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DISCRETIONARY POWERS IN THE LEGISLATION THAT REGULATES EMPLOYMENT IN THE AREA OF EDUCATION

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Skopje, Republic of North Macedonia

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1. INTRODUCTION

For public administration employment it is usual to look for unified regulation regarding employment in public administration institutions. Most often employment in public administration is divided into civil service consisting of civil servants and having special employment guarantees and safeguards, and other workers who are usually employed under general procedure according to the Labour law.

The Macedonian educational system is decentralized. The management of the primary and secondary schools is under responsibility of the municipalities, except for the secondary schools in the capital Skopje which are under responsibility of City of Skopje. The management of all schools for pupils with special needs is under direct responsibility of the Ministry of Education and Science¹.

Discretionary powers like coins have two sides. One side is positive with discretion giving more possibilities to be flexible, solve problems in a fast and creative way and find options that are best suitable for the needs of the people. The other side is negative, since discretionary power also facilitates risks of corruption, arbitrariness and abuse of power. These risks cannot be eliminated totally, but they can be minimized by first setting clear borders to discretionary powers, and second by monitoring compliance with them on a day-to-day basis.

Regretfully, there is no unified information available regarding the employment in the public administration of the Republic of North Macedonia. Especially this refers to employees employed temporarily, but also to employees employed under other forms of employment. This

¹ See “Key features of the Education System”, available here: https://eacea.ec.europa.eu/national-policies/eurydice/content/former-yugoslav-republic-macedonia_en



drawback has been noted also by the European Committee on Social Rights in its report from 2020².

This report is part of the implementation of the EU-funded project “Support to State Reorganisation” (EuropeAid/139876/DH/SER/MK) in the Republic of North Macedonia. The project has two components: (i) Optimisation and rationalisation of the state administrative bodies and inspection services; (ii) Improvement of the framework of the discretionary powers. The overall objective of the project is to optimise the overall institutional framework, enhance the public service delivery and strengthen ethics, integrity, transparency and accountability of public administration. Its purpose is to streamline and optimise institutional framework, eliminate overlapping competences and ensure effective lines of accountability.

This analysis is one of the outputs of the second component of the project. It foresees activities for revision of the system of the discretionary powers in employment in the sector of Education to allow their application in a legal and just manner. For this purpose, it is important to strengthen the routine for taking decisions and enforce the control over discretionary powers.

This analysis provides for a review and analysis of the regulations establishing discretionary powers and enables the beneficiary and other responsible institutions like the Ministry of Education to discuss and find the best solutions to the identified problems and drawbacks. The recommendations part also provides for some suggestions of amendments that can be used as further basis for the discussion.

Education is a very important and even crucial part of public administration of each state and municipal powers ensuring the future direction of development of particular state. Therefore, it is very important to have professional and qualitative education, which primarily can be achieved by having qualitative and professional educational staff.

² See: European Social Charter. European Committee of Social Rights. Conclusions 2020. North Macedonia. Available here: <https://rm.coe.int/rapport-mkd-en/1680a1c7cb%20%20and%20https://www.oecd-ilibrary.org/docserver/9b99696c-en.pdf?expires=1634129650&id=id&accname=guest&checksum=ECF432CDA5943BBB86C01DE28C2CAD99>



Regretfully, the regulations in different laws regulating education are not harmonized. There are places (for example, the Law on Elementary Education) where personal competences of the principal are regulated, but there are others (for example, the Law on Secondary Education) where only formal criteria are described. These differences should be gradually harmonized in order to ensure a whole and understandable regulation in the field of Education.

One of the features to be noted throughout the public administration of the Republic of North Macedonia, but also in the sector of Education, is the possibility to employ temporary employees until the end of the school year. Moreover – after working for two years as a temporary employee the person is entitled to move to permanent employment without fulfilling all the criteria and passing the examination. There are no regulations regarding any deadlines to using this possibility which makes it possible for the same person to be employed temporarily for several years in a row – up until the end of the current school year, and then up until the end of the next school year etc. Maybe this situation is justifiable by lack of educational staff, but in that case it could be applied only after an unsuccessful competition.

In order to be able to find out and analyse the overall situation with employment in the sector of Education it is recommended to perform an audit and to find out, how many people are employed temporarily, for how long period of time and what are the reasons for the temporary employment, also finding out the reasons why the particular personas cannot be employed permanently or why the particular positions may not be filled with permanent employees. After this kind of audit, the whole picture will be available and it might lead to some changes both in the policies and in practice.

Impossibility to employ direct relatives is another criterion somewhere mentioned and somewhere not mentioned in the law. This situation may lead to the understanding that in cases it is not explicitly forbidden, it is allowed. Which is certainly not the case. Therefore, a prohibition on employing direct relatives should be provided in the Law on Prevention of the Conflict of Interests and references to this law should be added to all other pieces of legislation in order to ensure uniform legislation and applicability of this legislation throughout the Public Administration of the Republic of North Macedonia. There might be a possibility to make an exception in case an institution is large and it is possible to ensure that the person directly involved with the candidate does not participate or influence the competition in any way. But



since the risk of favouritism in the institutions of the Republic of North Macedonia is very big, this possible exception should be applied very cautiously.



2. MAPPING OF THE LAWS

Analysing normative acts regulating employment in the education in the Republic of North Macedonia, they seem rather wide-ranging. There are at least 14 laws where employment in the sector of education is regulated and in addition to this also general laws regulating employment in public administration are applied in the sector of Education (Law on Administrative Servants and Law on Public Servants). Still even all these laws do not cover all employment situations in the public administration, for example, the possibility to employ people temporarily or under copyright contracts

The mapping of the laws in the sector of Education was done by the national expert of the Project. According to the suggestions of the National expert, the following pieces of legislation and articles were analyzed. In the framework of the Project different bylaws and reports were also analyzed, still the main accent according to the needs of the beneficiaries is on analyzing relevant laws and practice according to the meetings held with experts and specialists from the Government, the State Corruption Prevention Commission, Ministry of Information Society and Administration and line ministries.

A meeting with the experts of the Ministry of Education was held on June 30, 2021. Many topics regarding employment in the sector of Education were discussed, including possibility to employ political advisors and temporary employees, directors of institutions, directors of schools, students houses and other institutions.

No.	Name of the Law	Relevant Articles
1.	Law on teachers and professional associates in primary and secondary schools. <u>Official Gazette of Republic of North Macedonia, No. 161 dated 5 August 2019.</u>	



2.	<p>Law on vocational education and training.</p> <p><u>Official Gazette of the Republic of Macedonia No. 71/2006, 117/2008, 148/2009, 17/2011, 24/2013, 137/2013, 41/2014, 145/2015, 55/2016 and 64/2018 and Official Gazette of the Republic of Northern Macedonia" no. 275/2019</u></p>	Articles 9-12 ;16-18;30-37;39,39a.
3.	<p>Law on educational inspection.</p> <p>Official Gazette of the Republic of Macedonia No. 52/2005, 81/2008, 148/2009, 57/2010, 51/2011, 24/2013, 137/2013, 164/2013, 41/2014, 33/2015, 145/2015, 30/2016 and 64/2018.</p>	Articles 2;3-5;5a;8-11; 14-29; 31-35.
4.	<p>The Law on Higher education.</p> <p><u>Official Gazette of the Republic of Macedonia, No. 82 of 8th May 2018.</u></p>	Articles 7-14;41-49;56,57;108-125;160-189;202-206.
5.	<p>Law on the Bureau for development of education.</p> <p><u>Official Gazette of the Republic of Macedonia" No. 37/2006; 142/2008; 148/2009; 69/2013; 120/2013; 148/2013; 41/2014; 30/2016 and 64 / 2018.</u></p>	Articles 5-7; 8b,8v,8g,8d;15-23.
6.	<p>Law on the state Examination Center.</p> <p><u>Official Gazette of the Republic of Macedonia No. 142/2008; 148/2009; 41/2014; 55/2016; 142/2016 and 64/2018.</u></p>	Articles 3-17.



7.	Law for innovative activity. <u>Official Gazette of the Republic of Macedonia No. 79/2013, 137/2013, 41/2014, 44/2015, 6/2016, 53/2016, 190/2016 and 64/2018.</u>	Articles 6 - 8; 19,20,25; 25a; 25b; 30-34; 46.
8.	Law establishing a national agency for European educational programs and mobility. <u>Official Gazette of the Republic of Macedonia No. 113/2007, 24/2011, 24/2013, 41/2014, 145/2015, 55/2016 and 64/2018.</u>	Articles 12-23.
9.	Law on open civil universities for lifelong learning. <u>Official Gazette of the Republic of Macedonia No. 36/2011, 41/2014, 145/2015, 55/2016 and 64/2018.</u>	Articles 3-18.
10.	Law on the pedagogical Service. <u>Official Gazette of the Republic of Macedonia No. 18/2011, 41/2014, 55/2016 and 64/2018.</u>	Articles 9-12.
11.	Law on primary education. <u>Official Gazette of the Republic of Northern Macedonia No. 161/19 and 229/20.</u>	Articles: 79-91;106-126;162-167.
12.	Law on Secondary Education. <u>Official Gazette of the Republic of Macedonia "no. 44/1995, 24/1996, 34/1996, 35/1997, 82/1999, 29/2002, 40/2003, 42/2003, 67/2004, 55/2005, 113/2005, 35/2006, 30/2007, 49/2007, 81/2008, 92/2008, 33/2010, 116/2010, 156/2010, 18/2011, 42/2011, 51/2011, 6/2012, 100/2012, 24/2013, 41/2014, 116/2014, 135/2014, 10/2015, 98/2015, 145/2015, 30/2016, 127/2016,</u>	Articles 59a,60;88-97;105-108b.



	<u>67/2017, 64/2018 and Official Gazette of the Republic of Northern Macedonia" no. 229/2020.</u>	
13.	<u>Law on scientific-research activity. Official Gazette of the Republic of Macedonia no. 46/2008, 103/2008, 24/2011, 80/2012, 24/2013, 147/2013, 41/2014, 145/2015, 154/2015, 30/2016 and 53/2016.</u>	Articles 8,13,14; 19-21; 29-49; 58.
14.	<u>Law on the National Qualifications Framework. Official Gazette of the Republic of Macedonia No. 137/2013 and 30/2016.</u>	Articles 16-19.

Also, several general laws regulating employment and discretion in employment like the Law on Administrative Servants, Law on Public sector employees and Labor law are applicable to the sector of Education. These laws have been analyzed separately in a separate document regarding general legislation of discretion in employment in the Republic of North Macedonia.

The level of the proposed analysis is very detailed in order to identify and point out the regulations where the discretionary rights might be either unintended or too wide. But this is also the reason why in the framework of the Project it was possible to analyze only the main pieces of legislation in the field of Education. Still, according to the methodology described further, analysis regarding other laws may be continued also within the public administration of the Republic of North Macedonia.

Detailed analysis is reflected in the table where the existing discretionary powers in the employment in the field of Culture are checked against several important benchmarks:

- The provision of the Law under analysis.
- The decision made according to the particular discretionary right.
- The authorized person to make that decision.
- The criteria defined for making the decision.
- The deadlines either for making the decision or for its implementation or the term of the decision made.
- The existence of a written justification of the decision in order to explain, prove and justify that the existing discretionary power was used appropriately.
- The existence of an appeal procedure.



- Existence of a regulation for public availability of the particular procedure, decision, its justification or any kind of information about the discretionary power used.
- Analysis on whether and to what extent the decision that was made impacts the remuneration of a person involved.

The analysis offers a “traffic light principle” according to which the most problematic situations are highlighted red, less problematic are highlighted yellow, but situations where no significant drawbacks are identified are not highlighted. The highlighted areas are meant to be subject to further discussions whether and what kind of changes are necessary to the laws analyzed. Basic suggestions for the regulations are clear - transparency and public availability of the documents should be ensured as much as possible, taking into account the rights of the persons for the protection of their personal data. At the same time we must bear in mind that the level of protection of personal data for public officials or people whose salaries are paid by the budget is lower than for other people. This means that when we speak for example about recruiting or dismissing a public official, his name can and should be revealed while for example his home address may remain covered.



3. LAWS APPLICABLE TO THE EMPLOYMENT IN THE FIELD OF EDUCATION

The laws shown below reflect the laws identified by the experts of the Project. The real number of las may be even bigger.



4. VERIFICATION OF THE RESULTS

The methodology used by the Project during the analysis of the applicable laws and the main criteria for restricting the discretionary rights were discussed and verified during the workshop organized by the Project on October 18., 19. and 20, 2021.

Many problems, risks and vulnerabilities regarding excessive discretion of public administration and especially political influence on employment procedures were identified during the workshop.

The participants of the workshop agreed that discretionary power may be either positive or negative, and it depends on the person using it. But in order to prevent arbitrary and excessive use of discretionary power which may lead to favoritism and nepotism, certain limits must be imposed. The limits offered by the experts of the Project were discussed and accepted during the workshop.

Representatives from all involved ministries and other stakeholders were invited to the workshop.

During the third day of the workshop a piloting of the proposed employment procedure was carried out, including the process of framing discretionary powers and providing justification for each decision.



5. LAW ON TEACHERS AND PROFESSIONAL ASSOCIATES IN PRIMARY AND SECONDARY SCHOOLS

NOTE: Google Translate tool was used for translating the law from Macedonian to English language

According to the suggestion of JNKE of the project all articles of the Law on Teachers and Professional Associates in Primary and Secondary Schools were analysed.

The analysis offers a “traffic light principle” according to which the most problematic situations are highlighted red, less problematic are highlighted yellow, but situations where no significant drawbacks are identified are not highlighted.

The Law on Teachers and Professional Associates in Primary and Secondary Schools entitles several decision-making bodies to make particular kinds of decisions or proposals:

- 1) The Cabinet of Ministers;
- 2) The Ministry of Education;
- 3) The Minister of Education;
- 4) The State Examination Centre (The Centre);
- 5) The Bureau for Development of Education (The Bureau);
- 6) The State Education Inspectorate;
- 7) The School Principal;
- 8) The School Board.

This number of decision-making bodies makes teachers rather vulnerable and dependent on various decision-making bodies and their views and decisions. On the one hand it is good because it reduces the power of discretion of each individual decision-making body. But on the other hand, there is a risk that a person may feel insecure being dependent on so many views, officials, and commissions. Moreover, this risk is increased because no information about the existing internal normative acts is publicly available and no justification for each individual decision is required as well as there is no information about the possibility to appeal the decisions in court. According to the information given to the experts of the Project by many interviewed specialists in the Republic of North Macedonia, the existing appeal possibilities are not considered efficient, therefore they are practically not used. Also, during the discussions



with various experts and specialists in the Republic of North Macedonia it was confirmed that the possibility of appealing decisions in employment is not widely used, and although it is existent, it is not considered an efficient tool.

Another significant problem is the possibility to avoid going through the competition procedures by first working temporarily and after some time transferring temporary work to permanent work relationships. This problem is also rather widespread in the public administration of the Republic of North Macedonia and is also no stranger to the field of Education. Article 66 of the Law on Teachers and Professional Associates in Primary and Secondary Schools provides for the possibility first to work temporarily without passing any procedures but later to transfer to permanent work relationships if the person has worked temporarily for more than two years. Although experience is an important part of the quality of work, the existence of such procedure undermines the overall sense of having a competition at all. It also undermines the quality of work, since the possibility of transferring work relationships is not tied to any kind of quality control. Therefore, it is recommended to provide for the same procedure when transferring a person from temporary work relationship to permanent as is applied for a new position. Having experience in the field may be considered an advantage which is evaluated positively during the competition procedure. Also, in order to avoid unnecessary bureaucracy, the documents that are already handed in and available in the school file of the person must not be handed in again for the competition.



5.1. DETAILED ANALYSIS OF THE LAW ON TEACHERS AND PROFESSIONAL ASSOCIATES IN PRIMARY AND SECONDARY SCHOOLS

This section contains a detailed analysis of the Law on Teachers and Professional Associates in Primary and Secondary Schools. The analysis was carried out according to the milestones described in Section 2 of this report. These milestones were chosen out of many others as first steps to ensure that the discretion now available to public officials of the Republic of North Macedonia is limited and put into a more understandable framework.

Detailed analysis of the Law on Teachers and Professional Associates in Primary and Secondary Schools contains a total of 243 possible improvements throughout the law. 71 of them were marked red, but 172 – yellow.

In the field of transparency (public availability of information) a total of 48 possible improvements are suggested, 19 of them yellow but 29 – red.

Also, regarding possible and necessary justification of the decisions, 48 drawbacks are identified. 25 of them yellow for discussion but 23 – red, recommended for immediate improvement.



Detailed analysis of the Law on Teachers and Professional Associates in Primary and Secondary Schools

No.	Provision	Decision	Authorized person	Criteria	Deadline	Written justification	Appeal	Public availability	Remuneration
1.	Professional examination of a teacher – Article 2 (15) (16)	The trainee is/is not entitled to take the exam and has/has not passed the exam to qualify for a post of a teacher	The Commission (Teacher's Council) formed by the director of the Centre	Number of the members of the commission and their application and selection procedure is not specified. Necessary experience is specified. Criteria for negative decisions (extension of internship, exam not passed) not specified.	Exam should take place twice a year. A proposal to take the exam and issuing a certificate - 15 days. No deadline specified for negative decisions (extension of internship, exam not passed).	No justification needed for the specific decisions	No appeal procedure for the decision to extend internship or for the decision that the exam has not been passed.	No information about public availability of any of the decisions	No information about the remuneration of the member of the Teacher's Council in addition to their remuneration as officials.
2.	Approval of the program for taking the professional exam of the trainee – Article 2 (26)	The content of the program for taking the professional exam of the trainee	The Minister at the proposal of the Bureau and the Centre	Not specified	Regularity of reviewing (or not reviewing) the requirements is not specified	No justification or argumentation documents are specified	Not applicable	Not specified	Not applicable
3.	Approval of the manner of mentoring the trainee, the implementation of the professional exam and the form and content of the certificate for passed professional exam – Article 2 (27)	Assumably it is an internal normative act	The Minister at the proposal of the Bureau and the Centre	Not specified	Regularity of reviewing (or not reviewing) the requirements is not specified	No justification or argumentation documents are specified	Not applicable	Not specified	Not applicable

No.	Provision	Decision	Authorized person	Criteria	Deadline	Written justification	Appeal	Public availability	Remuneration
4.	Consent for employing a foreign citizen – Article 3 (2)	A consent to employ a teacher who is not a citizen of North Macedonia	The Ministry of Education and Science	Only one – if the subject is conducted in a foreign language.	Not specified	Not required	No procedure specified	No information	Not applicable

				No other criteria specified.					
5.	Appointment of the mentor Article 4 (4).	To appoint a mentor for the realization of practical teaching	The school principal	Mentor should be from the particular school. No other criteria regarding the conflict of interest or similar restrictions	Not specified	Not required	No procedure specified	No information	10% - Article 2 (14)
6.	The manner of classes, examination and accreditation of higher education institutions – Article 4 (7) (8)	The manner of attending the classes, taking the exams for pedagogical psychological and methodological preparation, the manner of accreditation of higher education institutions	The Minister for the manner and the Ministry for the accreditation procedure	Not specified	Regularity of reviewing (or not reviewing) the manner is not specified	No justification or argumentation documents are specified	Not applicable	No information	Not applicable

No.	Provision	Decision	Authorized person	Criteria	Deadline	Written justification	Appeal	Public availability	Remuneration
7.	The election of teachers – Article 9	To appoint a teacher for a specific job vacancy	The school director upon the proposal of the school board – Article 12 (1)	Criteria for qualification for the job are specified and the priority of teachers with a higher degree or results is specified – Article 10 (3). No information about additional criteria or ranking and scoring system or other milestones for choice are available	No specific deadline for publishing the announcement, applying according to the announcement or making the decision on the applications.	Not required	No procedure specified	No information Only the announcement must be published. The publicity of the rest of the procedure is not regulated.	Not applicable
8.	Temporary work of the teachers – Article 9 (4), Article 10 (2)	Consent to the part time employment of a teacher	The Mayor of the municipality (?)	The existence of the vacancy. No public announcement.	No deadline for announcing or applying of for the vacancy. Restriction of three months for the term of employment. No regulation regarding prolongation of this period.	Not required	No procedure specified	No information	Not applicable

No.	Provision	Decision	Authorized person	Criteria	Deadline	Written justification	Appeal	Public availability	Remuneration
9.	Promotion of the teachers – Article 15 (2)	The standards for promotion	The Minister at the proposal of the Bureau	Not specified	Regularity of reviewing (or not the standards is not specified)	Not required	Not applicable	No information	Not applicable
10.	Appointment of a teacher responsible for IT responsibilities – Article 17 (6) (7)	To appoint a teacher responsible for IT responsibilities (+3 or +6 teaching hours, not specified per week or per month)	The school principal	The subject teacher Does not have full fund of classes	Not specified	Not required	No procedure specified Consent procedure also not specified	No information	Additional teaching hours probably result in corresponding remuneration
11.	Awards to the teachers – Article 18	To praise/award a teacher for his/her exceptional job performance	The municipality or the Ministry The school board, Teacher's Council, student community, council of parents and school principal are involved	Not specified	Not specified	Not required	Not applicable	No information	Not applicable
12.	Determining the standards for professional conduct – Article 19 (3)	The standards for professional conduct	The Minister at the proposal of the Bureau	Not specified	Regularity of reviewing (or not the standards is not specified)	Not required	Not applicable	No information	Not applicable
No.	Provision	Decision	Authorized person	Criteria	Deadline	Written justification	Appeal	Public availability	Remuneration
13.	Assignment of additional professional assistance to the teacher – Article 19 (4) (5)	To assign additional professional assistance to a teacher who has failed to fulfil his/her duties.	The School Board	No satisfactory results, violation of the standards of professional conduct,	Not specified	Not required	No procedure specified	No information	No information

				failure to maintain work discipline in the classroom, no effective methods of teaching and communicating with students and parents, not monitoring and evaluating student achievement in accordance with established standards for assessment.					
14.	Proper fulfilment of the program of additional professional assistance – Article 19 (9) (10) (11)	To declare that the program of additional professional assistance is/is not fulfilled properly	The school principal at the proposal of the School Board	Failure to realize the program Another failure within 6 months	Monitoring is performed every three months	Not required	Appeal can be made to the “State Commission for deciding in administrative procedure and working procedure second instance” within 15 days. No specific information about administrative court	No information	Reduction of the salary in the amount of 1/3 Termination of employment

No.	Provision	Decision	Authorized person	Criteria	Deadline	Written justification	Appeal	Public availability	Remuneration
15.	Disciplinary proceedings against a teacher – Article 19 (12) (13) (14) (15) (16) (17)	To impose a disciplinary measure. No specific disciplinary measures are regulated.	The school principal at the advice of the disciplinary commission	Disrespect for the schedule of working hours Serious violations of the Code of Ethics. Criteria for forming the commission are not specified	Not specified	Not required	Appeal can be made to the school board within 8 days. No information regarding further appeal procedure	No information	No particular disciplinary measures specified but obviously the result may affect the remuneration.

16.	Formation of the disciplinary commission – Article 19 (14)	Composition of the disciplinary commission and disciplinary proceedings.	Not specified	Not specified	Not specified	Not specified	Not applicable	No information	No information
17.	Temporary suspension of a teacher – Article 19 (16)	To suspend the disciplinary accused teacher for up to three months	The school principal	Serious violation of the Code of Ethics No more detailed criteria specified.	Not specified for making the decision. The length of the suspension is three months. Not specified whether it can be prolonged.	Not required	Appeal can be made to the school board within 8 days. No information regarding further appeal procedure	No information	The suspension comes with a reduction of salary by 50%
18.	Reasonable suspicion for disturbed mental health of the teacher – Article 19 (18)	To send to an extraordinary commission for medical examination	The school principal	Reasonable suspicion. Not specified further	Not specified	Not required	No procedure specified	No information	No information

No.	Provision	Decision	Authorized person	Criteria	Deadline	Written justification	Appeal	Public availability	Remuneration
19.	Termination of employment due to refusal to attend extraordinary commission for medical examination	Decision to terminate the employment with the teacher	Not specified Probably it is the school principal	Refusal of the referral to extraordinary commission for medical examination inactivity - ?	Not specified	Not required	No procedure specified	No information	Termination of employment obviously leads to loss of remuneration.
20.	Termination of employment due to business reasons – Article 20	Decision to terminate the employment with the teacher	Not specified Probably it is the school principal	Not specified in the law. Individually determined by a collective agreement.	Not specified in the law. Individually determined by a collective agreement.	Not required	No procedure specified in the law. Might be specified in the collective agreement	No information	Termination of employment obviously leads to loss of remuneration.
21.	Changes of workload and following changes of the employment contract – Article 21	Decision to change the employment workload of a teacher from full time to part time and vice versa	Not specified who makes the decision. Probably it is the school principal, who is also entitled to sign	Changes in the workload due to changes of plans, programs, work organization, number of classes etc.	Not specified	Not required	No procedure specified	No information	Not specified. But most probably changes in the workload lead to changes in remuneration.

			the changes of the agreement	Not specified in the law how to choose if there is more than one teacher for the subject.					
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No.	Provision	Decision	Authorized person	Criteria	Deadline	Written justification	Appeal	Public availability	Remuneration
22.	Determining basic professional competencies of the teachers – Article 24 (2)	Document listing in more detail than Article 23 and Article 24 the basic professional competences of the teachers	The Minister at the proposal of the Bureau and the Centre	Not specified	Regularity of reviewing (or not reviewing) the listing is not specified	No justification or argumentation documents are specified	Not applicable	No information	Not applicable
23.	Approving the training plan of the particular teacher – Article 28 (2)	Decision to approve or not to approve a training plan	The school principal at the advice of the school professional development team	60 hours over 3 years, at least 40 from them in accredited training programs, 20 hours in priority programs (within 20 years -? Article 27 (5))	Not specified for approval procedures of the plan. The plan itself is limited to three years.	Not required	No procedure specified	No information	Does not affect remuneration
24.	Determining the form and content of the training plan of a teacher – Article 28 (4)	Document determining the form and content of the training plan	The Minister at the proposal of the Bureau and the Centre	Not specified	Regularity of reviewing (or not reviewing) the form of the training plan is not specified	No justification or argumentation documents are specified	Not applicable	No information	Not applicable
25.	Changing the professional development plan of a teacher – Article 29 (1)	Decision to make changes to the training plan of a teacher	The school principal at the request of the teacher	Objective reasons	Not specified, meaning that changes can be made even in the last month of the three-year period.	Not required	No procedure specified	No information	Not applicable

No.	Provision	Decision	Authorized person	Criteria	Deadline	Written justification	Appeal	Public availability	Remuneration
26.	Appointed supervision for the realization of the professional development plan of the teacher – Article 29 (2) (3)	Decision to appoint or not to appoint supervision for the realization of the professional development plan	The school principal	Lack of objective reasons	Supposedly after the expiration of the three-year period. Supervision standards or regularity are not specified	Not required	No procedure specified	No information	Not applicable
27.	Determining the professional standards and number of teachers – mentors. Article 31 (3) (4)	Document determining the professional standards and number of teachers – mentors	The Minister at the proposal of the Bureau and the Centre adopts the standards and with the consent of the Government determines the number of the teachers	Not specified	Not specified	No justification or argumentation documents are specified	Not applicable	No information	Not applicable
28.	Promotion of teachers to teachers – mentors. Article 33	Decision to promote or not to promote a particular teacher	The commission formed by the Minister No further criteria for forming this commission are defined.	The criteria are defined for applying (experience, employment for indefinite period, meeting of professional standards). There are no criteria for determining the rank of each particular applicant in the ranking list.	No deadline for announcing the public call and applying for the post. A rather long deadline of 90 days is determined for making the ranking list and 30 days for notifying applicants if any clarifications are needed. Yet there is no deadline for making the decision.	Not required	Article 35 (4) – appeal to the State Commission for deciding in administrative procedure is available within 15 days. No information regarding further appeal procedure	No information	Remuneration is increased by 10% - Article 2 (14) – in case the mentor has a student to mentor. No information regarding the increase in remuneration just for being appointed to the post of the teacher – mentor.
29.	Promotion of teachers to teachers – advisors. Article 34.	Decision to promote or not to promote a particular teacher	The commission formed by the Minister	The criteria are defined for applying (experience, employment for	No deadline for announcing the public call and applying for the post.	Not required	Article 35 (4) – appeal to the State Commission for deciding in	No information	No information regarding the increase in remuneration

			No further criteria for forming this commission are defined.	indefinite period, meeting of professional standards). There are no criteria for determining the rank of each particular applicant in the ranking list.	A rather long deadline of 90 days is determined for making the ranking list. No possibility for notifying applicants if any clarifications are needed. No deadline for making the decision.		administrative procedure is available within 15 days. No information regarding further appeal procedure		for being appointed to the post of the teacher – advisor.
30.	Formation of the commission for inspection of fulfilment of the professional standards – Article 35	A decision on the staff of the Commission for inspection of fulfilment of the professional standards	The Minister	No criteria in the law for forming the commission	Not specified	Not required	No procedure specified	No information	No information

No.	Provision	Decision	Authorized person	Criteria	Deadline	Written justification	Appeal	Public availability	Remuneration
31.	Determining the manner of formation of the commissions and their number, the assessment of received applications and documentation of teachers for acquiring the title teacher-mentor and teacher-advisor, the scoring of the candidates, the ranking list, as well as the manner of operation of the commissions. Article 35 (5)	Document determining the manner.	The Minister at the proposal of the Bureau and the Centre	No criteria in the law for forming the commission	Not specified	Not required	No procedure specified	No information	No information
32.	Establishment of the commission for revocation and reexamination of the titles of teachers	Decision on establishment and staff of the Commission	The Minister	The commission is formed out of representatives of three named institutions	15 days from receiving the initiative from the school principal, the Bureau, The Centre or the Inspectorate	Not required	No procedure specified	No information	No information
33.	Making the decision of revocation of the title or a proposal for rejection of the initiative – Article 36 (6) (7) (8)	Decision to revoke the title or to reject the initiative	The Minister at the proposal of the Commission	Specified in Article 36 (2) and (3)	For the Commission – 30 days from its formation. For the Minister – 15 days from receiving the proposal of the Commission	Not required	To the State Commission for deciding in administrative procedure and working procedure second instance within 15 days from the date of receipt of the decision	No information	No information

No.	Provision	Decision	Authorized person	Criteria	Deadline	Written justification	Appeal	Public availability	Remuneration
34.	Normative for professional associates in primary and secondary education – Article 39 (3)	A normative act determining the fields of professional training suitable for work as a professional associate	The Minister at the proposal of the Bureau and the Centre	Not specified	Not specified	No justification or argumentation documents are specified	Not applicable	No information	Not applicable

35.	Temporary work of the professional associates – Article 40 (2)	Consent to the part time employment of a teacher	Not specified According to Article 41 (1) professional associates are elected by the school director upon the proposal of school board.	Not specified	No deadline for announcing or applying for the vacancy. Restriction of three months for the term of employment. No regulation regarding prolongation of this period.	Not required	No specified procedure	No information	Not applicable
36.	To elect a professional associate - Article 41 (1)	To elect a professional associate	A School Director upon the proposal of School Board	Under the procedure of public announcement regulated in Article 40. Advantage is given to those who have higher degree or higher success. No further criteria for ranking of candidates.	Not specified	Not required	No specified procedure	No information	No information

No.	Provision	Decision	Authorized person	Criteria	Deadline	Written justification	Appeal	Public availability	Remuneration
37.	A trainee exam of a professional associate – Article 48	To organize and take a trainee exam of a professional associate	Not regulated	Not regulated	Not regulated	Not regulated	Not regulated	Not regulated	Not regulated
38.	To initiate reconsideration of the work of professional associate due to unsatisfactory results – Article 50 (2) (4)	To initiate reconsideration of the work of professional associate	The School Board	If the reasons for unsatisfactory results are not objective, additional professional assistance is assigned	Not regulated	Not regulated	Not regulated	Not regulated	Not regulated
39.	A decision to reduce the salary - Article 50 (9)	To reduce salary of a professional associate	The principal at the suggestion of the School Board	Non fulfilment of the recommendations in the program of	Not regulated	Not regulated	Not regulated	Not regulated	Reduction of 1/3. Length not specified

				additional professional assistance					
40.	Termination of the employment of professional associate – Article 50 (10)	To terminate the employment of professional associate	The principal at the proposal of the School Board	Non fulfillment of the recommendations in the program of additional professional assistance during next six months	6 months after the decision on reducing the salary	Not regulated	Not regulated	Not regulated	Not applicable
41.	Disciplinary proceedings against a professional associate – Article 50 (11) (12) (13)	To impose a disciplinary measure on a professional associate	The director based on the proposal of the disciplinary commission	Disrespect to the schedule of working hours or serious violations of the Code of Ethics	Not regulated	Not regulated	Appeal may be filed to the School Board within eight days. No information regarding further appeal possibilities.	Not regulated	Not regulated

No.	Provision	Decision	Authorized person	Criteria	Deadline	Written justification	Appeal	Public availability	Remuneration
42.	Dismissal of a professional associate during the disciplinary proceedings – Article 50 (13) (14) (15)	To dismiss a professional associate	The director	Serious violations of the Code of Ethics. Discretion of the Director	Not regulated	Not regulated	Appeal may be filed to the School Board within eight days. No information regarding further appeal possibilities.	Not regulated	Not regulated
43.	Referral of a professional associate to an extraordinary commission of medical examination – Article 50 (16) (17) (18)	To refer a professional associate to an extraordinary commission of medical examination	The Director	Reasonable suspicion Discretion of the Director	Not regulated	Not regulated	Not regulated	Not regulated	Not regulated
44.	Realization of a professional development plan – Article 56	To make or not to make changes in the professional development plan. Consequences in case of non-fulfillment of the plan.	The Director	Discretion of the Director	The term for making the changes is not regulated	Not regulated	Not regulated	Not regulated	Not regulated

45.	Promotion of professional associates – Article 59, 60, 61	To promote or not to promote a professional associate	Not regulated The Ranking list is made by the Commission	Passing of an exam, meeting of the criteria described in law, availability of a position. No criteria for making a ranking list are defined (Article 60 (4), Article 61 (4))	Not regulated	Not regulated	Appeal may be filed to the State Commission in Second Instance within 15 days. No information regarding administrative court.	Not regulated	Not regulated
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No.	Provision	Decision	Authorized person	Criteria	Deadline	Written justification	Appeal	Public availability	Remuneration
46.	The manner of formation of the commission, the evaluation of received applications and documents, the scoring of candidates, the ranking list is prescribed by the Minister on the proposal of the Bureau – Article 62 (5).	To prescribe a particular manner of formation of the commission, the evaluation of received applications and documents, the scoring of candidates, the ranking list.	The Minister on the proposal of the Bureau	Not defined. Full discretion of the Minister	Not defined	Not regulated	Not relevant	Not regulated	Not relevant
47.	The procedure for review of the acquired title – Article 63	To review the acquired title of the teacher	The Minister on the proposal of a Commission	Non-realization of the plan of professional development, non-fulfilment of tasks. Not clear whether there is any discretion available or everybody not fulfilling something is reviewed.	Not defined	Not regulated	Appeal may be filed to the State Commission in Second Instance within 15 days. No information regarding administrative court.	Not regulated	Not regulated
48.	Transformation from temporary to permanent work relationship – Article 66	To transform a person to permanent work	Consent from the Minister. Request submitted by the school to the Commission for	More than two years of experience is needed for the teacher. Other criteria refer to the	Transformation Commission is established for a period of three years. No other deadlines are regulated.	Might (and might also not) be included in the report of the Commission for Transformation.	Appeal may be filed to the State Commission in Second Instance within 15 days. No information regarding administrative court.	Not regulated	Not regulated

			Transformation of Employment, who prepares a report. The school director makes the formal decision although does not decide anything on substance.	position, not to the person.				
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3.2. PROPOSALS FOR NECESSARY AMENDMENTS IN THE LAW ON TEACHERS AND PROFESSIONAL ASSOCIATES IN PRIMARY AND SECONDARY SCHOOLS

A total of 98 different activities are proposed for amending the regulations of the Law on Teachers and Professional Associates in Primary and Secondary Schools. They are specified in the table below and correspond to the vulnerabilities, risks and deficiencies revealed in the table above.

No.	Recommendation	Proposed amendments	Responsible Institution	Deadline
1.	To improve the system of professional examination of teachers	Activity 1. To specify the selection procedure and number of the examination committee. Activity 2. To specify deadline for making a negative decision regarding examination (the same 15 days as when the decision is positive). Activity 3. To provide for a publicly available and justified decisions especially if the decision is negative. Activity 4. To define appeal procedure for a negative decision. Activity 5. To make the program for taking the professional exam of the trainee publicly available. Activity 6. To make the the manner of mentoring the trainee, the implementation of the professional exam and the form and content of the certificate for passed professional exam publicly available.	Ministry of Education State Commission of Preventing Corruption	2 years
2.	To improve regulation regarding mentoring	Activity 1. To specify the criteria for mentors, especially with a goal to avoid conflict of interests. Activity 2. To require a publicly available justification for appointing a mentor. Activity 3. To specify the deadline for appointing a mentor and the procedure of appealing the decision.	Ministry of Education State Commission of Preventing Corruption	1 year

3.	To improve the procedure of election of teachers.	<p>Activity 1. To regulate in more detail the procedure of ranking and scoring of the candidates in cases their qualifications are equal.</p> <p>Activity 2. To specify the deadline for publishing an announcement for a vacancy.</p> <p>Activity 3. To provide for a written and publicly available justification for electing a teacher.</p> <p>Activity 4. To specify the appeal procedure.</p>	Ministry of Education State Commission of Preventing Corruption	1 year
4.	To improve the procedure of temporary employment of teachers	<p>Activity 1. To regulate that temporary employment is only possible after an unsuccessful competition.</p> <p>Activity 2. To regulate that the period of temporary work cannot be prolonged. In order to continue working relationship the person must pass the competition.</p> <p>Activity 3. To provide for a written and publicly available justification for electing a temporarily employed teacher.</p> <p>Activity 4. To specify the appeal procedure.</p>	Ministry of Education State Commission of Preventing Corruption	2 years

5.	To improve the procedure of promotion of teachers	Activity 1. To specify the criteria for promoting teachers. Activity 2. To provide for a written and publicly available justification for promoting a teacher.	Ministry of Education State Commission of Preventing Corruption	1 year
6.	To improve the procedure of awarding the teachers for his/her exceptional job performance	Activity 1. To specify the criteria for awarding teachers. Activity 2. To provide for a written and publicly available justification for awarding a teacher.	Ministry of Education State Commission of Preventing Corruption	1 year
7.	To improve the regulation regarding additional professional assistance to the teacher	Activity 1. To specify the deadline for assigning additional professional assistance to the teacher. Activity 2. To provide for a written and publicly available justification for assigning additional professional assistance to a teacher and regarding its fulfillment. Activity 3. To specify the appeal procedure. Activity 4. To provide for a regulation regarding the changes in remuneration of a teacher to whom additional professional assistance has been assigned.	Ministry of Education State Commission of Preventing Corruption	2 years
8.	To improve measures of disciplinary proceedings against a teacher	Activity 1. To specify deadlines for carrying out and initiating disciplinary proceedings against a teacher. Activity 2. To provide for a written and publicly available justification regarding disciplinary proceedings against a teacher. Activity 3. To specify the appeal procedure regarding disciplinary proceedings against a teacher. Activity 4. To provide for a regulation regarding the changes in remuneration of a teacher against whom disciplinary procedure is being carried out. Activity 5. To specify regulation regarding formation of a disciplinary commission. Activity 6. To specify regulation regarding temporary suspension of teachers.	Ministry of Education State Commission of Preventing Corruption	2 years

9.	To improve regulation regarding termination of employment with teachers	Activity 1. To specify the deadlines for activities from both sides – for initiating the termination procedure, for receiving opinion from the teacher etc. Activity 2. To provide for a written and publicly available justification regarding planned dismissals of teachers (respecting their personal data protection). Activity 3. To specify the appeal procedure.	Ministry of Education State Commission of Preventing Corruption	1 year
10.	To improve the regulation regarding the training plans and professional development plans for the teachers	Activity 1. To specify a deadline for approving a training plan. Activity 2. To provide for a written and publicly available justification regarding the approved training plans. Activity 3. To define circumstances under which the training plan can be changed. To determine a deadline for changing the training plan (for example not later than 6 months before its end term). Activity 4. To provide for a written and publicly available justification regarding the changes made in the training plan.	Ministry of Education State Commission of Preventing Corruption	2 years
11.	To improve the regulation regarding supervision procedure of teachers	Activity 1. To define the “lack of objective reasons” due to which supervision can be appointed. Activity 2. To provide for a written and publicly available justification regarding the appointed supervision. Activity 3. To define supervision standards, activities and regularity. Activity 4. To specify the appeal procedure.	Ministry of Education State Commission of Preventing Corruption	1 year
12.	To improve the promotion system of the teachers – both to mentors and to advisors	Activity 1. To specify professional standards for the teachers who can be appointed mentors and advisors. Activity 2. To provide for a written and publicly available document regarding the document determining professional standards and number of teachers – mentors and teachers - advisors. Activity 3. To limit the discretion of the minister in forming the promotion commission. Activity 4. To define criteria for determining the rank of each particular applicant in the ranking list. Activity 5. To define deadlines for announcing the public call and applying for the post. Activity 6. To provide for a written and publicly available justification regarding the promotion of teachers. Activity 7. To specify the appeal procedure.	Ministry of Education State Commission of Preventing Corruption	2 years

		Activity 8. To specify information regarding the possible increase in remuneration after the promotion.		
13.	To improve the regulation regarding the work of the promotions commission	Activity 1. To specify criteria in the law for forming the commission. Activity 2. To provide for a publicly available and justified document Determining the manner of formation of the commissions and their number, the assessment of received applications and documentation of teachers for acquiring the title teacher-mentor and teacher-advisor, the scoring of the candidates, the ranking list, as well as the manner of operation of the commissions.	Ministry of Education State Commission of Preventing Corruption	1 year
14.	To improve the quality assessment regulation of the work of the teachers (inspection commission)	Activity 1. To specify the criteria and procedure for forming the inspection commission. Activity 2. To specify the deadlines for the work of the inspection commission. Activity 3. To provide for a written and publicly available justification regarding forming the inspection commission. Activity 4. To specify the appeal procedure of the decisions of the inspection commission. Activity 5. To specify the remuneration system of the members of the inspection commission	Ministry of Education State Commission of Preventing Corruption	1 year
15.	To improve the quality assessment regulation of the work of the teachers (revocation commission)	Activity 1. To provide publicly available justification for the decision to establish a revocation commission and appoint its members. Activity 2. To specify the remuneration of the members of revocation commission. To provide for a justified and publicly available decision to revoke the title or to reject the initiative (respecting the rights of personal data protection of the teachers).	Ministry of Education State Commission of Preventing Corruption	2 years
16.	To improve the regulation regarding professional associates in primary and secondary schools	Activity 1. To provide basic criteria for the normative act determining the fields of professional training suitable for work as a professional associate. Activity 2. To provide for public availability of the normative act and its justification. Activity 3. To provide for ranking criteria of candidates to the position of professional associates. Activity 4. To specify the deadlines for the competition procedure of professional associates.	Ministry of Education State Commission of Preventing Corruption	1 year

		<p>Activity 5. To provide for a publicly available justification for the result of the competition procedures.</p> <p>Activity 6. To specify an appeal procedure.</p>		
17.	To eliminate temporary employment of professional associates	<p>Activity 1. To specify the criteria under which temporary employment is possible.</p> <p>Activity 2. To determine that temporary employment is possible only after an unsuccessful competition.</p> <p>Activity 3. To determine a deadline within which another competition must be organized.</p> <p>Activity 4. To limit the term of the temporary employment (for example, end of the school year, not renewable).</p> <p>Activity 6. To provide for a justified and publicly available decision of a temporary employment.</p>	<p>Ministry of Education</p> <p>State Commission of Preventing Corruption</p>	1 year

18.	To improve regulation regarding trainee examination of professional associates	Activity 1. To specify the responsible persons for organizing trainee examination for professional associates. Activity 2. To specify the criteria to be examined during the examination procedure. Activity 3. To specify the deadlines for the examination procedure. Activity 4. To provide for a written, justified and publicly available decision regarding the results of the examination procedure. Activity 5. To specify the appeal procedure.	Ministry of Education State Commission of Preventing Corruption	1 year
19.	To improve regulation regarding evaluation of work of professional associates	Activity 1. To specify basic criteria for assessing the quality of work of professional associates. Activity 2. To specify the deadlines and regularity for assessing the work of professional associates. Activity 3. To provide for a written, justified and publicly available decision regarding the evaluation of work of professional associates (respecting their right to personal data protection). Activity 4. To specify the appeal procedure.	Ministry of Education State Commission of Preventing Corruption	1 year
20.	To improve regulation regarding dismissal procedure of a professional associate	Activity 1. To provide for a written, justified and publicly available decision regarding the evaluation of work of professional associates (respecting their right to personal data protection). Activity 2. To specify the appeal procedure.	Ministry of Education State Commission of Preventing Corruption	1 year
21.	To improve regulation regarding disciplinary proceedings against a professional associate	Activity 1. To specify the deadlines for carrying out a disciplinary procedure. Activity 2. To specify the criteria for "serious violations of the Code of Ethics". Activity 3. To provide for a written, justified and publicly available decision regarding the disciplinary procedures against professional associates (respecting their right to personal data protection). Activity 4. To specify the appeal procedure.	Ministry of Education State Commission of Preventing Corruption	2 years
22.	To improve regulation regarding professional development planning of professional associates	Activity 1. To specify the basic criteria of professional development plans. Activity 2. To specify the deadlines for creation and harmonization of professional development plans.	Ministry of Education	1 year

		<p>Activity 3. To provide for a written, justified and publicly available decision regarding the professional development plans of professional associates (respecting their right to personal data protection).</p> <p>Activity 4. To specify the deadlines and criteria for making changes to the professional development plans.</p> <p>Activity 5. To specify the appeal procedures at each stage.</p>	State Commission of Preventing Corruption	
23.	To improve the regulation of promotion procedures of professional associates	<p>Activity 1. To specify the criteria for establishing a promotion commission and choosing its members (especially with a goal to avoid conflict of interests).</p> <p>Activity 2. To provide for a written, justified and publicly available decision regarding the promotion of professional associates (respecting their right to personal data protection).</p> <p>Activity 3. To specify remuneration criteria within the process of promotion.</p> <p>Activity 4. To specify the appeal procedures at each stage.</p>	Ministry of Education State Commission of Preventing Corruption	2 years
24.	To eliminate the discretion in transformation from temporary to permanent work relationships	<p>Activity 1. To regulate that temporary employment is only possible after an unsuccessful competition.</p> <p>Activity 2. To regulate that the period of temporary work cannot be prolonged. In order to continue working relationship the person must pass the competition.</p> <p>Activity 3. To provide for a written and publicly available justification for electing a temporarily employed person.</p> <p>Activity 4. To specify the appeal procedure.</p>	Ministry of Education State Commission of Preventing Corruption	2 years

6. LAW ON VOCATIONAL EDUCATION AND TRAINING

NOTE: Google Translate tool was used for translating the law from Macedonian to English language

According to the suggestion of JNKE of the project following articles of the Law on Vocational Education and Training were analysed:

Articles 9-12; 16-18; 30-37; 39; 39a.

The analysis offers a “traffic light principle” according to which the most problematic situations are highlighted red, less problematic are highlighted yellow, but situations where no significant drawbacks are identified are not highlighted.

The Law on Vocational Education and Training contains several references to other laws including the Law on Administrative Servants and The Law on Public Sector Employees. The regulations of these normative acts are analyzed in detail in a separate analysis made by the expert of the Project “Analysis of discretionary power in general employment procedures in general legislation of public administration of the Republic of North Macedonia”.



6.1. DETAILED ANALYSIS OF THE LAW ON VOCATIONAL EDUCATION AND TRAINING

This section contains a detailed analysis of the Law on Vocational Education and Training. The analysis was carried out according to the milestones described in Section 2 of this report. These milestones were chosen out of many others as first steps to ensure that the discretion available to public officials of the Republic of North Macedonia according to the existing regulation. The proposals for amendments set out below aim to limit that discretion and put it into a more understandable framework.

Detailed analysis of the Law on Vocational Education and Training contains a total of 14 possible improvements throughout the law. 8 of them were marked red, but 6 – yellow.

In the field of transparency (public availability of information) a total of 4 possible improvements are suggested, 1 of them yellow but 3 – red.

Also, regarding possible and necessary justification of the decisions, 2 drawbacks are identified, both of them red – recommended for immediate improvement.



Detailed analysis of the Law on Vocational Education and Training									
No.	Provision	Decision	Authorized person	Criteria	Deadline	Written justification	Appeal	Public availability	Remuneration
1.	Formation of a Vocational Education and Training Council – Article 9	To form a Vocational Education and Training Council with particular named participants	The Government	Representation of institutions named in the Law	The Vocational Education and Training Council works for a period of 5 years.	Annual report is submitted to the Government and to the Ministry	Not relevant	No information	Not regulated
2.	Conclusion of Training Agreements – Article 16	To conclude a particular training agreement	The employer and the student	Vocational training	Not regulated	Not required A register must be kept	Not regulated	Not regulated	Should be included in the agreement
3.	Management Board of the Centre for Vocational Education and Training – Article 34	To form a Management Board of the Centre for Vocational Education and Training	The Government	Representation of institutions named in the Law	The mandate of the members of the Management Board lasts five years.	Not required	Not regulated	Not regulated	Not regulated
4.	Competition for the Director and Deputy Director of the Centre – Article 35., 36., 37.	To carry out a competition for the Director and Deputy Director of the Centre	The Board of Directors	Compliance with the criteria of the Public Announcement and Article 36 and 37. The Interview. No specific criteria are defined.	The mandate of the director of the Centre lasts five years. The mandate of the Deputy Director of the Centre lasts five years.	Not required	Not regulated	Not regulated	Not regulated
5.	Additional education of a person in whose work irregularities were found – Article 39a.	To organize and conduct additional education	State Education Inspectorate	Identified irregularities	Not regulated	Not required	Not regulated	Not regulated	Not regulated

6.2. PROPOSALS FOR NECESSARY AMENDMENTS IN THE LAW ON VOCATIONAL EDUCATION AND TRAINING

A total of 13 different activities are proposed for amending the regulations of the Law on Vocational Education and Training. They are specified in the table below and correspond to the vulnerabilities, risks and deficiencies revealed in the table above.

No.	Recommendation	Proposed amendments	Responsible Institution	Deadline
1.	To improve the regulation regarding forming a Vocational Education and Training Council	Activity 1. To provide for justified and publicly available decisions regarding the formation of a Vocational Education and Training Council. Activity 2. To regulate the criteria and amount of remuneration of the Vocational Education and Training Council	Ministry of Education State Commission of Preventing Corruption	1 year
2.	To improve the regulation regarding Management Board of the Centre for Vocational Education and Training	Activity 1. To provide for justified and publicly available decisions regarding the formation of the Management Board for the Centre for Vocational Education and Training. Activity 2. To regulate the criteria and amount of remuneration of the Management Board for the Centre for Vocational Education and Training.	Ministry of Education State Commission of Preventing Corruption	2 years

3.	To improve the procedures of competition for the Director and Deputy director of the Centre for Vocational Education and Training	<p>Activity 1. To provide for the criteria and unified procedure for the selection of director and Deputy director of the Centre for Vocational Education and Training.</p> <p>Activity 2. To specify the criteria an uniformity of carrying out interviews.</p> <p>Activity 3. To provide for a justified and publicly available decision of the competition committee.</p> <p>Activity 4. To provide for a justified and publicly available decision of the Board of Directors.</p> <p>Activity 5. To specify the appeal procedure</p>	Ministry of Education State Commission of Preventing Corruption	2 years
4.	To improve the regulation regarding additional education for persons in whose work irregularities were found	<p>Activity 1. To specify the deadlines for finding irregularities and organizing additional education.</p> <p>Activity 2. To provide for a justified and publicly available decision regarding the irregularities and additional education (respecting the rights of personal data protection).</p> <p>Activity 3. To specify the appeal procedure.</p> <p>Activity 4. To regulate remuneration in the period of additional education due to irregularities.</p>	Ministry of Education State Commission of Preventing Corruption	1 year

7. LAW ON EDUCATIONAL INSPECTION

NOTE: Google Translate tool was used for translating the law from Macedonian to English language

According to the suggestion of JNKE of the project following articles of the Law on Educational Inspection were analysed:

Articles 2; 3-5; 5a; 8-11; 14-29; 31-35.

The analysis offers a “traffic light principle” according to which the most problematic situations are highlighted red, less problematic are highlighted yellow, but situations where no significant drawbacks are identified are not highlighted.

The work of the State Educational Inspection is headed by the Director who is appointed by the Government after a competition procedure described in Article 5 of the Law on Educational Inspection. This Article is rather compact and leaves a wide margin of discretion to the Minister of Education and Science and the Government. Therefore, this procedure carries a very big risk of political appointments which does not correspond to the requirements of professional public administration³. It is recommended to include the Director of the State Educational Inspection in the scope of regulation of the planned Law on Senior Civil Service and to provide a clear, transparent and professional way of recruiting senior civil servants.

At the same time, although the Educational Inspection is claimed to be independent, the appointment and dismissal of its director undermines this independence, making Educational inspection and its director “de facto” dependent on the Government and the Minister of education appointed politically.

³ Please see more about these standards in: Principles of Public Administration. SIGMA, OECD, EU. Available here: <http://www.sigmaweb.org/publications/principles-public-administration-nov2014.pdf>



Articles 10 and 11 of the Law on Educational Inspection regulate the work of municipal Educational Inspectors who are appointed without any procedure by the mayor of the particular municipality. It is recommended to also regulate the competition procedure of municipal Educational Inspectors.

It was found during the analysis that the regulation of Article 26-a of the Law on Educational Inspection to a large extent duplicates Article 39a of the Law on Vocational Education and Training. It is recommended to solve this issue by leaving a detailed regulation only in one piece of legislation and putting a reference in the other.



7.1. DETAILED ANALYSIS OF THE LAW ON EDUCATIONAL INSPECTION

This section contains a detailed analysis of the Law on Educational Inspection. The analysis was carried out according to the milestones described in Section 2 of this report. These milestones were chosen out of many others as first steps to ensure that the discretion now available to public officials of the Republic of North Macedonia is limited and put into a more understandable framework.

Detailed analysis of the Law on Educational Inspection contains a total of 22 possible improvements throughout the law. 7 of them were marked red, but 15 – yellow.

In the field of transparency (public availability of information) a total of 4 possible improvements are suggested, 1 of them yellow but 3 – red.

Also, regarding possible and necessary justification of the decisions, 5 drawbacks are identified. 4 of them yellow for discussion but 1 – red, recommended for immediate improvement.



Detailed Analysis of the Law on Educational Inspection

No.	Provision	Decision	Authorized person	Criteria	Deadline	Written justification	Appeal	Public availability	Remuneration
1.	Independence of the Educational Inspection – Article 3	Educational Inspection has its own legal personality and independence	The Director	Representation of institutions named in the Law	The Vocational Education and Training Council works for a period of 5 years.	Annual report is submitted to the Government and to the Ministry	Not relevant	No information	Not regulated
2.	Appointment of the Director of the Educational Inspection – Article 5	To appoint the Director of State Education Inspectorate	The Government at the proposal of the Minister of Education and Science	Determined in Article 5 (3) of the Law	Not regulated	Not required	Not regulated	No information	Not regulated
3.	Planning the work of the State Educational Inspectors – Article 5a	To prepare work plans and annual reports for the inspectors of State Educational Inspection	The Director under the supervision of the Supervision Council	Annual work program – quarterly inspection plans – monthly inspection plans – quarterly reports – annual report. Criteria for assessing the quality of work not defined.	Documents must be prepared annually, quarterly, monthly.	Not required	Not relevant	Annual report is publicly available – Article 15	Not regulated
4.	Education inspectors authorized by the Municipality – Article 10	To appoint municipal Education Inspectors	The Mayor of the Municipality	The conditions from Article 7	Not regulated	Not required	Not regulated	Not regulated	Not regulated
5.	The integral evaluation of Educational Institutions – Article 20	To make an integral evaluation of the Educational Institution	State Education Inspectors	Elements to be evaluated are described in the law.	Every third school year	Not required	Not regulated	The reports are publicly available – Article 26, 26-b	Not regulated
6.	The manner and procedure for performing an inspection – Article 27	To prescribe the manner and procedure for performing an inspection	The Minister	Not regulated	Not regulated	Not regulated	Not relevant	Not regulated	Not relevant

7.2. PROPOSALS FOR NECESSARY AMENDMENTS IN THE LAW ON EDUCATIONAL INSPECTION

A total of 19 different activities are proposed for amending the regulations of the Law on Educational Inspection. They are specified in the table below and correspond to the vulnerabilities, risks and deficiencies revealed in the table above.

No.	Recommendation	Proposed amendments	Responsible Institution	Deadline
1.	To improve the regulation regarding forming a Vocational Education and Training Council	Activity 1. To provide for a justified and publicly available decision to appoint a Vocational Education and Training Council. Activity 2. To regulate the remuneration of the members of the Vocational Education and Training Council.	Ministry of Education State Commission of Preventing Corruption	1 year
2.	To improve the regulation regarding appointment of the Director of Educational Inspection	Activity 1. To include the Director of the Educational Inspection in the scope of regulation of the Law on Senior Administrative Servants. Activity 2. To specify the deadlines for appointing a director and for carrying out the appointment procedure. Activity 3. To provide for a justified and publicly available decisions and other information regarding the appointment of the director. Activity 4. To specify the appeal procedure. Activity 5. To specify the remuneration regulation (may be a reference to another law)	Ministry of Education State Commission of Preventing Corruption	2 years
3.	To improve the regulation regarding Educational Inspectors	Activity 1. To specify the criteria for assessing the quality of work of Educational Inspectors. Activity 2. To provide for a written justification regarding the planning of work of Educational Inspectors. Activity 3. To specify the remuneration of Educational Inspectors (may be a reference to another law).	Ministry of Education State Commission of Preventing Corruption	2 years
4.	To improve the regulations regarding inspectors authorized by the Municipality	Activity 1. To specify the deadlines for appointing the authorized inspectors. Activity 2. To provide for a written and publicly available justification for appointment of authorized inspectors. Activity 3. To specify the appeal procedure. Activity 4. To specify the remuneration of authorized Inspectors.	Ministry of Education State Commission of Preventing Corruption	2 years

5.	To improve the integral evaluation of Educational Institutions	Activity 1. To provide for a written and publicly available justification for the integral evaluation of Educational Institutions. Activity 2. To specify the appeal procedure.	Ministry of Education State Commission of Preventing Corruption	1 year
6.	To improve the manner and procedure for performing an inspection	Activity 1. To specify the basic criteria for the required rules. Activity 2. To specify the deadline for issuing the rules. Activity 3. To provide for a written and publicly available justification for the manner and procedure for performing an inspection.	Ministry of Education State Commission of Preventing Corruption	1 year

8. LAW ON HIGHER EDUCATION

NOTE: Google Translate tool was used for translating the law from Macedonian to English language

According to the suggestion of JNKE of the project following articles of the Law on Educational Inspection were analysed:

Articles 7-14; 41-49; 56; 57; 108-125; 160-189; 202-206.

The analysis offers a “traffic light principle” according to which the most problematic situations are highlighted red, less problematic are highlighted yellow, but situations where no significant drawbacks are identified are not highlighted.

Higher education in the Republic of Macedonia as well as in most other European countries is based on autonomy in order to ensure the academic freedom and development of free thought. The country has joined the Bologna process at the Berlin Ministerial meeting in 2003, committing to start the major systemic reforms in higher education – the introduction of ECTS, three cycles of study programs of easy readable and recognizable degrees, diploma supplement, effective quality assurance system, promotion of social dimension and European cooperation, international mobility of students and teaching staff⁴.

In January 2018 the Government of the Republic of Macedonia has adopted the new Strategy for Education for the period 2018-2025 and corresponding Action Plan. The vision of the Strategy itself is that the education is key for the strengthening of the national economy and the wellbeing of the Macedonian citizens and therefore it is essential to put efforts for development of inclusive and integrated education system which is “student-centered”, which implements modern programmes that will enable the future generations to acquire knowledge, skills and competencies compliant to the needs of the democratic multicultural society, labor

⁴ See: Republic of North Macedonia. Higher Education. Available here: https://eacea.ec.europa.eu/national-policies/eurydice/republic-north-macedonia/higher-education_en



market and for the new challenges of the global scientific and technological setting. The document covers six main pillars of education system – Pre-school Education; Primary Education; Secondary Education; Vocational Education and Training; Higher Education and Research; and Adult Learning and Education. These are followed by a seventh pillar, covering general issues in the education system⁵.

Higher education is not excluded from the risk of corruption. On the contrary – being independent and not allowing intervening in the internal affairs of higher education institutions may facilitate corruption if it is not if it is not monitored and limited by all available means⁶. One has to distinguish between freedom and autonomy on the one side and anarchy on the other. This distinguishment may be achieved by giving argumentation for and justifying the decisions made and by making them publicly available and open to public debate. Although not legally binding, the public debate is often a very influential means of eliminating risks and stopping unjustifiable practice, if such exists.

This analysis respects the academic independence of the Higher education institutions and does not address the discretionary powers left to the bodies of universities and decisions made by the procedure of elections. Although there are also several drawbacks to these procedures, they are nevertheless used in many countries. Also, the main attention of this Project is paid to the discretion of public administration and political discretion, not to the discretion of private or independent institutions like universities.

Still, notwithstanding the principle of independence of Higher education institutions it should be noted that some regulations are even more detailed than similar regulations throughout the overall public administration of the Republic of North Macedonia, for example, the regulations

⁵ See: Republic of North Macedonia. Ongoing Reforms and Policy Developments. Available here: https://eacea.ec.europa.eu/national-policies/eurydice/content/ongoing-reforms-and-policy-developments-42_en

⁶ See more: Higher Education, Corruption and Whistleblowers. Proceedings of the International Conference on Corruption in Higher Education held on September 11, 2018 at South East European University, Skopje, Macedonia. Available here: <http://www.univerzitetbezkorupcija.mk/wp-content/uploads/2018/10/ISIE-Proceedings-Corruption-Higher-Education-and-Whistleblowers.pdf>



regarding the possibility to assign temporary deans or heads of the institutions, the impossibility to employ blood relatives (Article 160 (6)), maximum teaching courses (Article 161 (10)) and similar.



8.1. DETAILED ANALYSIS OF THE LAW ON HIGHER EDUCATION

This section contains a detailed analysis of the Law on Higher Education. The analysis was carried out according to the milestones described in Section 2 of this report. These milestones were chosen out of many others as first steps to ensure that the discretion now available to public officials of the Republic of North Macedonia is limited and put into a more understandable framework.

Detailed analysis of the Law on Higher Education contains a total of 61 possible improvements throughout the law. 13 of them were marked red, but 48 – yellow.

In the field of transparency (public availability of information) a total of 17 possible improvements are suggested, 15 of them yellow but 2 – red.

Also, regarding possible and necessary justification of the decisions, 12 drawbacks are identified. 10 of them yellow for discussion but 2 – red, recommended for immediate improvement.



Detailed Analysis of the Law on Higher Education

No.	Provision	Decision	Authorized person	Criteria	Deadline	Written justification	Appeal	Public availability	Remuneration
1.	Autonomy of the management of Higher education institutions – Article 9	Autonomy of the Higher Education Institutions		Not defined - autonomous	Not defined	Not required	Not regulated	Not regulated	Not regulated
2.	Personnel autonomy of higher education institutions – Article 11	Personnel autonomy of higher education institutions		Not defined - autonomous	Not defined	Not required	Not regulated	Not regulated	Not regulated
3.	Settlement of disputes – Article 14	Disputes must be settled peacefully in common organs or if not possible then in court		Not defined	Not defined	Not relevant	In court	Not regulated	Not relevant
4.	Establishment of the National Council for Higher Education and Scientific Research – Article 41	To establish National Council for Higher Education and Scientific Research	The Assembly of the Republic of North Macedonia	The institutions to be represented are listed in the law.	4 years mandate without the right to be re-elected. 2 years for the representative from the number of students.	Not required	Not regulated	Not regulated	Not regulated Determined by the Assembly (Article 44 (8))
5.	Activities and competence of the National Council for Higher Education and Scientific Research – Article 43	List of the activities and competencies of the National Council for Higher Education and Scientific Research	National Council for Higher Education	Not regulated	Not regulated	Not regulated	Not relevant	Not regulated Article 44 (3) states that the work of the National Council is public, but no deeper understanding of this is available	Not regulated Determined by the Assembly (Article 44 (8))
6.	National Council may establish expert working bodies / commissions for the needs of his work – Article 44 (7)	To establish particular expert working bodies / commissions	National Council for Higher Education	The needs	Not regulated	Not regulated	Not regulated	Not regulated	Not regulated
7.	Agency for Quality in Higher Education – Article 45 – and its boards – Article 46.	To establish the Agency for Quality in Higher Education and its boards		Independent professional body	Not regulated	Not regulated	Not relevant	Not regulated	Not regulated

No.	Provision	Decision	Authorized person	Criteria	Deadline	Written justification	Appeal	Public availability	Remuneration
8.	The Board for Accreditation – Article 47	Six members are appointed by the Government from the number of professors	The Government	From the professors. Ten scientific publications. No competition or other procedure of making the choice is described	Period of four years without the right to be reelected. Two years for the representative of the students.	Not regulated	Not regulated	Not regulated Decisions of the Board for Accreditation are published on the website. But there is no information about publishing of the decisions REGARDING the Board for Accreditation	Determined by the Government
9.	Approval of the Director of the Quality Agency – Article 56, 57.	To approve the Director of the Quality Agency	The Assembly	Public Announcement Education Experience No detailed procedure	Mandate of four years, with a right to another term	Not required	Not regulated	Not regulated	Three average net salaries paid in the Republic of Macedonia
10.	Dismissal of the Director of the Quality Agency – Article 56 (6)	To dismiss the Director of the Quality Agency	The Assembly	Inability to perform functions, unprofessional and negligent performance of the functions. No detailed procedure	Not regulated	Not required	Not regulated	Not regulated	Not relevant

11.	Appointment of a Temporary Acting Dean – Article 116 (2)	To appoint a Temporary Acting Dean	The Rector	Not regulated	No deadline for organizing the elections of the permanent Dean. Maximum term of six months. May not run for the Dean. May not be reappointed	Not required	Not regulated	Not regulated	Not regulated
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SUPPORT TO STATE REORGANISATION

No.	Provision	Decision	Authorized person	Criteria	Deadline	Written justification	Appeal	Public availability	Remuneration
12.	Appointment of an Acting Director of a senior vocational school – Article 118 (4).	To appoint an Acting Director of a senior vocational school	The Rector	Not regulated Temporary acting director may not run for the Director.	30 days for starting the procedure of electing a permanent Director – Article 118 (6). The mandate may last for a maximum of six months.	Not required	Not regulated	Not regulated	Not regulated
13.	General conditions for selection of the Teaching personnel – Article 166	Electing the Assistant Professor, Associate Professor, Full Professor.	The Body entitled to elect particular teaching personnel	General criteria are defined in the Law, also Article 168. Public competition is announced.	Not regulated	Not required	Not regulated	Not regulated	Not regulated
14.	The selection of the candidates in teaching-scientific, teaching-professional, teaching, scientific and associate titles – Article 173	To propose candidates for the elections	Not regulated who appoints the review committee	The review committee is formed AFTER the application deadline of the candidates which is a risk.	Period of 5 years	If the teaching-scientific council, ie the teaching council does not choose a proposed one candidate, the competition is repeated. Basically, only the candidate suggested by the review committee may be elected.	Appeal to the University Senate. No further possibility to appeal in court.	The report of the review committee should be publicly available – Article 173 (9)	Not regulated
15.	Employment of well-known scientists, artists and experts – Article 181	Possibility to employ well-known scientists, artists and experts.	Not regulated	Not regulated	Not regulated	Not required	Not regulated	Not regulated	Not regulated
16.	Awarding the title of Honorary Professor or Honorary Doctor of Sciences – Article 184	To award a title of Honorary Professor or Honorary Doctor of Sciences	The University	Prominence, special contribution,	Not regulated	Not required	Not regulated	Not regulated	Not regulated

No.	Provision	Decision	Authorized person	Criteria	Deadline	Written justification	Appeal	Public availability	Remuneration
17.	Supervision of Higher Education Institutions – Article 202.	To decide to suspend the work of the higher education institution due to the breach of this Law	The Minister after the opinion of the Accreditation Board.	Breach of the Law	Not regulated	Not required	To the State Commission for Deciding in Second Instance. Appeal to the Administrative Court.	Not regulated	Not relevant
18.	Abolishment of illegal decisions – Article 203	To decide to abolish or overturn illegal decisions of the Higher Education Institutions	The Minister	Breach of the Law	Not regulated	Not required	To the State Commission for Deciding in Second Instance. Appeal to the Administrative Court.	Not regulated	Not relevant
19.	Supervision of the legality of the elections of teaching staff – Article 206 (3)	To review the legality of selection procedure of the teaching staff of the Higher Education Institutions	The State Education Inspectorate	Legality of the procedure	Not more than 5 years from the election	Not required	Not regulated	Not regulated	Not regulated

8.2. PROPOSALS FOR NECESSARY AMENDMENTS IN THE LAW ON HIGHER EDUCATION

A total of 48 different activities are proposed for amending the regulations of the Law on Educational Inspection. They are specified in the table below and correspond to the vulnerabilities, risks and deficiencies revealed in the table above.

No.	Recommendation	Proposed amendments	Responsible Institution	Deadline
1.	To improve transparency of higher education institutions	Activity 1. Although Higher education institutions are and should be independent, the transparency of their work must be ensured by publishing information as much as possible, including the lists of employees, officials, documents regulating the operation of the institution etc.	Ministry of Education State Commission of Preventing Corruption	1 year
2.	To improve the transparency of National Council for Higher Education and Scientific Research	Activity 1. To regulate publishing of information about the candidates for National Council for Higher Education and Scientific Research. Activity 2. To regulate the remuneration of the members of National Council for Higher Education and Scientific Research Activity 3. To define main criteria for establishing expert working bodies / commissions. To set limitations to the number of such bodies. Activity 4. To require a written justification for establishing expert working bodies / commissions. Activity 5. To publish the justification for establishing expert working bodies / commissions. Activity 6. To define the remuneration of experts of working bodies / commissions.	Ministry of Education State Commission of Preventing Corruption	2 years
3.	To improve the transparency of the Board for Accreditation	Activity 1. To describe the procedure of employment for the Board for Accreditation. Activity 2. To define the criteria and requirements for officials to be employed at the Board for Accreditation. Activity 3. To precisely define the remuneration of the members of Board for Accreditation, not leaving it to the discretion of the Government.	Ministry of Education State Commission of Preventing Corruption	2 years

4.	To put limits on discretion regarding the approval of the Director of the Quality Agency	<p>Activity 1. To include the Director of the Quality Agency in the scope of regulation of the Law on Senior Administrative Officials.</p> <p>Activity 2. To specify the criteria for the announcement for the position of the Director of the Quality Agency.</p> <p>Activity 3. To define a detailed procedure of open competition for the Director of the Quality Agency.</p> <p>Activity 4. To ensure a written and publicly available ranking argumentation and justification for appointing a particular Director of the Quality Agency.</p> <p>Activity 5. To describe the appeal procedure.</p>	Ministry of Education State Commission of Preventing Corruption	2 years
5.	To put limits on discretion regarding the dismissal of the Director of the Quality Agency	<p>Activity 1. To include the Director of the Quality Agency in the scope of regulation of the Law on Senior Administrative Officials.</p> <p>Activity 2. To specify precise criteria for dismissal of the Director of the Quality Agency.</p> <p>Activity 3. To define a detailed procedure of the procedure of dismissal of the Director of the Quality Agency.</p> <p>Activity 4. To ensure a written and publicly available argumentation and justification for dismissal of the Director of the Quality Agency.</p> <p>Activity 5. To describe the appeal procedure.</p>	Ministry of Education State Commission of Preventing Corruption	2 years

6.	To limit appointment of an acting director.	<p>Activity 1. To regulate that appointment of an acting director is only possible after an unsuccessful competition.</p> <p>Activity 2. To regulate that an acting director may be appointed either from the existing employees of the institution or from candidates corresponding to the requirements for the position.</p> <p>Activity 3. To regulate that the period of appointment of an acting director cannot be prolonged. In order to continue working relationship the person must pass the competition.</p> <p>Activity 4. To provide for a written and publicly available justification for electing an acting director.</p> <p>Activity 5. To specify the appeal procedure, allowing it also for persons who did not win the competition.</p>	Ministry of Education State Commission of Preventing Corruption	2 years
7.	To improve the procedure of selection of the candidates in teaching-scientific, teaching-professional, teaching, scientific and associate titles.	<p>Activity 1. To regulate the procedure of appointment of the review committee.</p> <p>Activity 2. To regulate that the review committee is formed BEFORE the end of the application deadline of the candidates.</p> <p>Activity 3. To provide for a justified and publicly available ranking list and argumentation of the ranking of candidates.</p> <p>Activity 4. To specify the appeal procedure.</p> <p>Activity 5. To specify the remuneration of the candidates and review committee.</p>	Ministry of Education State Commission of Preventing Corruption	2 years
8.	To improve the procedure of employment of well-known scientists, artists and experts	<p>Activity 1. To define the person responsible for employment of well-known scientists, artists and experts.</p> <p>Activity 2. To define the procedure of employment of well-known scientists, artists and experts.</p> <p>Activity 3. To define the criteria for employment of well-known scientists, artists and experts.</p> <p>Activity 4. To define deadlines for the procedure of employment of well-known scientists, artists and experts.</p> <p>Activity 5. To define the public availability of information regarding employment of well-known scientists, artists and experts.</p> <p>Activity 6. To define the remuneration of the employed well-known scientists, artists and experts.</p>	Ministry of Education State Commission of Preventing Corruption	2 years
9.	To improve the procedure of awarding the title of Honorary Professor or Honorary Doctor of Sciences	<p>Activity 1. To define the procedure of awarding the title of Honorary Professor or Honorary Doctor of Sciences.</p> <p>Activity 2. To define the committee responsible for awarding the title of Honorary Professor or Honorary Doctor of Sciences.</p> <p>Activity 3. To provide for a written and publicly available justification for awarding the title of Honorary Professor or Honorary Doctor of Sciences.</p>	Ministry of Education State Commission of Preventing Corruption	1 year

		Activity 4. To define the remuneration of Honorary Professor or Honorary Doctor of Sciences.		
10.	To improve the regulation of supervision of Higher Education Institutions	Activity 1. To take the supervision authority out of political influence (the hands of the Minister). Activity 2. To specify the criteria for suspend the work of the higher education institution (breach of the law is too general). Activity 3. To provide for a written and publicly available justification for suspension of the work of the higher education institution.	Ministry of Education State Commission of Preventing Corruption	1 year
11.	To improve the regulation of abolishment of illegal decisions	Activity 1. To take the authority to abolish illegal decisions out of political influence (the hands of the Minister). Activity 2. To specify the criteria for abolishment of illegal decisions (breach of the law is too general). Activity 3. To provide for a written and publicly available justification for abolishment of illegal decisions.	Ministry of Education State Commission of Preventing Corruption	1 year
12.	To improve the regulation of supervision of the legality of the elections of teaching staff	Activity 1. To provide for a written and publicly available justification regarding legality of selection procedure of the teaching staff of the Higher Education Institutions. Activity 2. To specify the appeal procedure of the decisions regarding legality of selection procedure of the teaching staff of the Higher Education Institutions.	Ministry of Education State Commission of Preventing Corruption	1 year

9. LAW ON PEDAGOGICAL SERVICE

NOTE: Google Translate tool was used for translating the law from Macedonian to English language.

According to the suggestion of JNKE of the project following articles of the Law on Pedagogical Service were analysed:

Articles 9-12.

The analysis offers a “traffic light principle” according to which the most problematic situations are highlighted red, less problematic are highlighted yellow, but situations where no significant drawbacks are identified are not highlighted.

The competence of the Government to decide on the appointment of the Director of the Pedagogical Service (or any other director of an institution) is on the one hand an honor paying particular and high-level attention to the institution and its head, but on the other hand it poses a very big risk of abuse of the discretion and a very big risk for the decisions to become political. This risk may be diminished by adopting the Law on Senior Administrative servants which is now under preparation and it is planned to advance it in the Parliament.

Also, special attention should be paid to Article 11 of the Law on Pedagogical Service which gives full discretion to the Director of the Pedagogical Service in forming Advisory Bodies and hiring external collaborators. This discretion is not framed by any criteria or necessity and may lead to possible abuse of the discretionary power of the Director. Therefore, it is recommended to frame and shape this discretion by addressing the spaces colored in red and yellow – by defining the criteria for forming advisory bodies and hiring external collaborators, by requiring written justification and regular reassessment for their necessity and regular assessment of their work and quality of work. Also, information about these bodies and collaborators should be publicly available in order for everybody to be able to make research and ask for answers to find out the efficiency of using public resources by the institution.



9.1. DETAILED ANALYSIS OF THE LAW ON PEDAGOGICAL SERVICE

This section contains a detailed analysis of the Law on Pedagogical Service. The analysis was carried out according to the milestones described in Section 2 of this report. These milestones were chosen out of many others as first steps to ensure that the discretion now available to public officials of the Republic of North Macedonia is limited and put into a more understandable framework.

Detailed analysis of the Law on Pedagogical Service contains a total of 21 possible improvements throughout the law. 13 of them were marked red, but 8 – yellow.

In the field of transparency (public availability of information) a total of 4 possible improvements are suggested, all of them red.

Also, regarding possible and necessary justification of the decisions, 4 drawbacks are identified also all of them red, recommended for immediate improvement.



Detailed Analysis of the Law on Pedagogical Service									
No.	Provision	Decision	Authorized person	Criteria	Deadline	Written justification	Appeal	Public availability	Remuneration
1.	Appointment of the Director of the Pedagogical Service – Article 9	To appoint a Director of the Pedagogical Service	The Government	Public announcement for the post.	The mandate of the Director lasts 4 years with a possibility to be re-elected.	Not required	Not regulated	Not regulated	Not regulated
2.	Dismissal of the Director of the Pedagogical Service	To dismiss a Director of the Pedagogical Service	Not regulated. Presumably the Government	Serious irregularities in its work are determined, due to which damage was caused to the Pedagogical Service. Discretion	Not regulated	Not required	Not regulated	Not regulated	Not regulated
3.	Establishment of Advisory Bodies – Article 11 (1)	To establish an Advisory Body	The Director of the Pedagogical Service	Public competition Free discretion	Not regulated	Not required	Not regulated	Not regulated	Not regulated
4.	Hiring external collaborators – Article 11 (2)	To hire an External Collaborator	The Director of the Pedagogical Service	Public competition Free discretion	Not regulated	Not required	Not regulated	Not regulated	Not regulated

9.2. PROPOSALS FOR NECESSARY AMENDMENTS IN THE LAW ON PEDAGOGICAL SERVICE

A total of 18 different activities are proposed for amending the regulations of the Law on Pedagogical Service. They are specified in the table below and correspond to the vulnerabilities, risks and deficiencies revealed in the table above.

No.	Recommendation	Proposed amendments	Responsible Institution	Deadline
1.	To put limits on discretion regarding the appointment of the Director of Pedagogical Service	Activity 1. To include the Director of the Pedagogical Service in the scope of regulation of the Law on Senior Administrative Officials. Activity 2. To specify the criteria for the announcement for the position of the Director of the Pedagogical Service. Activity 3. To define a detailed procedure of open competition for the Director of Pedagogical Service. Activity 4. To ensure a written and publicly available ranking argumentation and justification for appointing a particular Director of Pedagogical Service. Activity 5. To describe the appeal procedure.	Ministry of Education State Commission of Preventing Corruption	2 years

2.	To put limits on discretion regarding the dismissal of the Director of the Quality Agency	<p>Activity 1. To include the Director of Pedagogical Service in the scope of regulation of the Law on Senior Administrative Officials.</p> <p>Activity 2. To specify precise criteria for dismissal of the Director of the Pedagogical Service.</p> <p>Activity 3. To define a detailed procedure of the procedure of dismissal of the Director of Pedagogical Service.</p> <p>Activity 4. To ensure a written and publicly available argumentation and justification for dismissal of the Director of Pedagogical Service.</p> <p>Activity 5. To describe the appeal procedure.</p>	Ministry of Education State Commission of Preventing Corruption	1 year
3.	To improve the regulation of establishment of Advisory Bodies	<p>Activity 1 To define the criteria for establishment of Advisory Bodies.</p> <p>Activity 2. To ensure a written and publicly available argumentation and justification for establishment of Advisory Bodies.</p> <p>Activity 3. To describe the appeal procedure.</p> <p>Activity 4. To regulate the remuneration of the Advisory Bodies.</p>	Ministry of Education State Commission of Preventing Corruption	2 years
4.	To improve the regulation of hiring external collaborators	<p>Activity 1. To define the criteria for hiring external collaborators.</p> <p>Activity 2. To ensure a written and publicly available argumentation and justification for hiring external collaborators.</p> <p>Activity 3. To describe the appeal procedure.</p> <p>Activity 4. To regulate the remuneration of the external collaborators.</p>	Ministry of Education State Commission of Preventing Corruption	1 year

10. LAW ON SECONDARY EDUCATION

NOTE: Google Translate tool was used for translating the law from Macedonian to English language

According to the suggestion of JNKE of the project following articles of the Law on Secondary Education were analysed:

Articles 59a; 60; 88-97; 105-108b.

The analysis offers a “traffic light principle” according to which the most problematic situations are highlighted red, less problematic are highlighted yellow, but situations where no significant drawbacks are identified are not highlighted.

Strategy for vocational education and training in the life-long learning context 2013-2020 focuses on the commitment to gradually adapt the network of vocational schools to the needs of the local economy and the local development plans. The Strategy emphasizes that “the Network of SVS has to be in line with the economic, demographic and cultural environment. The evaluation to develop the workforce and the skills should logically be based on the relevance of the local development and the local economy that will lead to the economic development of the country. The planning of occupational profiles and skills that would be needed in the future should primarily be based on local needs and development plans”⁷.

Although it is understandable that changes of professional educational staff during the school year are difficult and it may not be easy to find suitable candidates for the position, it is tricky to allow unqualified people to take the positions even if only until the end of the school year. First, it is not possible to find out whether there are any suitable candidates if the competition is not organized. It is possible to know this for sure only after the competition procedure. Next, it is important that the recruitment of the same not enough qualified people during the course of a school year is not repeated from year to year with the same employees, later making it possible for them to transfer to permanent work relationships according to the Law on Teachers and Professional Associates in Primary and Secondary schools. If this practice is

⁷ See: Methodology and Instruments for Analyzing the Network of Secondary Vocational Schools in the Republic of Macedonia. Available here: https://www.britishcouncil.mk/sites/default/files/methodology_eng.pdf



continued, a regular audit is recommended in order to ascertain that the possibility to employ not fully qualified people is not abused.

It is advised to reconsider whether the appointments and dismissals of the School Boards are really at the level of the Government and the Municipalities. Maybe according to the nominations, it can be done at a lower level, defining precise procedure and criteria.

The procedure of correcting irregularities corresponds with a similar procedure defined in other laws - Article 26-a of the Law on Educational Inspection to a large extent duplicates Article 39a of the Law on Vocational Education and Training and Article 105-108 B of the Law on secondary Education. It is recommended to solve this issue by leaving a detailed regulation only in one piece of legislation and putting a reference in the others.



10.1. DETAILED ANALYSIS OF THE LAW ON SECONDARY EDUCATION

This section contains a detailed analysis of the Law on Secondary Education. The analysis was carried out according to the milestones described in Section 2 of this report. These milestones were chosen out of many others as first steps to ensure that the discretion now available to public officials of the Republic of North Macedonia is limited and put into a more understandable framework.

Detailed analysis of the Law on Secondary Education contains a total of 25 possible improvements throughout the law. 5 of them were marked red, but 20 – yellow.

In the field of transparency (public availability of information) a total of 5 possible improvements are suggested, 2 of them yellow but 3 – red.

Also, regarding possible and necessary justification of the decisions, 5 drawbacks are identified. 4 of them yellow for discussion but 1 – red, recommended for immediate improvement.



Detailed Analysis of the Law on Secondary Education									
No.	Provision	Decision	Authorized person	Criteria	Deadline	Written justification	Appeal	Public availability	Remuneration
1.	Selection of teachers, professional associates and educators – Article 60.	To select a particular teacher, professional associate or educator.	The Director of the School	Public announcement for the post. No criteria for employing people until the end of particular school year.	Not defined for permanent staff. Until the end of the school year for temporary staff	Not required	Not regulated	Not regulated	Not regulated
2.	Formation of the School Board – Article 88	To form a School Board	The Government or the Council of Municipality	Representatives of organizations and sides are nominated.	Not regulated	Not required	Not regulated	Not regulated	Not regulated
3.	Election of the School Director – Articles 89, 89a	To elect a School Director	The Mayor of the municipality at the proposal of the School Board who selects a three member commission	Public Announcement. Article 91. Passing of an exam Interview No information of what criteria are used for evaluation and what arguments can be used for not approving the selected candidate	The mandate lasts for four years with a possibility of another consecutive term. Announcement three months before the expiration of the term.	Not required	Within 15 days to the State Commission of the Second Instance Appeal to Administrative Court	Not regulated	Not regulated

No.	Provision	Decision	Authorized person	Criteria	Deadline	Written justification	Appeal	Public availability	Remuneration
4.	Dismissal of the School Director – Article 93	To dismiss a School Director	The Mayor The Minister with involvement of the School Board and State Education Inspectorate The Ministry (Article 93-g)	Does not realize the work program and the plans. Damage was inflicted. Unlawful activities	Within 15 days	Not required	Within 15 days to the State Commission of the Second Instance Appeal to Administrative Court	Not regulated	Not regulated
5.	Appointment of an acting director – Article 93-c	To appoint an acting director after the dismissal of the existing director	The Mayor The Minister The Ministry (Article 93-g)	The Director has been dismissed	No longer than 6 months. No information regarding the possibility to renew this term or to appoint another acting director.	Not required	Not regulated	Not regulated	Not regulated

10.2. PROPOSALS FOR NECESSARY AMENDMENTS IN THE LAW ON SECONDARY EDUCATION

A total of 26 different activities are proposed for amending the regulations of the Law on Secondary Education. They are specified in the table below and correspond to the vulnerabilities, risks and deficiencies revealed in the table above.

No.	Recommendation	Proposed amendments	Responsible Institution	Deadline
1.	To improve the procedure of selection of teachers, professional associates and educators.	Activity 1. To specify the criteria for employing people until the end of particular school year. Activity 2. To define the deadline for temporarily employed staff, including a ban on prolongation of the term or employment for another school year. Activity 3. To provide for a written and publicly available justification for employing a teacher, professional associate or educator. Activity 4. To provide for a clear and regulated appeal procedure. Activity 5. To regulate the remuneration of teachers, professional associates and educators.	Ministry of Education State Commission of Preventing Corruption	2 years
2.	To improve the regulation of formation of the School Board	Activity 1. To take the competence of formation of the School Board out of political influence (the hands of the Minister or the Council of the Municipality). Activity 2. To set precise deadlines for formation of the School Board. Activity 3. To provide for a written and publicly available justification for formation of the School Board. Activity 4. To provide for a clear and regulated appeal procedure. Activity 5. To regulate the remuneration (or lack of remuneration) of the members of the School Board.	Ministry of Education State Commission of Preventing Corruption	1 years
3.	To put limits on discretion regarding the approval of the Director of the School	Activity 1. To include the Director of School in the scope of regulation of the Law on Senior Administrative Officials. Activity 2. To specify the criteria for the announcement for the position of the Director of School. Activity 3. To define a detailed procedure of open competition for the Director of School. Activity 4. To ensure a written and publicly available ranking argumentation and justification for appointing a particular Director of School.	Ministry of Education State Commission of Preventing Corruption	2 years

		Activity 5. To describe the appeal procedure. Activity 6. To regulate the remuneration of the Director of School.		
4.	To put limits on discretion regarding the dismissal of the Director of School	Activity 1. To include the Director of School in the scope of regulation of the Law on Senior Administrative Officials. Activity 2. To specify precise criteria for dismissal of the Director School. Activity 3. To define a detailed procedure of the procedure of dismissal of the Director of School. Activity 4. To ensure a written and publicly available argumentation and justification for dismissal of the Director of School. Activity 5. To describe the appeal procedure.	Ministry of Education State Commission of Preventing Corruption	2 years

5.	To limit appointment of an acting director.	<p>Activity 1. To regulate that appointment of an acting director is only possible after an unsuccessful competition.</p> <p>Activity 2. To regulate that an acting director may be appointed either from the existing employees of the school or from candidates corresponding to the requirements for the position.</p> <p>Activity 3. To regulate that the period of appointment of an acting director cannot be prolonged. In order to continue working relationship the person must pass the competition.</p> <p>Activity 4. To provide for a written and publicly available justification for electing an acting director.</p> <p>Activity 5. To specify the appeal procedure, allowing it also for persons who did not win the competition.</p>	Ministry of Education State Commission of Preventing Corruption	2 years
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11. LAW ON ELEMENTARY EDUCATION

NOTE: Google Translate tool was used for translating the law from Macedonian to English language

According to the suggestion of JNKE of the project following articles of the Law on Elementary Education were analysed:

Articles 79-91;106-126; 162-167.

Enhancing the management of talent within the existing teacher workforce, North Macedonia needs to ensure that there is more rigorous selection and preparation for new entrants to the profession so that they can also become strong teachers in the future. High-performing education systems invest significantly in attracting and selecting talented and motivated candidates into teaching and provide them with adequate training to develop the competencies required to become effective teachers. However, in North Macedonia, entry into teacher initial education is not selective, with almost all applicants to initial teacher education programmes being accepted. This not only means that new entrants may lack key prerequisites, like core academic knowledge and motivation, but impacts the status of the teaching profession and its attractiveness to high achieving students. It also contributes to a significant oversupply of new teachers, which is an inefficient use of government resources (since all initial teacher education places within the quota are subsidized by the government)⁸.

The analysis offers a “traffic light principle” according to which the most problematic situations are highlighted red, less problematic are highlighted yellow, but situations where no significant drawbacks are identified are not highlighted.

It is noted that the Law on Elementary Education does have references to the Law of Public Sector Employees and the Law on Administrative Servants, binding together many regulations. This was not the case in the Law on Secondary Education. This practice should be upheld, maintained and continued.

⁸ See more: OECD Review of Evaluation and Assessment in Education in North Macedonia. Available here:

<https://www.unicef.org/northmacedonia/media/4866/file/OECD%20study%20ENG%20EDU.pdf>



11.1. DETAILED ANALYSIS OF THE LAW ON ELEMENTARY EDUCATION

This section contains a detailed analysis of the Law on Elementary Education. The analysis was carried out according to the milestones described in Section 2 of this report. These milestones were chosen out of many others as first steps to ensure that the discretion now available to public officials of the Republic of North Macedonia is limited and put into a more understandable framework.

Detailed analysis of the Law on Elementary Education contains a total of 21 possible improvements throughout the law, all of them – yellow.

In the field of transparency (public availability of information) a total of 6 possible improvements are suggested.

Also, regarding possible and necessary justification of the decisions, 4 drawbacks are identified.



Detailed Analysis of the Law on Elementary Education									
No.	Provision	Decision	Authorized person	Criteria	Deadline	Written justification	Appeal	Public availability	Remuneration
1.	Establishment of work relationship for a definite period of time – Article 86	To establish work relationship for a definite period of time	The head of the institution	May not pass the exam Temporary employment – up until the end of the school year	Until the end of the school year No regulation regarding the possible renewal of the temporary employment in the next school year.	Not required	Not regulated	Not regulated	Not regulated
2.	Appointment of the educators of the school – Article 87	To appoint educational staff of the school.	The Director	Public announcement. Temporary employment until the end of the school year	Not regulated	Not required	Not regulated	Not regulated	Not regulated
3.	Employment Transformation – Article 89	To transform the employment from definite to indefinite period of time.	The Director Consent from the Ministry he Commission for Transformation of Employment	More than two years of experience	The term of the Commission is three years	Not required	Within 15 days to the State Commission of Second Instance. No information regarding further appeal in the Court	Not regulated	Not regulated
4.	Composition of the School Board – Article 106	To form the School Board		Impossibility to employ relatives	The mandate of the members of the School Board is three years	Not relevant	Not regulated	Not regulated	Not regulated

No.	Provision	Decision	Authorized person	Criteria	Deadline	Written justification	Appeal	Public availability	Remuneration
5.	Electing the Principal of the Primary School – Article 109	To elect the Principal of the Primary School	The Mayor or the Minister on the proposal of the School Board	Education Experience Examination (within one year) Professional Competencies (Article 111) Work program of the school Interview	The mandate of the director lasts four years. Public announcement must be made three months before the expiration of the mandate of the Principal	The best selected candidate should be appointed. No justification is required to justify why exactly the particular candidate is the best one.	Within 15 days to the State Commission of the Second Instance Appeal to Administrative Court	Not regulated	Not regulated
6.	Termination of the mandate of the Principal – Article 116	To terminate the mandate of the School Principal	The Mayor or the Minister upon suggestion of the School Board	Loss of ability to perform duties, acting unlawfully, does not realize the work program – discretionary.	Not regulated	Not required	Within 15 days to the State Commission of the Second Instance Appeal to Administrative Court	Not regulated	Not relevant
7.	Appointment of an Acting Director – Article 118	To appoint an Acting Director	The Mayor The Minister	Dismissal of the principal	New announcement within 5 days, term no longer than 6 months. The same person cannot be re-appointed (but another can be appointed - ?)				

11.2. PROPOSALS FOR NECESSARY AMENDMENTS IN THE LAW ON ELEMENTARY EDUCATION

A total of 31 different activities are proposed for amending the regulations of the Law on Elementary Education. They are specified in the table below and correspond to the vulnerabilities, risks and deficiencies revealed in the table above.

No.	Recommendation	Proposed amendments	Responsible Institution	Deadline
1.	To improve the procedure of temporary employment	Activity 1. To regulate that temporary employment is only possible after an unsuccessful competition. Activity 2. To regulate that the period of temporary work cannot be prolonged. In order to continue working relationship the person must pass the competition. Activity 3. To provide for a written and publicly available justification for electing a temporarily employed teacher. Activity 4. To specify the appeal procedure. Activity 5. To regulate the remuneration of the temporarily employed persons (presumably lower than for permanently employed persons).	Ministry of Education State Commission of Preventing Corruption	1 years
2.	To improve the procedure of appointment of educational staff of the school	Activity 1. To provide for a written and publicly available justification for appointing educational staff of the school. Activity 2. To specify the appeal procedure. Activity 3. To regulate the remuneration of educational staff of the school.	Ministry of Education State Commission of Preventing Corruption	1 year
3.	To limit the transformation of employment from definite to indefinite period of time	Activity 1. To provide for a written and publicly available justification for transformation of employment from definite to indefinite period of time. Activity 2. To regulate that temporary employment is only possible after an unsuccessful competition. Activity 3. To regulate that the period of temporary work cannot be prolonged. In order to continue working relationship the person must pass the competition. Activity 4. To specify the appeal procedure.	Ministry of Education State Commission of Preventing Corruption	2 years

4.	To improve the regulation of formation of the School Board	<p>Activity 1. To provide for a written and publicly available justification for formation of the School Board.</p> <p>Activity 2. To provide for a clear and regulated appeal procedure.</p> <p>Activity 3. To regulate the remuneration (or lack of remuneration) of the members of the School Board.</p>	Ministry of Education State Commission of Preventing Corruption	1 year
5.	To put limits on discretion regarding the approval of the Director of the School	<p>Activity 1. To include the Director of School in the scope of regulation of the Law on Senior Administrative Officials.</p> <p>Activity 2. To take the supervision authority out of political influence (the hands of the Minister or the Mayor).</p> <p>Activity 3. To specify the criteria for the announcement for the position of the Director of School.</p> <p>Activity 4. To define a detailed procedure of open competition for the Director of School.</p> <p>Activity 5. To ensure a written and publicly available ranking argumentation and justification for appointing a particular Director of School.</p> <p>Activity 6. To describe the appeal procedure.</p> <p>Activity 7. To regulate the remuneration of the Director of School.</p>	Ministry of Education State Commission of Preventing Corruption	2 years

6.	To put limits on discretion regarding the dismissal of the Director of School	<p>Activity 1. To include the Director of School in the scope of regulation of the Law on Senior Administrative Officials.</p> <p>Activity 2. To specify precise criteria for dismissal of the Director School.</p> <p>Activity 3. To define a detailed procedure of the procedure of dismissal of the Director of School.</p> <p>Activity 4. To ensure a written and publicly available argumentation and justification for dismissal of the Director of School.</p>		
7.	To limit appointment of an acting director.	<p>Activity 1. To regulate that appointment of an acting director is only possible after an unsuccessful competition.</p> <p>Activity 2. To regulate that an acting director may be appointed either from the existing employees of the school or from candidates corresponding to the requirements for the position.</p> <p>Activity 3. To regulate that the period of appointment of an acting director cannot be prolonged. In order to continue working relationship the person must pass the competition.</p> <p>Activity 4. To provide for a written and publicly available justification for electing an acting director.</p> <p>Activity 5. To specify the appeal procedure, allowing it also for persons who did not win the competition.</p>	Ministry of Education State Commission of Preventing Corruption	2 years

12. RECOMMENDATIONS

After a thorough analysis of the legislation regulating employment in the sector of Education in the Republic of North Macedonia, the following main recommendations are offered:

1. To develop and adopt the Law on Senior Administrative Servants regulating the procedures of recruitment and employment of the heads of institutions, including the Education Inspectorate and other important institutions in the field of education.
2. To include in legislation regulating decision making a legal necessity to justify all administrative decisions, giving reasons for making one decision or another. This should be applied as a general principle for all decisions, but according to this analysis the necessities are identified in the Column no.7 of the tables analysing separate laws.
3. To regulate in more detail the procedure after the public announcement of the position, including a necessity to work out and publish the criteria of evaluation. Including also personal competencies should be discussed (A good example can be found in the Law on Elementary Education, Article 111)
4. To consider unification of basic recruitment, promotion and dismissal procedures for employees throughout the sector of Education, either unifying the differing regulations of individual laws, or working out of a unified “roof law” for either all sector of Education or even better – for the whole Public administration.
5. Most often the decisions regarding employment in public administration are not publicly available, which allows for speculations in this direction. Therefore, according to the “red light” in the tables, the changes should be made in respective regulations to make the decisions publicly available to everybody on the websites of institutions. Those marked yellow may be discussed separately.
6. To eliminate the possibility and practice of recruiting temporary workers and acting heads of the institutions by strictly observing the existing regulations. An audit regarding this topic should be carried out to fix the existing situation.
7. In order to be able to find out and analyze the overall situation with employment in the sector of Education it is recommended to perform an audit and to find out, how many people are employed temporarily, for how long period of time and what are the reasons for the temporary employment, also finding out the reasons why the particular persons cannot be employed permanently or why the particular positions may not be filled with permanent employees. After this kind of audit, the whole picture will be available and it might lead to some changes both in the policies and in practice.
8. Impossibility to employ direct relatives is another criteria somewhere mentioned and somewhere not mentioned in the law. This situation may lead to the understanding that in



cases it is not explicitly forbidden, it is allowed. Which is certainly not the case. Therefore, a prohibition on employing direct relatives should be provided in the Law on Prevention of the Conflict of Interests and references to this law should be added to all other pieces of legislation in order to ensure uniform legislation and applicability of this legislation throughout the Public Administration of the Republic of North Macedonia. There might be a possibility to make an exception in case an institution is large and it is possible to ensure that the person directly involved with the candidate does not participate or influence the competition in any way. But since the risk of favoritism in the public institutions of the Republic of North Macedonia is very big, this possible exception should be applied very cautiously.

9. It is recommended to provide for the same procedure when transferring a person from temporary work relationship to permanent as is applied for a new position.
10. The work of the State Educational Inspection is headed by the Director who is appointed by the Government after a competition procedure described in Article 5 of the Law on Educational Inspection. This Article is rather compact and leaves a wide margin of discretion to the Minister of Education and Science and the Government. Therefore, this procedure carries a very big risk of political appointments which does not correspond to the requirements of professional public administration. It is recommended to include the Director of the State Educational Inspection in the scope of regulation of the planned Law on Senior Civil Service and to provide a clear, transparent and professional way of recruiting senior civil servants.
11. It was found during the analysis that the regulation of Article 26-a of the Law on Educational Inspection to a large extent duplicates Article 39a of the Law on Vocational Education and Training. It is recommended to solve this issue by leaving a detailed regulation only in one piece of legislation and putting a reference in the other.
12. Special attention should be paid to Article 11 of the Law on Pedagogical Service which gives full discretion to the Director of the Pedagogical Service in forming Advisory Bodies and hiring external collaborators. This discretion is not framed by any criteria or necessity and may lead to possible abuse of the discretionary power of the Director. Therefore, it is recommended to frame and shape this discretion
13. Although it is understandable that changes of professional educational staff during the school year are difficult and it may not be easy to find suitable candidates for the position, it is tricky to allow unqualified people to take the positions even if only until the end of the school year. First, it is not possible to find out whether there are any suitable candidates if the competition is not organized. If this practice is continued, a regular audit is recommended in order to ascertain that the possibility to employ not fully qualified people is not abused.
14. It is advised to reconsider whether the appointments and dismissals of the School Boards are really necessary at the level of the Government and the Municipalities. Maybe according to the nominations, it can be done at a lower level, defining precise procedure and criteria.



15. It is noted that the Law on Elementary Education does have references to the Law of Public Sector Employees and the Law on Administrative Servants, binding together many regulations. This was not the case in the Law on Secondary Education. This practice of giving references to relevant regulations should be upheld, maintained and continued.
16. A dissatisfied candidate can submit the appeal of the decision to the second instance commission, competent for the employment process. If he is not satisfied with this decision (the appeal is rejected), then he has the right to initiate the process before the Administrative Court. The deadline is 30 days since he received the second decision from the commission. The problem in practice is that these issues do not happen often (decisions are simply accepted) by candidates. This situation should be improved.

