# Activity of the Ministry of Education and Research in Issuing Education Licences to Basic Schools and Upper Secondary Schools


**Summary**

The purpose of the audit was to assess the activity of the Ministry of Education and Research in managing the risks concerning issuing of education licences to basic schools and upper secondary schools, and where necessary offer recommendations on the part of the State Audit Office (SAO).

Assessment of activities with regard to education licences is one of the priority areas of activity of the SAO. The education licences in question were chosen to be audited due to their inconsistency and insufficient regulation.


**Main Conclusions**

- The Ministry of Education and Research presented all applicants for education licences with the same requirements which are in accordance with provisions of the law. The requirements can be interpreted unambiguously, and the list of them with the necessary clarifications is available to all interested parties. However, assessment of an applicant's compliance in the case of some requirements may prove very difficult.
- Obtaining and existence of the education licence does not mean that the school meets the state prescribed criteria concerning the level of its schooling and education activities as well as its material base – the licence is only a confirmation that at the time of applying the school was equipped with the prerequisites to organise the schooling and education activities as required. The school cannot be assessed by outsiders (parents, local government) on the basis of the existence or non-existence of the education licence.
- The order to grant education licences to municipal schools, and the fact that the majority of them have been in operation (and still are) for a long time without the education licence reveals that neither the schools, local governments, nor the state have actually considered the education licence of importance.
- The procedure applied in the inspection of schools in the audited period and a lack of inspectors in some county governments has failed to secure a comprehensive inspection of all schools in every 3-5 years as required by the Minister of Education and Research. The organisation of state supervision has not secured necessary feedback on whether and how schools and school management companies have responded to the recommendations made to them. Cooperation between the Ministry and the county governments has not been sufficiently efficient.

**Main proposals to the Minister of Education and Research**

- To consider the need to initiate an amendment to the Basic Schools and Upper Secondary Schools Act and the Private Schools Act that

- would provide criteria on the basis of which the Ministry will assess the sufficiency of financial resources of a private school and its management company;
- would make a provision whereby it will be the county governor as the one performing state supervision instead of the Ministry who will have the obligation to check whether a private school or a municipal school that is to be established have a sufficient number of teachers with necessary qualifications and a sufficient material base to fulfil the tasks established in the curriculum;
- would make granting the education licence to an operating private school dependent on the results of state supervision, and establish a requirement whereby a private school that has started operating must be inspected pursuant to the procedure of state supervision during its first years of operation (for example, in the second year).

- To consider waiving the requirement of the education licence in the case of municipal schools. In the event of such decision, it is necessary to implement measures (including legislative amendments) that would significantly enhance the state supervision system. However, if it is considered necessary to retain the requirement in question, to initiate amendments to the Basic

Schools and Upper Secondary Schools Act that would stipulate the following for the municipal schools:

the substantive purpose of the requirement to obtain the education licence,

- the rights and obligations of the Ministry to assess the compliance of a licence applicant with the requirements of the education licence,
- the term during which all schools must be brought into compliance with the requirements, and the steps to be taken in the event schools do not meet the requirements established by the state by the time set.

- To implement additional measures (by putting forward amendments to legislation where necessary) in order to ensure continuous and uniformly based state supervision of schooling and education activities of schools as well as specify the obligatory criteria and inspection procedures for the county governments in implementing state supervision, and the Ministry's rights and obligations in raising the quality of the supervision performed by the county governments.

The SAO based its recommendations to the Minister of Education and Research on the fact that in accordance with § 58 of the Government of the Republic Act, it is the function of the Ministry of Education and Research to form the state's education policy, organise basic and general secondary education, and draw up the relevant draft legislation, and that in accordance with § 94 of the Constitution and § 49 of the Government of the Republic Act, it is the Minister as the head of the Ministry who manages the issues within the Ministry's area of government, including putting forward legislative amendments if necessary and organising preparation of relevant draft legislation.

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The answer to the draft audit report by the Minister of the Education and Research reveals that the Minister agrees to most of the conclusions of the SAO, and will apply measures to implement the recommendations if they are within the Ministry's competence pursuant to the legislation establishing education organisation.

The Minister gave information about the measures that were applied at the end of the summer this year and are also going to be applied in the future to enhance the state supervision. According to the Ministry, further enhancement of supervision depends to a great extent on the changes made in the course of the administrative reform, including on whether and how the county governor's duties will change.

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