of March 17, 1995.
5. Law of Ukraine “On Languages in the Ukrainian SSR” # 8312-XI of October 28, 1989.
6. Law of Ukraine “On Ratification of the European Charter of Regional Languages and Minority Languages” # 802-IV of May 15, 2003.
7. Law of Ukraine “On Education” # 1060-XII of May 23, 1991.
8. Law of Ukraine “On Pre-School Education” # 2628-III of July 11, 2001.
9. Law of Ukraine “On Comprehensive Secondary Education” # 651-XIV of May 13, 1999.
10. Law of Ukraine “On Vocational Education” # 9 103/98-BP of February 10, 1998.
11. Law of Ukraine “On Higher Education” # 2984- III of January 17, 2002.
12. Law of Ukraine “On Off-School Education” # 1841-III of June 22, 2000.
13. Law of Ukraine “On National Informatisation Program” # 74/98-BP of February 04, 1998.
14. Law of Ukraine “On Professional Unions, Their Rights and Guarantees of Activities” # 1045-XIV of September 15, 1999.
15. Law of Ukraine “On Physical Culture and Sport” # 3808-XII of December 24, 1993.
16. Law of Ukraine “On Protection of Childhood” # 2402-III of April 26, 2001.
17. Law of Ukraine “On Amending Legislation on Issues of Comprehensive Secondary and Pre-School Education Regarding the Organisation of Educational and Upbringing Process” # 2442-VI of July 06, 2010.
18. Law of Ukraine “On Professional Development of Employees” # 4312- VI of January 12, 2012.

Regulations and the Cabinet of Ministers of Ukraine

1. Resolution of the Cabinet of Ministers of Ukraine # 1305 of July 20, 1999 “On the Development of Rural Comprehensive Schools”.

2. Resolution of the Cabinet of Ministers of Ukraine # 964 of June 14, 2000 “On Approving Regulations on the Comprehensive Educational Establishment”.
3. Resolution of the Cabinet of Ministers of Ukraine # 24 of January 14, 2004 “On Approving National Standards of Basic and Completed Secondary Education”.
4. Instruction of the Cabinet of Ministers of Ukraine # 1494-p of December 08, 2009 “On Approving the Schedule of Actions to Increase the Level of Patriotic Upbringing of High School and University Students through Permanent Thematic Excursions and Site Visits to Places of Cultural Heritage”.
5. Resolution of the Cabinet of Ministers of Ukraine # 1096 of August 25, 2004 “On Establishing the Amounts of Additional Payments for Certain Kinds of Pedagogical Activities”.
6. Resolution of the Cabinet of Ministers of Ukraine # 1243 of August 26, 2002 “On Pressing Issues of Activities of Pre-School and Boarding School Establishments”.
7. Resolution of the Cabinet of Ministers of Ukraine # 859 of October 13, 1993. “On Organisation of Activities of Specialised Training and Upbringing Establishments for Children and Teenagers Who need Special Upbringing Conditions”.
8. Resolution of the Cabinet of Ministers of Ukraine # 116 of February 02, 2011 “On Approving the Procedures for Providing Nutrition Services for Children in Pre-School, Comprehensive School, Vocational and Technical Schools Whose Provision Is Exempt from the Value-Added Tax”.
9. Resolution of the Cabinet of Ministers of Ukraine # 779 of August 27, 2010 “Some Issues of Organisation of Training and Upbringing Process in Comprehensive Educational Establishments Related to the Transfer to the 11-Year High-School Training Program”.
10. Resolution of the Cabinet of Ministers of Ukraine # 373 of March 23, 2011 “On Establishing a 20 Percent Salary Raise to Staff of Kindergartens, Extra-Curriculum Facilities, High Schools, Vocational Schools, Higher Schools of 1 and 2 Accreditation Level, and Other Education Establishments Regardless of Their Subordination”.
11. Resolution of the Cabinet of Ministers of Ukraine #524 of May 11, 2011 “Issues of Remuneration of Employees of Institutions, Establishments and Organisations of Some Public Sectors”.
12. Resolution of the Cabinet of Ministers of Ukraine #872 of August 15, 2011 “On the Order on Inclusive Training in the Comprehensive Education Establishments”
13. Resolution of the Cabinet of Ministers of Ukraine #752 of July 13, 2011 “On Establishing the State Electronic Data Base on Education”.
14. Resolution of the Cabinet of Ministers of Ukraine #629 of April 13, 2011 “On the State Social Program of Pre-school Education Development till 2017”.

Other Regulations

1. Resolution of the Constitutional Court of Ukraine on Case # 1-6/99 on the official interpretation of the provisions of Article 10 of the Constitution of Ukraine on the use of the state language by state executive bodies, local government bodies and its use in the training process in educational establishment of Ukraine (case on the use of the Ukrainian language) of December 14, 1999.
2. Resolution of the Verkhovna Rada of Ukraine #778-VI of December 19, 2008 “On the Introduction of the Moratorium on Closure of Comprehensive Educational Establishments in Rural Areas”.
3. Decree of the President of Ukraine # 347/2002 of April 17, 2002 “On National Doctrine of the Development of Public Education”.
4. Decree of the President of Ukraine # 1102/2004 of September 18, 2004 “On Additional Actions to Improve Vocational Training in Ukraine”.
5. Decree of the President of Ukraine # 1013/2005 of July 04, 2005 “On Pressing Actions to Ensure the Functioning and Development of the Public Education in Ukraine”.
6. Decree of the President of Ukraine # 244/2008 of March 20, 2008 “On Additional Actions to Improve the Quality of Education in Ukraine”.
7. Decree of the President of Ukraine # 1148/2004 of September 28, 2004 “On the National Doctrine for the Development of Physical Culture and Sport”.
8. Order of the Ministry of Education and Science of Ukraine # 1121 of December 12, 2007 “On Approving the Action Plan of the Ministry of Education and Science of Ukraine to implement the Instruction of the Cabinet of Ministers of Ukraine of # 886-p November 17, 2007 “On Approving the Action Plan Aimed at Meeting the Needs of the Labour Market in Qualified Workforce”.
9. Order of the Ministry of Education and Science of Ukraine # 59 of February 01, 2010 “On Steps to Prevent Violence with Children”.
10. Order of the Ministry of Education and Science of Ukraine # 58 of February 01, 2010 “On Approving Actions to Meet the State Targeted Social Program of Decreasing the Detrimental Effects of Tobacco on Citizen Health for the Period till 2012” .
11. Order of the Ministry of Education and Science of Ukraine # 1133 of December 17, 2007 “On Approving the Main Guidelines of Upbringing Pupils of 1-12 Forms of Comprehensive Educational Establishments of Ukraine”.
12. Order of the Ministry of Education and Science of Ukraine # 3754/981/538/49 of October 27, 2009 “On Approval of the Concept for National and Patriotic Upbringing of Youth” .
13. Order of the Ministry of Education and Science of Ukraine # 1224 of December 09, 2010 “On Approving the Regulations on Special Forms for Children with Particular Training Needs in Comprehensive Educational Establishments”.
14. Order of the Ministry of Education and Science of Ukraine # 1055 of November 04, 2010 “On Approving Model Employment Positions for Pre-

- School Educational Establishments”.
15. Order of the Ministry of Education # 102 of April 15, 1993 “On Approving the Instruction for the Calculation of Salaries for Teachers Staff”.
 16. Technical Recommendations on Issues of Setting Up the Staff of Comprehensive Training and Upbringing Establishments Prepared by the Ministry of Education and Science of Ukraine (Letters of the Ministry # 1/9-234 of June 19, 2001 and # 1/9-282 of August 10, 2001).
 17. State Standard of the Primary Comprehensive Education (as amended and approved by the Board of the Ministry of Education and Science of Ukraine of October 20, 2005 “On the Resume of Transferring Primary School Education to the New Content and Structure of Training”).
 18. Concept of the Comprehensive Secondary Education (12-year raining program) approved by Resolution of the Ministry of Education of Ukraine and Presidium of the Academy of Pedagogical Sciences of Ukraine # 12/5-2 of November 22, 2001.
 19. Order of the Ministry of Education and Sport # 572 of June 10, 2011 “On the Model Training Curricula of the Primary School”.
 20. Order of the Ministry of Education and Sport # 424 of May 10, 2011 “On the Changes in Training in Comprehensive Educational Establishments”.

II. Key problem issues in the sector and potential ways to resolve them

#	Problem Issue	Ways to Resolve It	Notes
Problems of the legal nature			
1.	Absence of the clear delineation of the authority of local governments, which stipulates own municipal educational establishments, and the authority of the state executive agencies, which exercise the state control in the area of communally-owned educational establishment management. In particular, this applies to the certification of teachers, establishing educational norms and standards, licensing in the public education sector, accreditation of educational establishments, registration of educational establishment charters, etc.	Make the corresponding amendments to the Laws of Ukraine “On Public Education”, “On Higher Education”, “On Pre-School Education”, “On Comprehensive Secondary Education”, “On Extra-Curriculum Education”, and “On Vocational Training” in the part dealing with the clear delineation of the authority between local governments and state executive agencies in the area of communally-owned educational establishment management.	The Draft Law of Ukraine “On Amending Certain Ukrainian Legislation to Ensure the Implementation of Rights of local Governments” (Registration # 10432) has been drafted. The Draft Law provides for the clear authority to local governments concerning communally-owned educational establishments. The Association of Ukrainian Cities expressed support to the Draft Law (Letter # 5-144 Of May 14, 2012).
2.	Attempts to charge local governments with the task to manage and maintain state-owned and communally-owned vocational education establishments. This represents an additional burden to local budgets and an overlap with the authority in the public education sector delegated to local governments by the central government.	Make sure amendments to the Law of Ukraine “On Local Self-Governance in Ukraine” concerning the additional authority for local governments to manage vocational education establishments are not approved.	The draft Law of Ukraine “On Amending Certain Ukrainian Legislation Concerning the Improvements in the Vocational Education” (Registration # 9587) vests local governments with the authority to manage vocational education establishments. The Association of Ukrainian Cities expressed its objection to giving local governments the unreasonable managerial authority without the proper financial support to exercise it. In the course of the preparation of the draft law for the second reading, the controversial provisions were excluded.

#	Problem Issue	Ways to Resolve It	Notes
3.	There is a threat of the potential introduction of the requirement for mandatory referendums to be conducted in the city or city rayon to make a decision concerning the reorganisation or liquidation of educational establishments belonging to the communal ownership. Resolving issues related to the liquidation/reorganisation of educational establishments in cities may lead to the situations when the interests of the minority are ignored by the decision of the majority. Local referendums represent a financial burden for local budgets.	Make amendments to the Laws of Ukraine “On Local Self-Governance in Ukraine”, “On Public Education”, “On Comprehensive Secondary Education”, and “On Pre-School Education” to allow the reorganisation or liquidation of educational establishments belonging to the communal ownership in the village, town or rayon is allowed upon the decision of the all-member citizen meeting or based on the outcomes of the local referendum.	The AUC Public Education Professional Group supported the proposal to hold consultations with citizens (through all-member meetings, hearings, etc.). The ad-hoc parliamentary Committees are currently considering the draft Law of Ukraine “On Amending Article 11 of the Law of Ukraine “On Comprehensive Secondary Education” (concerning the reorganisation of comprehensive educational establishments)” (Registration #9062). The draft law will partially regulate the problem issue. Experts do not support the idea of holding local referendums to decide on the liquidation educational establishments.
4.	There are attempts to introduce kindergarten groups where the tuition is performed in regional languages or languages of minorities. This provision will require additional expenditures from local budgets and aggravation of “language” conflicts and related political speculations.	Make sure the proposed amendments to the Law of Ukraine “On Pre-School Education” concerning the introduction of training in regional languages are not approved. Opening new kindergarten groups is feasible only there is the proper material, technical and methodological foundations coupled with the properly trained educational workers.	
5.	Absence of a typical employment matrix for comprehensive educational establishments and new type educational establishments.	Approve a statute on approval of a typical employment metrics for high schools in line with requirements and demographics. Vest more authority in community institutions to develop employment patterns/metrics depending on the number of students and education establishments accreditation level.	
6.	Absence of standards for subsistence per pupil (depending on the age of a child), expenditures for its training and upbringing.	Social standards and per pupil expenditures (depending on the age of a child) should be approved at the national level.	
7.	The necessity to set a student education load cap.	Amend article 15 of the Law of Ukraine “On high education” to set a student education load cap depending on the age and annual education hours total.	
8.	Lack of model regulations on activities of new type educational establishments.	Approve Resolution of the Cabinet of Ministers of Ukraine to set regulations of activities of new type educational establishments (gymnasiums, lyceum schools, collegiums, etc.).	

#	Problem Issue	Ways to Resolve It	Notes
9.	Lack of comparison of welfare nets for administrators and educators of youth sports schools to those of extra-curriculum educators welfare nets.	Make the corresponding amendments to the Law of Ukraine “On Physical Culture and Sport”.	
10.	Absence of the regulation for the transfers of the educational worker to the contract-based work relationship after the person reaches the pension age.	Make amendments to the Laws of Ukraine “On Public Education”, “On Comprehensive Secondary Education”, and “On Pre-School Education” concerning the transfer to the contract-based work relationship with the employees who reached the pension age and are willing to continue their work activities. Approve the legal and regulatory document (Instruction of the Ministry of Education and Science, Youth and Sport) concerning the approval of the model contract format.	
Problem issues of the financial nature			
11.	Insufficient level of financial support to the delegated local government authority in the public education sector.	Funding of national education programs and delegated authority of local self-governance shall be in full. An addendum to the law on the state budget must stipulate the financial norm of budgetary backup to every budget sphere (including per one high school student, arts school, sports school, preschool facility, etc.) and every group of administrative and territorial units. Specify social programs and state social standards to draw on to calculate a norm; specify draft laws to stipulate program quantity/quality indicators (roster, minimal nutrition cost, medication costs, group/class limits, etc.); specify that budget programs/standards not stipulated in the law addendum shall be construed as optional for implementation via local budgets.	

#	Problem Issue	Ways to Resolve It	Notes
12.	The central government tries to shift the load of financing state executive authority on local budgets, in particular, transferring the authority of keeping and financing vocational and out-of-school educational establishments at the local level.	Streamline the list of expenditures, which are made from local budgets, namely: include the expenditures for out-of-school training to the list of expenditures, which go into the calculation of inter-budget transfers. Exclude the expenditures for out-of-school training, social protection programs for vocational school students from low-income families from the list of expenditures, which go into the calculation of inter-budget transfers. Amend the Budget Code of Ukraine on funding vocational training; comply with the principle of funding government owned education institutions from the State Budget.	
13.	Low level of salaries for teachers staff.	Make the corresponding amendments to Articles 57 and 61 of the Law of Ukraine “On Education” to establish the average compensation rate (rate of wages) to teachers staff of higher educational establishments of the 1 st and 2 nd certification levels and other educational establishments at the level not lower than the average salary level of industry workers, and double the compensation rate for scientific and teachers staff of higher educational establishments of the 3 rd and 4 th certification levels.	Resolution of the Cabinet of Ministers of Ukraine # 373 of March 23, 2011 “On Establishing the 20 Percent Salary Raise to the Teachers Staff of Kindergartens, Extra-Curriculum Facilities, High Schools, Vocational Schools, Higher Schools of 1 st and 2 nd Certification Level, and Other Education Establishments Regardless of Their Subordination” and #524 of May 11, 2011 “Issues of Remuneration of Employees of Institutions, Establishments and Organisations of Some Public Sectors” have been passed.
14.	Discrepancies between articles of the Budget Code of Ukraine concerning financial support to expenditures for out-of-school education.	Make amendments to Article 89 of Part 14 of Chapter IV of the Budget Code of Ukraine in the part dealing with inclusions to the expenditures for the out-of-school education. Exclude from Article 91 of Part 14 of Chapter IV of the Budget Code of Ukraine expenditures for out-of-school education.	
15.	Absence of calculated expenditure amounts for sanatoria and specialised educational establishments.	Make amendments to Resolution of the Cabinet of Ministers of Ukraine # 1195 of September 05, 2001 “On approval of formula based intergovernmental transfers” to reconcile with calculated expenditure amounts indicators for education (extra-curriculum education) and introduce differentiated expenditures per 1 general development child and 1 compensatory group development child (sanatoria and specialised) groups”.	

#	Problem Issue	Ways to Resolve It	Notes
16.	Absence of additional pay to heads of departments, pilot areas, teachers who train in classes with intense training of certain subjects, experimental and intense training classes for their scientific research work.	Make amendments Resolution of the Cabinet of Ministers of Ukraine # 643 of April 20, 2007 "On Approving the amounts of compensation rate rises (rates of wages) and additional pay for certain types of pedagogical activities in relationship to the pay scale» regarding the establishment of additional pay to heads of departments, pilot areas, teachers who train in classes with intense training of certain subjects, experimental and intense training classes for their scientific research work.	
17.	Introducing the rule to exempt parents or persons who act for them from paying for children meals in the pre-school educational establishment for the children who reached the age of five or senior pre-school age without the necessary financial support to compensate for this.	Taking into the consideration the direct requirements of the Constitution of Ukraine (Part Three of Article 142), while approving such regulatory and legal document one has to envision the mechanism to compensate local budget expenditures from the State Budget.	
18.	There is a threat to have the compensation in the amount of only one minimum salary per month per child in case there are shortage of places in the state-owned or communally-owned pre-school educational establishment (kindergarten) located at the place of residence of the child. The introduction of the compensation will represent an additional burden to local budgets and may make the former not feasible because of the lack of funds.	Inadmissibility of approving the draft law, whereby local budget incur additional financial burden. Local government make attempts to resolve the problem with the shortage of places in pre-school educational establishments with the funds available in local budgets, namely: they purchase non-residential premises, repair them and use them as kindergartens, or build new ones.	
Problem issues of the organisational nature			
19.	Insufficient number of pre-school establishments.	Ensure the proper conditions for opening and operations of pre-school educational establishments.	

#	Problem Issue	Ways to Resolve It	Notes
20.	Poor supply of housing to the teachers staff.	Approve the corresponding national programs for the construction of housing to the teachers staff or providing them loans for the construction or purchase of housing on a preferential basis. Ensure the implementation of the requirements of Article 57 Law of Ukraine «"On Education" regarding granting preferential long-term loans to the teachers staff for the construction (reconstruction) and purchase of housing. It is necessary to increase the amounts of the subventions allocated to local budgets for loans for the construction (purchase) of housing for scientific and teachers staff.	
21.	Charging comprehensive educational establishments with additional responsibilities on setting up special forms for children with special training needs without the proper financial and personnel support.	Make amendments to Order of the Ministry of Education # 1224 of December 09, 2010 "On Approving the Regulations on Special Forms for Children with Particular Training Needs in Comprehensive Educational Establishments" in the part dealing with setting up such forms in comprehensive schools in case there is a corresponding need in a given settlement. Ensure the additional financial support required for the functioning of such forms and training of the teachers staff.	

#	Problem Issue	Ways to Resolve It	Notes
22.	Complicated mechanisms for the introduction of the inclusive and integrated training in comprehensive schools due to the lack of standards of financial resources to support the expenditures related to training children who need some adjustments in their physical or intellectual development.	Make amendments to Instruction of the Ministry of Education # 1224 of December 09, 2010 “On Approving the Provisions on Special Classes to Train Children with Special Education Needs in Comprehensive Secondary Educational Establishments” in the part dealing with setting up such classes in case there is a need to do so and depending on the extent of the problem in a given populated area. Envision additional financial resources necessary to support such classes and train the corresponding educational workers. Approve legal and regulatory documents to regulate the introduction of the inclusive training.	The Ministry makes organisational steps to introduce the inclusive training for children with special educational needs. The Cabinet of Ministers approved Resolution # 872 of August 15, 2011 “On Approving the Rules for the Organisation of Inclusive Training in Comprehensive Secondary Educational Establishments”. The Ministry of Education and Science, Youth and Sport approved Instruction # 623/61 of June 23, 2011 “On Central and Republican (Autonomous Republic of Crimea), Oblast, Kyiv City and Sevastopol City, Rayon (City) psychological, Medical and Pedagogical Consultations. Aiming at training educational workers to work with the children with special educational needs, the Institute of Social Pedagogic of the National Academy of Pedagogical Sciences prepared a special training course called “Introduction to the Inclusive Training”, The Ministry of Education and Science, Youth and Sport addressed the Ministry of Finance with the request to apply the 2.5 rate (set for schoolchildren of special comprehensive schools) to the children of the category mentioned above. However, the issue of increasing the rate of budget financing for schoolchildren in special classes remains unresolved.
23.	Introduction of the additional established posts in pre-school educational establishments without the proper financial and personnel support.	Make Amendments to Order of the Ministry of Education # 1055 of November 04, 2010 “On Approving Model Employment Positions for Pre-School Educational Establishments” in the part dealing with the abolishment of mandatory positions (of ‘nurse for nutrition,’ ‘nurse,’ ‘practicing psychologist,’ etc.).	

IV. Target Audience

I. Entities involved in legislation drafting in the area of public education, members of parliament and subjects of the legislative initiative including:

1. Staff of the Secretariat of the Verkhovna Rada of Ukraine Education Committee, and other Verkhovna Rada of Ukraine committees.

2. National Deputies of Ukraine.

3. Employees of the corresponding structural departments of the Administration of the President of Ukraine and Secretariat of the Cabinet of Ministers of Ukraine.

4. Members and staff of consultative and advisory agencies at the Office of the President of Ukraine, Prime Minister of Ukraine and Chairman of the Verkhovna Rada of Ukraine.

5. Staff of the Ministry of Education, Science and Sports of Ukraine.

6. Other entities of legislation initiative and authors of draft laws.

II. Persons interested in public education development:

1. Local government officials.

2. Members of local councils.

3. Teachers and schools directors.

4. Members and employees of non-governmental organizations engaged in public education development.

5. Journalists.