

## CHAPTER 1

### MODERN TRENDS IN PUBLIC ADMINISTRATION

#### PUBLIC MANAGEMENT OF THE SECONDARY EDUCATION SYSTEM IN UKRAINE AT THE LOCAL LEVEL: COMPETENCE FEATURES

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**Abstract.** *The management of the secondary education system in Ukraine is carried out at several levels. The purpose of the article is to analyze the implementation of public administration of the secondary education system at the local level in terms of competencies changed by decentralization processes. The following tasks have been set: to analyze the activities of public authorities at the local level, that is, the competence of education management authorities of district, city (district in cities), united territorial communities and analyze their functions; identify problematic issues of reforming the secondary education system at the local level. When processing the materials, the method of analysis for synthesis was used in working with regulatory documents. The generalization method was used in terms of grouping the problems of reforming the secondary education system of Ukraine at the local level. The comparison method was used to identify the consequences of decentralization reforms in accordance with the previous stages. The article analyzes the activities of public authorities at the local level, that is, the competence of education management authorities of district, city or district in cities, united territorial communities. The functional support of public authorities and public servants is considered from the point of view of the decentralization changes in their competences. A number of problematic issues of reforming secondary education in Ukraine that need to be addressed are identified.*

**Keywords:** *competence, secondary education system, public administration, territorial community.*

**JEL Classification:** A29, H41, H52, R10

**Formulas:** 0; **fig.:** 1; **tabl.:** 1; **bibl.:** 12

**Introduction.** The creation of schools, an increase in the powers of the leadership of educational institutions, a change in the forms of education, the transparency of school finance are like changes in the system of secondary education in Ukraine. They characterize the processes of decentralization today. Prior to the unification of the communities, education management in villages and towns was in the competence of education departments of regional state administrations. At the

same time, the competence of the executive authorities of village and settlement councils in the field of education was designated by minor functions, which often consisted exclusively of organizational measures. The education departments of local executive authorities were a strong link in the vertical of state power. Currently, the status of an autonomous person of public law grants local public authorities to have certain competencies in the management of various spheres of life of the territorial community, including in the field of education management. But there are also many problematic issues that require study and solution, among them: issues of the formation of institutionalization of subjects of management in the field of secondary education; determination of the powers of the united territorial communities, in particular for the management of educational institutions; duplication of the functions of public authorities (for example, the management department of the district state administration and the education management body of the united territorial community), determination and implementation of the status characteristics of the heads of the education management body of the united territorial community, a number of organizational, legal and financial issues.

**Literature Review.** The problem of the article should be considered more from the standpoint of legal and methodological support, therefore the sources used in the article are mainly of a legal nature. Among them are the legislation of Ukraine, by-laws, methodological developments and recommendations in the field of education in Ukraine. In particular, the Budget Code of Ukraine, the Law of Ukraine “On Education”, the Law of Ukraine “On General Secondary Education”, the Law of Ukraine “On Local Self-Government in Ukraine”, the Law of Ukraine “On the Voluntary Unification of Territorial Communities”.

**Aims.** The purpose of the article is to analyze the implementation of public administration of the secondary education system at the local level, in particular, in terms of competencies changed by decentralization processes. To this end, the following tasks have been set: to analyze the activities of public authorities at the local level, that is, the competence of education management authorities of district, city (district in cities), united territorial communities and analyze their functions; identify problematic issues of reforming the secondary education system at the local level.

**Methods.** When processing the materials, the method of analysis for synthesis was used in working with regulatory documents. The generalization method was used in terms of grouping the problems of reforming the secondary education system of Ukraine at the local level. The comparison method was used to identify the consequences of decentralization reforms in accordance with the previous stages.

**Results.** Management in the education system in the scheme of decentralization reforms is carried out in the plane of the vertical of power by such subjects as:

- Ministry of Education and Science of Ukraine;
- educational authorities of regional state administrations;

- education management authorities of district, city (district in cities), united territorial communities;
- educational institutions.

The final provisions of Article 6 of the Law of Ukraine "On the voluntary unification of territorial communities" [1] indicates that the primary subject of local self-government, the main carrier of its functions and powers is the territorial community of a village, town. The creation of a authorities for managing education of a united territorial society should be based on an analysis of its functions and competencies, which will make it possible to delimit its powers with other institutions in this area. The education management authorities of the united territorial community is a structural subdivision of the united territorial community, accountable, subordinate and subordinate to the chairman of the united territorial community, the education management authorities of the regional state administration, the Ministry of Education and Science of Ukraine and other central executive authorities. The educational management body of the united territorial community has the appropriate status, since it is a legal entity, has an independent balance sheet, treasury accounts and a seal.

The issue of establishing the competence of the education management authorities of the united territorial society and its head is determined exclusively by the statute on the education management authorities of the united territorial community. According to Part 4 of Art. 54 of the Law of Ukraine "On Local Self-Government in Ukraine" [2] provisions on departments, management and other executive authorities of the council are approved by the relevant council of the united territorial community. The regulation on the department, management of the executive committee of the council of the united territorial community contains the following sections: general provisions; tasks and powers of the department; organization of the department's work; the legal status of the head of the department, his rights and obligations; the rights and obligations of the employees of the department; financial and logistical support of the department's activities; responsibility of department officials

In the institutional aspect, the distribution of competencies can be considered in two possible ways. In the event of the liquidation of the education administration (department) of the district state administration, the functions of local executive authorities in the field of general education (in particular, those written out by Article 37 of the Law of Ukraine "On General Secondary Education" [3]) must be performed by the education management authorities created by the united territorial community. If there is an education administration (department) of the district state administration in terms of performing these functions, the educational administration authorities of the united territorial society are accountable to the administration (education department) of the district state administration. When creating a united territorial community of its own education management authorities, it is necessary to ensure a

clear distribution of functions between the education management authorities of the united territorial community and the district state administration [20-27]. In terms of performing the delegated functions, the education management authorities of the united territorial community is accountable to the education management authorities of the district state administration.

The Ministry of Education and Science of Ukraine has proposed guidelines for the development of regulations on the structural unit of education of the executive authorities of the united territorial community [4]. The concept of “direct” functions has appeared in the regulatory field, which can be interpreted as all functions, with the exception of certain functions such as financial services and material and technical services in the recommendations.

The Ministry of Education and Science of Ukraine has proposed guidelines for the development of regulations on the structural unit of education of the executive authorities of the united territorial community [4]. Thus, the concept of “direct” functions appeared in the regulatory field, which can be interpreted as all functions, with the exception of the functions defined in the recommendations as financial services and services for the material and technical maintenance of the premises of educational institutions, recommending committee of the united territorial community [16, 18, 19]. This issue also requires clarification in terms of determining the subject of the implementation of direct functions, which will exclude the possibility of duplication of functions with other institutions in the education system. For example, the subject of the competence of the education unit of the executive authorities of the united territorial community in the format of direct functions should be considered the processes of creating and maintaining educational institutions; certification of teaching staff. The Law of Ukraine "On Education" in Article 13 "Territorial availability of complete general secondary education" states that in order to ensure the territorial availability of complete general secondary education, local governments create and maintain a network of educational institutions and their branches [5]. Issues of attestation of teaching staff are resolved by creating attestation commissions of the II level in the formed educational management authorities of the united territorial community (departments, departments, sectors or executive committees of local self-government authorities, as provided for by the Model Regulations [6]).

Implementation of technical and service functions is relevant in the context of defining the competencies of a united territorial society in the field of education. These include business tasks, the development of local regulations, financial and accounting services. To resolve this issue, the most common two approaches are considered: the creation of utility services that require additional funding and the involvement of other resources, and the solution of this problem with the help of full-time specialists of educational institutions, for example, accountants, methodologists, etc. Regarding the founding of communal services, it is seen that their competencies

are expanding on issues of servicing other communal institutions that are located on the territory of the community, namely, cultural, sports, health care and other communal institutions.

Reforming the education system should not be accompanied by a decrease in the efficiency of the education system management, therefore, the issue of the quality of education is a priority. For this, the control function is decisive from the standpoint of ensuring the quality of education. Within the limits of its powers, the education management authorities of the united territorial community organizes the implementation of legislative acts in the field of education, monitors their implementation. Educational authorities monitor compliance with the State Education Standard and other legislative requirements on education. In this regard, agree, approved and monitored:

- the structure of the academic year (by quarters, semesters) and the duration of the academic week, classes and work schedule established by the general education institution within the time provided for by the working curriculum;

- compliance with the requirements for the content, level and volume of education;

- the formation of classes, the creation of classes with in-depth study of subjects, classes (groups) with evening (correspondence, distance) education, special and inclusive classes for teaching children with special educational needs, decisions on the creation of extended day groups, boarding schools with partial or full maintenance of students (pupils) at the expense of the owner;

- the distribution and volume of the teaching load of teachers, determined in accordance with the legislation by the head of the institution;

- appointment and dismissal from the position of the head and deputy heads of a private educational institution.

The letter from the Ministry of Education notes that when defining functions and their distribution, duplication of functions of other authorities and local self-government authorities should be avoided. The state will exercise control in two important areas [28-36]. The first direction is control over the implementation of the regulatory framework for the functioning of the education system in Ukraine. Such control will be manifested in the verification of acts of local self-government authorities in accordance with the requirements of the European Charter of Local Self-Government, domestic legislation. The second direction is to control the efficiency of spending funds that are directly transferred to local budgets through the provision of subventions, and others are recorded in the format of receipts from national taxes.

In accordance with Article 89 of the Budget Code of Ukraine [7], the united territorial communities are entrusted with the functions of carrying out expenditures in education, medicine, culture, sports, etc., for the implementation of which a network of budgetary institutions is required. Article 67 of the Budget Code of

Ukraine provides that the budgets of the united territorial communities, which are created according to the law and the long-term plan for the formation of community territories, until October 15 of the year preceding the planned one, are formed in accordance with this Code for the planned budget period, taking into account the following features:

- the revenues of these budgets are determined in accordance with Articles 64 and 69-1 of this Code;
- expenses and crediting of these budgets are determined in accordance with Articles 89 and 91 of this Code;
- the relationship between these budgets and the state budget is determined in accordance with Articles 97, 99, 100, 102, 103-2, 103-4 and 108 of this Code;
- local borrowings are made in accordance with Articles 16 and 74 of this Code.

To assess the effectiveness of spending funds, an important criterion was determined by experts such financial norms as: minimum and maximum levels of teachers' salaries or maximum levels of procurement. In matters of monitoring the quality of education, an important indicator is usually the result of external independent assessment. This issue requires study and analysis. After all, the results of external independent assessment ascertain the level of knowledge at a certain moment for a certain category of students, which excludes the current indicators of the quality of knowledge, tools of a proactive nature, the possibility of monitoring the quality of education at all stages of its implementation.

The State Service for the Quality of Education of Ukraine has been created [8]. Some experts point to the need to fix the main functions of this institution in the law on secondary education. According to experts, this service, like all special control authorities, should have a number of differences from general oversight authorities, which should later replace the prosecutor's office, which lost its functions of general oversight due to the constitutional amendments of 2016 [10]. The function of this institution should be not only control over the implementation of acts, but also over the very process of providing services, assessing the quality of the provision of educational services. They have the right to carry out inspections, both planned and at the request of authorities authorized to do so in accordance with the law. But the sanctions of such a authorities should be limited only by instructions to eliminate violations [15, 17]. Personnel decisions, decisions on limiting funding, imposition of administrative fines are taken by other authorities on the basis of the conclusions provided by the special control authorities. Thus, there is a delimitation and avoidance of a situation when the inspection authorities immediately carries out the functions of imposing sanctions.

**Discussion.** Reforming secondary education in the context of decentralization has highlighted a number of problematic issues. Here are some of them:

- the legislation in the field of education does not spell out the powers of the united territorial communities to manage educational institutions;

- lack of the necessary experience in managing a network of educational institutions at the level of village and settlement councils. After all, this was the responsibility of the education departments of the district state administrations;

- issues of double subordination, because local education authorities in the exercise of their powers are subordinate both directly to local self-government authorities and to the relevant state education authorities. This issue requires a clear delineation at the legislative level. In the normative legal field, only the problem of the possibility of duplication of functions was voiced and it was recommended to avoid duplication of functions of other authorities and local self-government;

- bias of local self-government authorities on the optimization of educational institutions is possible, because one of the competences of local self-government authorities is to make decisions on the creation, reorganization, liquidation of educational institutions and institutions;

- a number of organizational and technical issues of creating an appropriate management structure for the education system of the united territorial community, staffing it with personnel of appropriate competence, establishing document flow; issues of inventory of accepted communal property; issues of personnel records of teachers and school workers; solution of issues of methodological support and certification, preparation of statistical reports; financial and accounting support for schools;

- institutional uncertainty. In accordance with the available number of schools, preschool and out-of-school institutions, the education management system of the united territorial community can have different structural forms and different names (administrations, departments, sectors, etc.), different staff, which will affect the quality of education, resource allocation; the level of competence of the involved specialists.

**Conclusions.** To determine the competences of local authorities in the field of education, the decisive issue is the formation and definition of the subject of competences, as a forming criterion of methodologies and functions of public authorities in the provision of educational services. It is advisable in the scientific aspect to consider the issue of establishing and implementing subject competence in the secondary education system in Ukraine. Consequently, in terms of defining the competences of local governments in the field of secondary education, it is possible to generalize the territorial definition, functional and institutional, which requires the study of scientists and practitioners in the field of public administration and administration.

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