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# CUESTIONES POLÍTICAS

Instituto de Estudios Políticos y Derecho Público "Dr. Humberto J. La Roche"  
de la Facultad de Ciencias Jurídicas y Políticas de la Universidad del Zulia  
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# Legal regulation of public administration of education and science

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*Yevheniia Zhukova* \*

*Kostyantyn Bryl* \*\*

*Larysa Svystun* \*\*\*

*Yevheniia Kobrusieva* \*\*\*\*

*Yevhen Leheza* \*\*\*\*\*

## Abstract

The object of the research is the peculiarities of public administration of education and science in foreign countries, in particular, the experience of three European countries ranked in the top ten according to the results of the international survey PISA-2018: Estonia, Finland and Poland. The main content is considered the experience of building a system of educational management on democratic basis, in cooperation between government bodies and society. It is determined that education in the studied countries is one of the priorities of the state and society. The methodological basis of the research consists of comparative legal and systemic analysis, formal legal method, method of interpretation, hermeneutic method and methods of analysis and synthesis. Similar approaches to administration and financing were identified in the conclusions. A trend characteristic of all countries is clarified: the state guarantees free education, including science, and at the same time ensures equal access to quality education and science. Also, the optimal mechanisms of economic support of education, science and the main sources of financing specific to each country were defined.

**Keywords:** legal regulation; public administration; education and science; international comparative experience; legal support.

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\* Candidate of legal sciences, doctoral student of the Interregional Academy of Personnel Management. Kyiv. Ukraine. ORCID ID: <https://orcid.org/0000-0003-2471-5230>

\*\* Doctor of Law, Interregional Academy of Personnel Management, Professor of the Department of Theory of State and Law and Constitutional Law Educational-Scientific Institute of Law named after Volodymyr the Great, Kyiv, Ukraine. ORCID ID: <https://orcid.org/0000-0002-2185-8001>

\*\*\* Assistant professor, Candidate of Law Sciences, Assistant professor at the Department of Public and Private Law, University of Customs and Finance, Ukraine University of Customs and Finance. ORCID ID: <https://orcid.org/0000-0003-2020-8354>

\*\*\*\* Doctor of Science in law, of Juridical Sciences, Associated Professor, Professor of the Administrative and Criminal Law Department, Faculty of Law, Oles Honchar Dnipro National University, Ukraine. ORCID ID: <https://orcid.org/0000-0002-4225-9657>

\*\*\*\*\* Professor, Doctor of Science in law, Professor at the Department of Public and Private Law, University of Customs and Finance, Ukraine. ORCID ID: <https://orcid.org/0000-0001-9134-8499>

## Regulación legal de la administración pública de educación y ciencia

### Resumen

El objeto de la investigación son las peculiaridades de la administración pública de la educación y la ciencia en países extranjeros, en particular, la experiencia de tres países europeos clasificados entre los diez primeros según los resultados de la encuesta internacional PISA-2018: Estonia, Finlandia y Polonia. El contenido principal se considera la experiencia de construir un sistema de gestión educativa sobre bases democráticas, en cooperación entre los órganos de gobierno y la sociedad. Se determina que la educación en los países estudiados es una de las prioridades del Estado y la sociedad. La base metodológica de la investigación consiste en análisis jurídicos y sistémicos comparativos, método jurídico formal, método de interpretación, método hermenéutico y métodos de análisis y síntesis. En las conclusiones se identificaron enfoques similares de administración y financiación. Se aclara una tendencia característica de todos los países: el Estado garantiza la educación gratuita, incluida la ciencia y, al mismo tiempo, asegura el acceso igualitario a la educación y la ciencia de calidad. También, se definieron los mecanismos óptimos de respaldo económico de la educación, la ciencia y las principales fuentes de financiación propias de cada país.

**Palabras clave:** regulación legal; administración pública; educación y ciencia; experiencia internacional comparada; respaldo legal.

### Introduction

Modern reforms that our society is undergoing are aimed at ensuring stability and economic development. Among the main reforms is decentralization, which will contribute to effective administration in the field of education and science by local self-government, as well as the improvement of the quality of education at all levels, and the adaptation of the education system to modern requirements.

The study of trends and peculiarities of education development, as well as the improvement of the education management system in other countries, is important for the reform of education in Ukraine, and provides an opportunity for forecasting, determining possible risks, and effective management of education at the local level. The experience of foreign countries that successfully solve problems in education and its management becomes particularly relevant in the process of implementing reforms.

## 1. Literature review

The issue of world experience in decentralizing education management at the local level, as well as ensuring the organization of participation of citizens in solving local matters was covered in works of domestic and foreign scholars such as T. Ivanova, V. V. Kravchenko and others (Kravchenko, 2007). However, the issue of education and science management in foreign countries remains not sufficiently studied.

In a developed civil society, power is dependent on citizens, because the public has influence on the planning of the work of government bodies and decision-making (Villasmil Espinoza *et al.*, 2022). At the same time, authorities are establishing a close relationship with the public, monitor public opinion, and ensure timely public awareness of their activities (Kravchenko, 2007). In the education management system, the influence of the community is felt the most.

Based on the results of the PISA-2018 international survey, Estonia, Finland and Poland ranked among the top 10 countries with the best performance (Schleicher, 2018). They are among the few European countries that received such high ratings. Estonia is a country of the former Soviet Union, which joined the European Union in 2004. Finland's experience is the basis for the educational reform of the "New Ukrainian School".

It is one of the OECD countries that has managed to minimize the difference between rural and urban schools (Schleicher, 2018). Poland is a strategic partner of Ukraine, similar in administrative and territorial structure. Let us focus on some aspects in the field of education in these countries, in particular, on the powers of the local self-government authorities in the field of education; basic approaches to financing pre-school and general secondary education institutions; and the participation of the public in the management of education at the local level.

## 2. Materials and methods

The study is based on the works of foreign and Ukrainian scholars about methodological approaches to understanding the public administration of education and science in foreign countries, etc.

With the help of the epistemological method, the public administration of education and science in foreign countries was established; thanks to the logical and semantic method, the conceptual framework was deepened; and the essence of the public administration of education and science in foreign countries was determined. Thanks to the existing methods of law, we managed to analyze the public administration of education and science

in foreign countries, etc.

### 3. Results and discussion

Estonia. The management of education in Estonia is decentralized, that is the distribution of powers between the state, local authorities and the school is clearly defined. The local government, municipality/town are primarily responsible for the availability of general education (from preschool to general secondary education), for compulsory school attendance by students, maintenance of preschool institutions and schools.

Local authorities are the founders of municipal schools, whose main powers include: planning educational development programs within the framework of their administrative jurisdiction and their implementation; creating, reorganizing and closing municipal educational institutions and ensuring their economic support and financing; appointing/dismissing heads of educational institutions under their jurisdiction; transportation for students and teachers; providing medical care and nutrition for children at schools; registration of persons with special needs and organizing training for them (Tylchik *et al.*, 2022).

The state guarantees free general secondary education. For this purpose, funds are allocated from the state budget in the form of an educational subvention for both municipal and private educational institutions. These expenses are used for the salaries of teachers and heads of educational institutions, as well as for the improvement of their qualifications, for textbooks and teaching aids, student nutrition.

To a large extent, the calculation of the educational subvention is influenced by the number per class. In addition, the state finances the costs associated with the establishment of boarding schools.

The remaining expenses of schools are covered by the school governing body (that is, usually a local government or, with private schools, a private legal entity). Municipal schools are financed from local budgets (communal services, cleaning of schools, work of social workers and psychologists, repair of premises, etc.). The ratio of expenditures from the state budget and local budgets for general secondary education account for 42 % and 58 %, respectively (Matviichuk *et al.*, 2022).

In order to replenish the local budget of local self-government bodies, founders of educational institutions may provide additional paid services (gym/pool subscription), as well as rent out premises (gyms, swimming pools, etc.) after the scheduled time (Tytysh, 2016). Educational institutions may receive charitable contributions or financial assistance.

To save money, most municipalities have solved the issues of transportation, cleaning and food by attracting outsourcing companies: for example, local governments conclude a contract for the transportation of students to an educational institution with a local company that transports passengers at a certain time, with buses traveling along a certain route. Thus, local self-government bodies do not face the issue of maintaining buses, hiring drivers and paying for their work (Tytysh, 2016).

In Estonian schools, there are pedagogical councils of teachers that are authorized to decide on issues related to teaching and upbringing at school. A permanent body that provides support in the activity of an educational institution and provides proposals to local self-government bodies to resolve issues related to a preschool institution or school is a board of trustees of an educational institution.

This council consists of representatives of the educational institution administration, pedagogical council, student council, parents, graduates of the educational institution. The head of the educational institution is accountable to the board of trustees. The activity of the board of trustees is determined by the charter of the educational institution (Kobrusieva *et al.*, 2021).

Schools also have student self-government bodies, that is student councils that have the right to independently decide and organize issues of school life. A representative of the student council participates in the activities of the pedagogical council.

The board of trustees, student council, pedagogical council, invited experts together with the management of the school develop and approve a school development plan (for a minimum of 3 years), where the goals and recommendations for school development are defined (Leheza *et al.*, 2022).

*A special feature of the Estonian educational system is the web-based national ENIS (Estonian Education Information System) register, which collects data on the Estonian educational system. The Estonian Education Information System contains information about educational institutions, students, teachers (their salaries as well), curricula, rights to study and documents certifying education.*

Finland. At the municipal level, the main task of the authorities (municipalities or joint municipal authorities) is to ensure an opportunity for all children of preschool and school age, including children with special needs, to learn according to their abilities. Pre-school education (one year before school) and basic education (9 years of education) are mandatory.

Municipalities are empowered: to allocate funding for education; to form the learning content through local curricula (within the framework of the national basic curriculum); to select staff; to ensure practical learning

conditions, efficiency and quality of education; to provide transportation for students; to manage educational institutions; to provide learning in two languages (if necessary, in Swedish); to organize and conduct a competitive selection of heads of educational institutions.

Municipalities are responsible for the organization of educational support and education for children with special needs according to their specific situation (Law of Finland, 2022).

In addition to organizing the educational process, each local government is generally responsible for student welfare services, which include: free school meals; free health care in the school; free dental care; free services of social workers and school psychologists. Local authorities have no legislative obligations to organize general secondary education and vocational education and training, but they are required to contribute to their financing.

Finnish municipalities can delegate part of their powers to educational institutions, in particular, the selection of the staff and management of the school budget; determination of teaching methods, teaching materials and textbooks (Law of Finland, 2022). The financial autonomy of schools varies from one municipality to another. The municipal department of education decides the level of autonomy of schools that may have a budget.

In Finland, each municipality is required to provide basic services: medical, social, and educational (pre-school and basic education). Funding for basic services is distributed between the state and municipalities. The share of funding is divided approximately as follows: 75 % is for a municipality, and 25 % is for the state.

The state covers the costs of school meals and the transportation for students, as well as medical services. Municipalities receive part of the funds from the state, but the largest source of income is tax revenues, since municipalities have the right to collect taxes. State funding is not allocated purposefully.

Therefore, municipalities have full autonomy in deciding on the distribution of costs between different basic services, such as medical, social and educational. The calculation of necessary expenses for basic education in Finland is carried out using the formula, which includes key indicators: the cost of education per student; the number of residents of the municipality aged 6 and 15 years old.

The remoteness of location of the municipality, demographic factors (population density, age range, incidence of disease of the population in each district) are also taken into account. Funding for private education is determined according to the same criteria as public education (Halaburda *et al.*, 2021).

The Finnish government program “Right to learning is an equal start to learning paths for 2020-2022” covers preschool and basic education, which includes projects that will improve the quality of education and equality in access to education. The program aims at reducing differences in learning outcomes related to children’s social and economic background, gender, and immigration (Law of Finland, 2022).

Poland. The lowest level of administrative division is *gmina*. The powers of *gminas* include: the creation and management of community kindergartens, primary schools; the maintenance of buildings of pre-school and primary education institutions; the organization of student transportation; the appointment to the position of a head of an educational institution under the jurisdiction of a local government.

It should be noted that the primary school in Poland is an 8-year school divided into two stages: the first stage provides for studying in grades 1-3, and the second stage for studying in grades 4-8. The pedagogical supervision of these educational institutions is the responsibility of their leaders. The *gmina*, like the county, may establish and manage public teacher training centers and institutes, as well as educational resource centers, within the limits of its powers (Tytysh, 2016). The county is responsible for the last three years of study in secondary schools, vocational and special schools.

In the Polish educational system, the responsibility for the management of a school or institution is assigned to one person, namely to the head of the school (institution). General secondary education is financed mainly (91 %) from the state budget (EU law, 2022). Funds for education received by *gminas* come from several sources: educational subventions, targeted subsidies to local government authorities, *gmina*’s own profits, as well as through EU funds. The largest part of this amount is an educational subvention, which has no direct purpose.

This takes into account the number of students in Polish schools and uses the so-called “Standart A”, that is the amount of costs for teaching one student in a big city. However, the overall distribution of subventions depends on about 40 indicators: whether the school is rural or urban, whether representatives of national minorities study there or not, whether there are children with special needs or not, the level of teachers’ qualifications (if there are more teachers in an educational institution who are highly qualified, it is assumed that local government authorities spend more on teacher remuneration (EU law, 2022).

There is a certain similarity of powers in the field of education at the level of the territorial community in Estonia, Finland and Poland. All local self-government bodies are obliged to provide pre-school, primary and basic education; organize transportation and meals for students; keep records of children of preschool and school age; maintain buildings of educational

institutions, provide material and technical resources; establish, liquidate or reorganize educational institutions; appoint heads of educational institutions that have gone through the competitive selection process.

In Estonia, local government bodies are required to monitor children's attendance at educational institutions. In Finland, local self-government bodies are responsible for staffing educational institutions (or they can delegate powers to the head of the institution), forming the educational content, as well as providing medical and dental care in educational institutions (Fazlagic, 2003).

In order to save money at the local level, contracts are concluded with outsourcing companies for the performance of certain powers (transportation, cleaning, food). The approach of Polish communities to the maintenance of small schools and the provision of access to additional services as in Estonia and Poland, is worth of attention (OECD, 2018).

The public is actively involved in the management of education. In order to attract young people to management and develop their civic engagement, the legislation defines the rights of students to create student self-government bodies and outlines the main provisions of their activities. The inherent feature for all countries is the activity of school and pedagogical councils, boards of trustees and parents' councils.

A positive example is the activity of parents in foreign countries who are not indifferent to the life of the school and are ready to participate in solving various problems at the local level. It is worth noting that local self-government bodies are required to cooperate with the public in matters of education management.

According to formal indicators, Ukraine has similar approaches to education management at the local level: the powers of local self-government bodies do not differ significantly from those of local self-government bodies of Estonia, Finland and Poland, that is local self-government bodies at the level of the territorial community are engaged in preschool, primary and basic education (Leheza *et al.*, 2022).

## **Conclusions**

Thus, the experience of the European Union countries, which were included in the top 10 best countries according to the PISA-2108 international survey showing the best performance (Estonia, Poland, Finland) for the administration of education and science based on such indicators as management, financing, public involvement in the process of managing education and science, was analyzed.

This approach made it possible to identify the main approaches to the administration of education and science at the local level that can be implemented in Ukraine, namely: involvement of local self-government bodies in the selection of teaching staff; financial autonomy of educational institutions; replenishment of the school budget through the provision of additional paid services; reducing education costs by attracting outsourcing companies; motivating highly qualified teachers to work in rural educational establishments; creation of a national register that would contain a comprehensive about educational institutions; maintenance by communities of underfilled educational institutions.

Promising areas for further research is the study of the experience of education management at the local level in Asian countries, which top all rankings in international studies of the quality of education and science.

A significant number of PISA member countries implement special measures to maintain educational institutions with unfavourable learning conditions. Thus, the practice of additional financing of such projects or motivating teachers with the highest level of qualification to work in such institutions is common.

There are also similarities in funding approaches. Education is financed from both state and local budgets, and the principle of “money follows a child” is observed, which creates a competitive environment among educational institutions. The difference consists in the ratio and size of expenditures on education, competence of local self-government bodies and educational institutions regarding the distribution of funds for education. Education expenditures from the state budget have different types: educational subventions (Estonia, Poland) and targeted subsidies, transfers and grants.

In Estonia and Poland, teachers are paid from educational subventions. Calculations of expenses for education, in particular educational subventions, must include the number of students per class. In addition, there are equalization coefficients, which are aimed at ensuring that regardless of the place of residence, social origin, financial ability of parents, etc., children have equal access to quality education. Private educational institutions also receive state funding.

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