

Private education in the European Union

Organisation, administration and
the public authorities' role



Education and Culture

Socrates

Eurydice



PREFACE

Education administered by the private, or non-state, sector within the European Union assumes many different forms, in the same way as education systems in general. In recent years, the sector has been subject to increasing consideration and, in some countries, it has undergone reform.

In order to boost awareness and understanding of this kind of education, Eurydice published in 1992, at the request of the European Commission, a descriptive account of its organizational aspects and status in each Member State.

The usefulness of updating this survey was confirmed in a request put to the European Commission by the European Parliament in 1999, when it was involved in discussions on the subject.

Eurydice accordingly went ahead with the task of updating the information on each country in the 1992 study, while also including data for the Member States which had joined the European Union since it was published, namely Austria, Finland and Sweden.

The executive summary preceding the national descriptions offers a comparative view of key aspects of this kind of education, including the way it is defined, its attendance rates, its legislative framework, the conditions for setting up private schools, the degree of public oversight, public funding, fees, and support to families, etc. This comparison is of special interest in demonstrating that, notwithstanding varied definitions and contrasted attendance rates, the approaches of the EU Member States appear to be fairly similar as regards the operational and quality standards and requirements that private schools have to uphold.

The National Units in the Eurydice Network have prepared the descriptions relating to each country and are responsible for their content. The European Unit is responsible for the executive summary whose national data was checked by the Network prior to its publication.

We are very grateful to everyone, at both national and European level, who enabled us to carry out this update which the Eurydice Network hopes will make a helpful contribution to debate and discussion on the subject of private education in Europe.

Eurydice

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GLOSSARY

COUNTRY CODES

EU	European Union
B	Belgium
B fr	Belgium – French Community
B de	Belgium – German-speaking Community
B nl	Belgium – Flemish Community
DK	Denmark
D	Germany
EL	Greece
E	Spain
F	France
IRL	Ireland
I	Italy
L	Luxembourg
NL	Netherlands
A	Austria
P	Portugal
FIN	Finland
S	Sweden
UK	United Kingdom
UK(E/W)	England and Wales
UK(NI)	Northern Ireland
UK(SC)	Scotland

THE UOE DATA COLLECTION

The UOE (Unesco/OECD/Eurostat) data collection is an instrument through which these three organizations jointly collect internationally comparable data on key aspects of education systems on an annual basis using administrative sources. Data collected cover enrolments, new entrants, graduates, educational personnel, education institutions and educational expenditure.

INTERNATIONAL STANDARD CLASSIFICATION OF EDUCATION (ISCED 1976)

In order to facilitate comparison between countries, data on education in each country are allocated to the various level categories of the International Standard Classification of Education (ISCED). However, in making international comparisons, it is important to take account of the numerous differences in the national education and training systems.

ISCED level 1 (primary education) begins between the ages of four and seven, is compulsory in all cases and lasts five or six years as a rule.

ISCED level 2 (lower secondary education) is compulsory education in all EU countries. The end of this level corresponds often to the end of full-time compulsory education.

The ISCED classification was revised in 1997 to cover more adequately the changing structure of education and training systems.

EXECUTIVE SUMMARY

INTRODUCTION

Private education is a term often used to contrast with public sector education. However, private education covers a range of very different situations. According to the most common definition, any form of education founded and wholly organised by individuals or non-governmental bodies (associations under private law) is considered to fall within the private sector. Within this sector, there is a distinction made between private education in the strict sense and grant-aided private education. Whereas private education in the strict sense is entirely financed by persons or non-governmental bodies (associations under private law), grant-aided private education receives funding from public authorities. This funding may or may not be substantial and may cover various types of expenditure. Depending on the country, either type of private education can be subject to certain forms of state control.

The scope of this document is limited to private institutions which organise full-time compulsory education. It does not focus on pre-primary education, post-compulsory education, or institutions which deal exclusively with children with special educational needs.

The countries of the European Union can be divided into three groups according to the relationship private education has with the public authorities.

In Greece and the United Kingdom (except for CTCs and CCTAs), private schools receive no public funding. However, this absence of funding does not prevent the State from exercising control over private education institutions. In the United Kingdom, most denominational and other schools owned by churches or trustees are considered to form part of the public sector education.

In the second group of countries (France, Italy, Portugal), different types of contracts exist which create a link between private schools and the public authorities.

Depending on the type of contract, the school receives grants of a more or less significant amount and is freer to a greater or lesser extent with regard to conditions (of teaching, teacher recruitment, etc.) imposed by the public authorities.

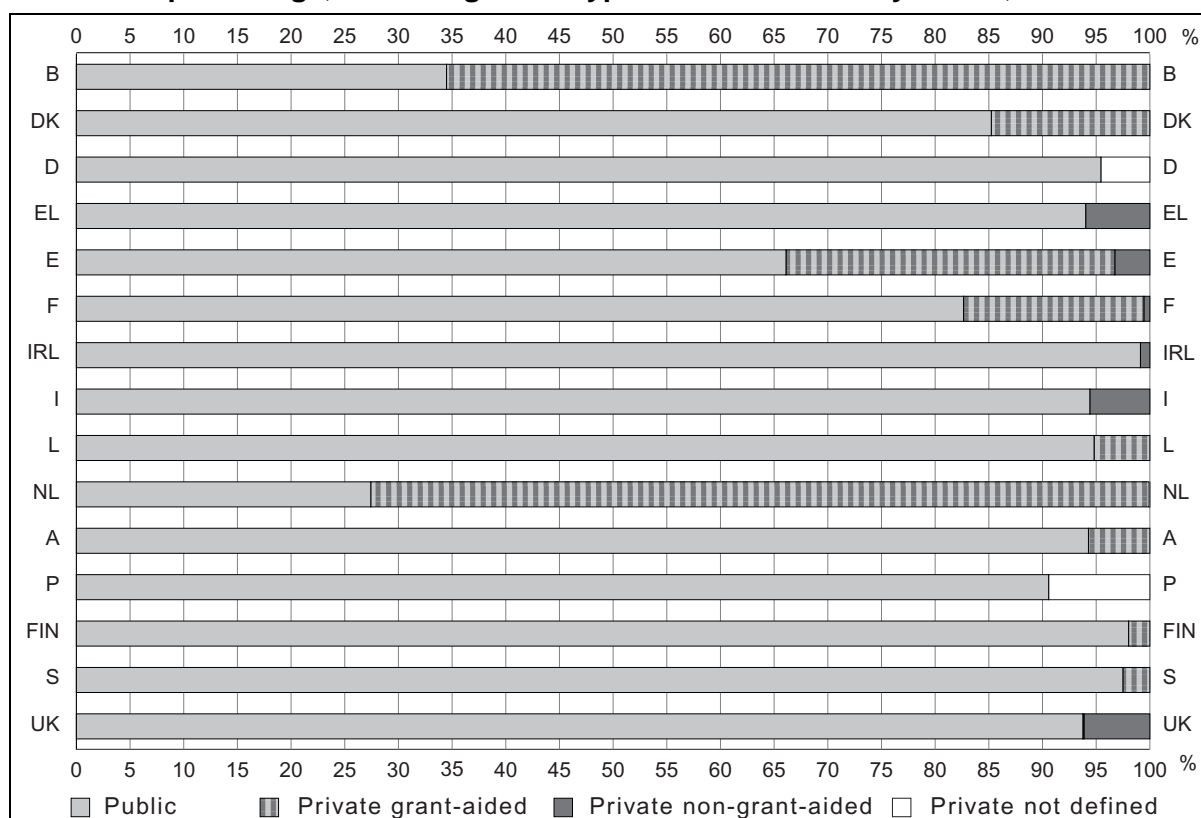
Finally, within the last group of countries, which comprises the majority of countries, grant-aided private schools appear to have much in common with public sector schools. In Belgium, Denmark, Germany, Spain, Ireland, Luxembourg, Austria, Finland and Sweden, private education is grant-aided, either partially or fully, but operates under more or less the same conditions as public sector education. In the Netherlands, financial equality between public and grant-aided private institutions is a constitutional right.

Table 1: Names of institutions in the language of origin according to whether they fall within the public or private sector, 1999/2000

	Public sector schools	Grant-aided private schools		Non-grant-aided private schools
		More than 50%	Less than 50%	
B fr	École primaire, Athénée, Institut, Lycée	École primaire libre, Collège, Institut, Lycée		
B de	Primarschule, Sekundarschule	Primarschule, Sekundarschule		
B nl	Lagere School, Middenschool, Atheneum, Technisch Atheneum	Lagere School, Colleges, Instituten, Technische instituten		
DK	Folkeskole, Ungdomsskole	Fri grundskole, friskole, privatskole, lilleskole, realskole		
D	Grundschule, Schulartunabhängige Orientierungsstufe, Gesamtschule, Hauptschule, Realschule, Gymnasium, Schularten mit mehreren Bildungsgängen	Ersatzschulen (Grundschule, Schulartunabhängige Orientierungsstufe, Gesamtschule, Hauptschule, Realschule, Gymnasium, Schularten mit mehreren Bildungsgängen, Freie Waldorfschule)		
EL	Dimotiko Scholeio, Gymnasio			Dimotiko Scholeio, Gymnasio
E	Colegio de Educación Primaria, Colegio Rural Agrupado, Instituto de Educación Secundaria	Centro concertado de Educación Primaria, Centro concertado de Educación Secundaria		Schools are free to choose their name, which must not be similar to that of a public sector school
F	École élémentaire, Collège	École élémentaire (sous contrat simple ou d'association), Collège (sous contrat d'association)		École élémentaire, Collège (hors contrat – not under state contract)
IRL	Primary school, Model School, Secondary school, Vocational school	Voluntary secondary school, Community school, Comprehensive school		Private primary school
I	Scuola elementare, Scuola media		Scuola elementare parificata	Scuola elementare autorizzata, Scuola media con presa d'atto, legalmente riconosciuta, pareggiata
L	École primaire, Lycée, Lycée technique	École primaire, Lycée, Lycée technique		
NL	Openbare school (Basisschool, School voor basisonderwijs, Voorbereidend middelbaar beroepsonderwijs, Atheneum, Gymnasium, Lyceum, Hoger algemeen voortgezet onderwijs, Voorbereidend wetenschappelijk onderwijs)	Bijzondere school (Basisschool, School voor basisonderwijs, Voorbereidend middelbaar beroepsonderwijs, Atheneum, Gymnasium, Lyceum, Hoger algemeen voortgezet onderwijs, Voorbereidend wetenschappelijk onderwijs)		
A	Volksschule, Hauptschule, Polytechnische Schule, Allgemeinbildende höhere Schule	Volksschule, Grundschule, Hauptschule, Allgemeinbildende höhere Schule		
P	Escola básica, Escola profissional	Escola básica (contrato de associação/contrato de patrocínio), Escola profissional	Escola básica, Escola profissional	Escola básica, Escola profissional
FIN	Peruskoulu/Grundskola,	Peruskoulu/Grundskola,		
S	Grundskola, Sameskola	Fristående grundskola		
UK (E/W)	Community school, Foundation school, Voluntary controlled schools, Voluntary aided schools	City technology college, City college for the technology of the arts		Independent school
UK (NI)	Controlled school, Controlled integrated school, Maintained school, Grant-maintained integrated school, Voluntary grammar school			Independent school
UK (SC)	Primary school, Comprehensive school, Secondary school, New Community school			Primary school, Secondary school

Source: Eurydice.

Graph 1: Distribution of primary and lower secondary level pupils (ISCED 1-2) as a percentage, according to the type of institutions they attend, 1997/98



Source: Eurostat, UOE.

Explanatory note

Pupils are classified into different categories according to whether they attend public sector education institutions, controlled and organised directly by the public authorities, or private education institutions, controlled and organised by a non-governmental organisation.

Among private education institutions can be distinguished those which are grant-aided and those which are not. For UOE data collection, a private education institution is said to be grant-aided if it receives more than 50% of its grants from the public authorities. A non-grant-aided private institution receives less than 50% of its grants from the public authorities.

In most cases, the data permits the narrowest classification to be used. It is not possible to make a distinction between pupils attending grant-aided or non-grant-aided private education institutions in Germany or Portugal.

The ISCED classification was used to collect the data for 1997/98.

Additional notes

Belgium: The information shown is for the Flemish Community only. Non-grant-aided private education is not included.

Luxembourg: Non-grant-aided private education is not included.

Netherlands: Financial equality between public and grant-aided private institutions is a constitutional right.

United Kingdom: The graph shows the situation for the United Kingdom as a whole, but in Scotland only 4% of pupils attend non-grant-aided private schools and the remainder attend public schools.

In all European Union countries, more than 90% of primary and lower secondary school pupils attend public sector institutions or those of the grant-aided private sector. Public authorities thus finance the compulsory schooling of the majority of pupils of the European Union.

Public sector education is predominant in all countries, except in Belgium (Flemish Community) and the Netherlands, where

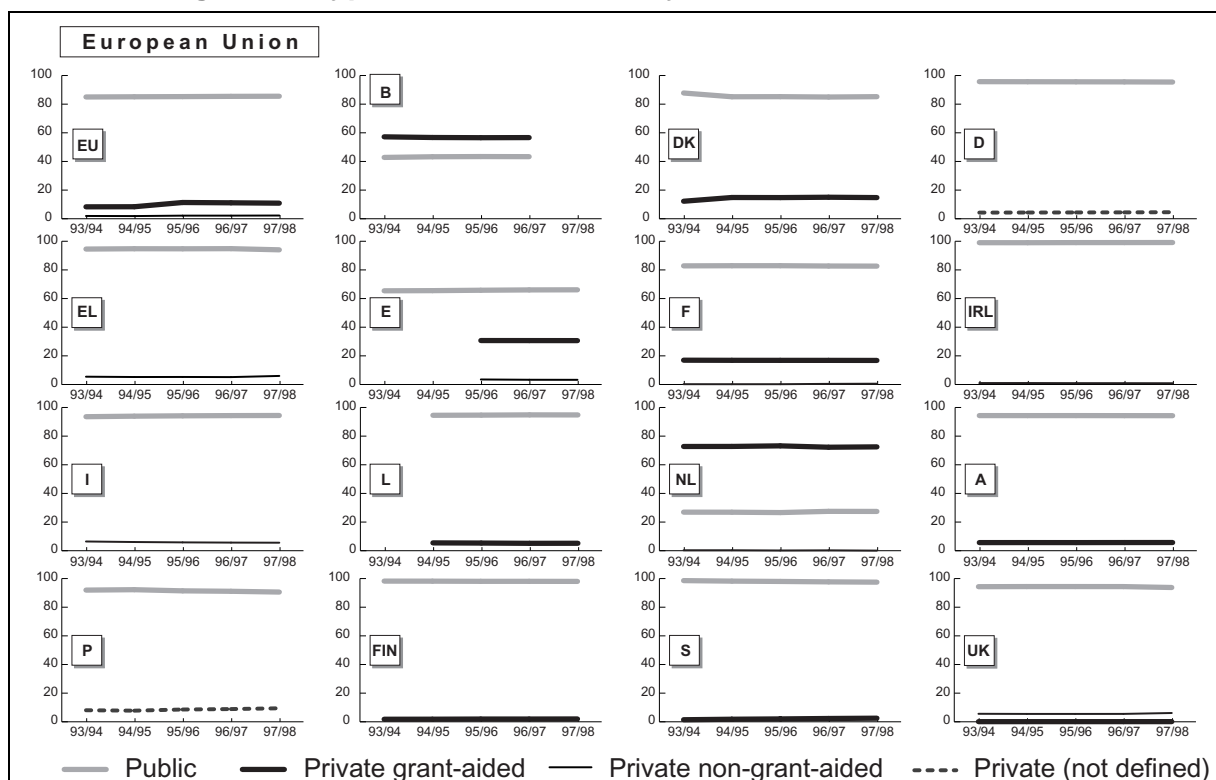
pupils are proportionately more numerous in the grant-aided private sector.

In six countries (Greece, Spain, France, Ireland, Italy and the United Kingdom), alongside a very significant percentage of pupils attending public sector or grant-aided private institutions, there is also a small percentage of pupils attending non-grant-aided private institutions. In Greece, Italy and the United Kingdom, this percentage is highest (5-6%).

Since 1993/94, there has been practically no change in the distribution of pupils between the different education sectors. In Denmark,

however, between 1993/94 and 1994/95, a small increase in private grant-aided school attendance was observable.

Graph 2: Distribution of primary and lower secondary level pupils (ISCED 1-2) according to the type of institutions they attend, from 1993/94 to 1997/98



Source: Eurostat, UOE.

Explanatory note

Pupils are classified into different categories according to whether they attend public sector education institutions, controlled and organised directly by the public authorities, or private education institutions, controlled and organised by a non-governmental organisation.

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In most cases, the data permits the narrowest classification to be used. It is not possible to make a distinction between pupils attending grant-aided or non-grant-aided private education institutions in Germany or Portugal.

The ISCED classification was used to collect the data. Up to (and including) 1996/97, the ISCED 76 was used. Since 1997/98, the ISCED 97 has been used. This change explains certain differences which may be observed between 1996/97 and 1997/98.

Additional notes

Belgium and Luxembourg: Non-grant-aided private education is not included.

Ireland: The switch from ISCED 76 to ISCED 97 has had the effect of artificially increasing the figures for 1997/98. The reality is that the downward trend for the total, ISCED 1 and 2, is continuing.

United Kingdom: The graph shows the situation for the United Kingdom as a whole, but in Scotland only 4% of pupils attend non-grant-aided private schools and the remainder attend public schools.

GENERAL LEGISLATIVE FRAMEWORK

In all 15 EU Member States, the law allows for the establishment of private schools offering compulsory education. In most of the countries considered, the right to set up private schools is either explicitly stated in the Constitution or implied by it through its affirmation of the right to choice and freedom of education. This is with the exception of Luxembourg, Sweden and the United Kingdom (the last of which does not have a written Constitution).

In Spain, France, Ireland and the Netherlands, the State's obligation to provide funding to private education institutions offering education to pupils of compulsory school age and which comply with certain basic legal requirements is a constitutional principle. In Italy, the Constitution expressly states that those setting up private schools must do so 'without imposing burdens on the State'. This has blocked legislation relating to granting private schools equal status to state schools and consequently affected the awarding of budgetary assistance to them. Law No. 62 (March 2000) formally recognizes that the *scuole paritarie* are part of the national education system and specifies a new formula for financing (described in detail in the section entitled 'support to families'). In the other

countries, the possibilities for public funding of private sector schools are not rooted in constitutional law but are set out under different legal provisions. These possibilities are very limited in Greece and the UK.

Leaving aside constitutional principles, the basic legal framework for the operation of private schools is set out under laws common to the public and private sector in Belgium, Spain, France, Ireland, Italy, the Netherlands, Finland and the United Kingdom (although, certain provisions in these laws are specific to the private sector) or else a combination of common and separate legislation (Denmark, Luxembourg and Sweden). In the other countries, Greece, Austria and Portugal, the basic legislative framework is dictated by private-sector specific legislation. In the case of Germany, the *Länder* regulate private education either in specific laws or in laws common to the public and private sector. This is illustrated in the table in annex.

CONDITIONS FOR SETTING UP PRIVATE SCHOOLS

Across almost the whole of the EU, the State controls the establishment of all private institutions offering education to pupils of compulsory school age by the imposition, through legislation, of conditions aimed at guaranteeing acceptable standards of educational provision. Whilst basic minimum conditions apply to all private schools which provide education for pupils of compulsory school age, further, more rigid, conditions must be met to achieve increased state recognition or greater parity with state schools and thus larger slices of public funding.

There are two exceptions in terms of the State's intervention in this area. The first is Ireland, where no specific framework on conditions for the establishment of private schools exists but where schools in compliance with a set of criteria can seek state recognition. The second is Finland, where it is possible to establish a school without the permission of the Ministry of Education, although this entails forfeiting state supervision and the financial benefits that accompany it (a rare occurrence).

Official approval or authorisation, dependent on compliance with regulatory requirements, must be sought in most EU countries for the establishment of private primary or secondary schools (Denmark, with the approval of the school's statutes, Germany, Greece, Spain, Italy, Luxembourg, the Netherlands, Austria, Portugal, Finland, Sweden and the United Kingdom), while in France a prior declaration

of intention to open must be lodged with the relevant authority.

Where authorisation or approval applies, this may have to be obtained before opening, as is the case in Spain, and as is planned in the United Kingdom, Scotland. Approval or authorisation may be provisional or definitive pending examination – or more extensive examination – of the school (Portugal and the United Kingdom). It may also be revoked where the school ceases to satisfy one or more of the conditions which originally justified its conferral (Denmark, Spain, Italy, Luxembourg (primary schools), Austria and the United Kingdom).

Table 2 summarises the areas where basic legal requirements and standards must be satisfied when establishing private schools, leaving aside those conditions which are imposed as the school strives for eligibility for a higher level of funding, recognition, status, etc. after the lapse of a certain period of operation. Within countries, there are some variations between institutions depending on the educational level (primary, secondary etc.) and the type of school. Across EU countries, however, several broad categories of requirements can be distinguished: those relating to the qualifications of personnel, those relating to the physical conditions in which education is provided and those linked to educational content.

Table 2: Basic conditions for the establishment of private schools offering full-time compulsory education, 1999/2000

	Type of private school	Qualifications and characteristics of persons/entities: professional/ academic/other		Physical conditions		Educational content	
		Founder/ Administrator	Headteacher/ Teaching Staff	Buildings & facilities, health & safety	Min./Max. enrolment	Fundamental aims/ objectives only	Curriculum
B	All		●	●	●	●	●
DK	All			●	●	●	
D	All	●	●	●		●	
EL	All	●	●	●	●		●
E	All		●	●			●
F	<i>Hors contrat</i>	●	●	●		●	
IRL	State-recognised		●	●	●		●
	Not state-recognised						
I	<i>Private autorizzate</i>	●	●	●			
	<i>Paritarie</i>	●	●	●		●	●
	<i>Parificate</i>	●	●	●		●	●
	<i>Con presa d'atto</i>	●	●	●			
L	Primary		●				●
	Secondary	●	●	●			●
NL	All	●	●		●	●	●
A	Specific school type	●	●	●			●
	<i>Schule mit eigenem Organisationsstatut</i>	●	●	●			
P	All	●	●	●	●	●	
FIN	Under state supervision	●	●	●			●
S	All				●	●	
UK (E/W NI)	Independent	●	●	●	●		●
	CTCs/CCTAs		●	●	●		●
UK (SC)		●	●	●	●		●

● Legal requirements in this area

■ Non-grant-aided private schools

Source: Eurydice.

Explanatory note

For the purposes of this discussion, fundamental aims and objectives is defined as the general framework for teaching with reference to levels of knowledge and skills to be acquired. Curriculum includes fundamental educational aims and objectives, but also details subjects and sub-areas of these, possibly making reference to the stage at which these will be taught.

Additional notes

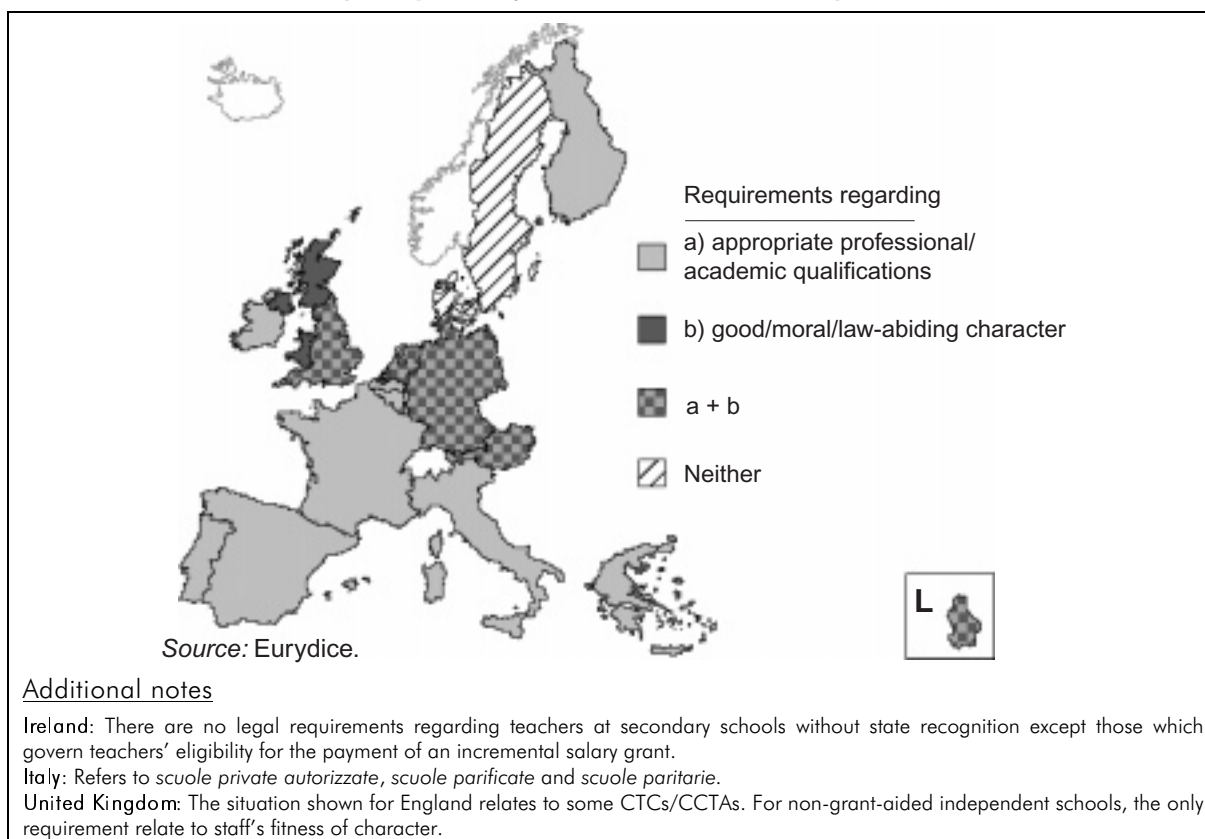
France: Schools cannot apply for a *contrat simple/contrat d'association* until classes have run for five years (reduced to one in particular circumstances).

Italy: Since March 2000 (Law No. 62), private schools applying for equal status may obtain it if, besides satisfying other preconditions, they work in accordance with a school plan consistent with the principles of the Constitution and offer an education corresponding to the regulations and other provisions in force.

Finland: The category 'not under state supervision' in reality encompasses very few schools.

United Kingdom: CTCs/CCTAs exist only in England and there are currently 15 of these institutions. Requirements regarding pupil numbers do not apply for the establishment of private schools in Northern Ireland.

Map 1: Requirements regarding teaching staff for the establishment of private schools (compulsory, full-time education), 1999/2000



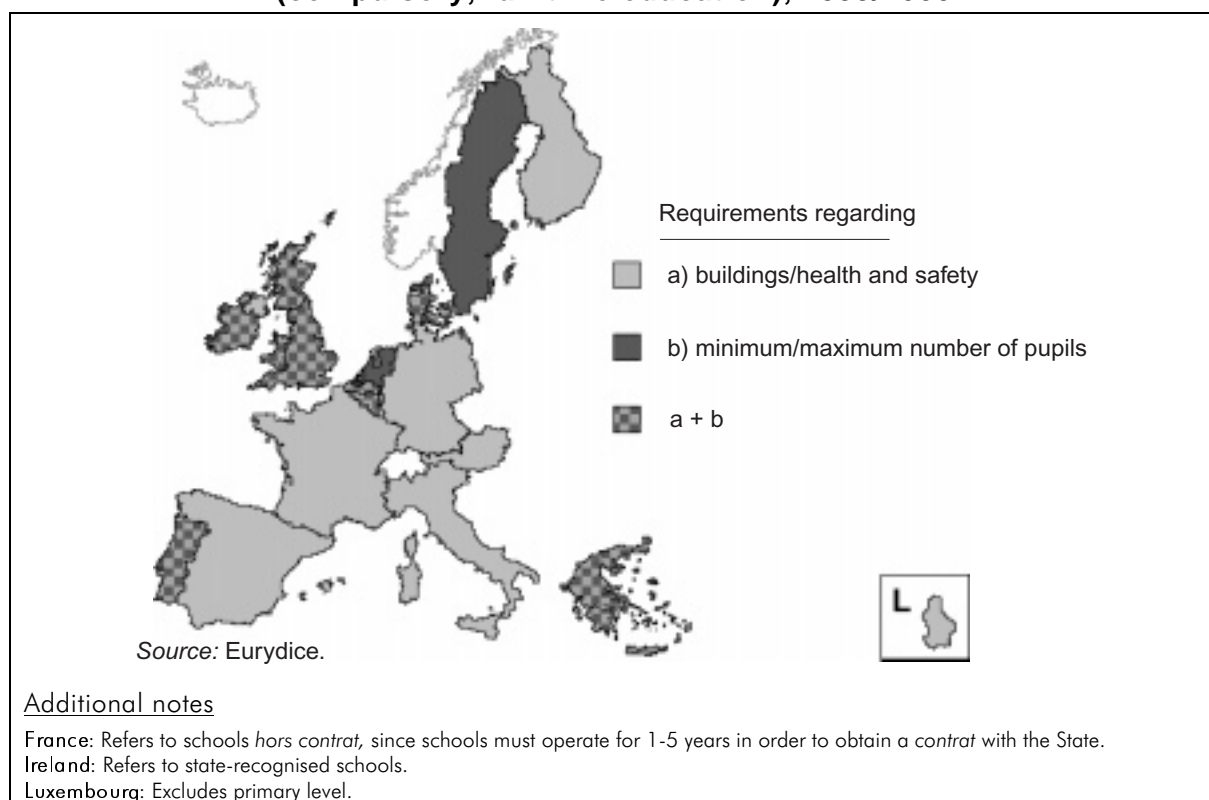
The first identifiable category of requirements relates to the teaching staff and the school's senior management, as well as the individuals or bodies involved in setting up the school.

Within this first category, the most common area in which regulatory standards are laid down across EU countries relates to the teaching body. As shown in map 1, the vast majority of countries specify that teachers must hold academic and teaching qualifications relevant to the particular educational level and subject. These are equivalent or similar to those for the public sector in Belgium, Germany, Greece, Spain, Ireland (for state-recognised schools), Italy (*scuole private autorizzate*, *scuole parificate* and *scuole paritarie*), the Netherlands, Austria, Portugal, Finland and for the few CTCs/CCTAs in England. In addition, in Germany, Luxembourg, the Netherlands and Austria, legal stipulations regarding teachers' suitability extend to the morality or fitness of their character with respect to good/law-abiding conduct. Denmark and

Sweden are the only countries which leave private schools offering education to pupils of compulsory school age completely free as to the standards for their teaching body.

Provisions on staffing standards apply regarding the head/senior teachers in France, Luxembourg, Austria and Portugal. In ten countries, the qualifications and characteristics (moral/professional/economic) of those involved in the founding or administration of the school come under scrutiny (Germany, Greece, France, Italy, Luxembourg (secondary), the Netherlands, Austria, Portugal, Finland and the United Kingdom). The minority of countries have specifications with regard to the nationality or citizenship of these persons (Greece, France, Italy and Austria). In the United Kingdom, for non-grant-aided private schools, legislation regulates only the fitness of character of both teaching staff and proprietors.

**Map 2: Physical conditions for the establishment of private schools
(compulsory, full-time education), 1999/2000**



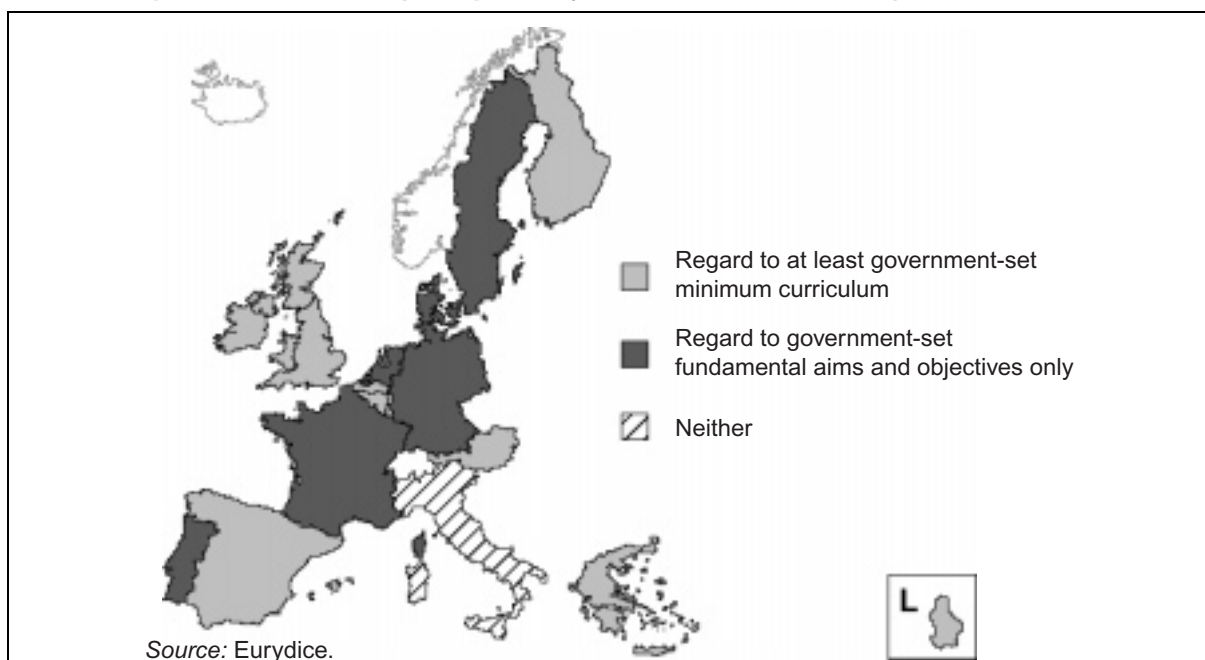
A second group of requirements pertains to the physical conditions in which education is provided. These requirements relate to the following: buildings/equipment and health/safety; pupil numbers.

In the majority of countries, certain standards of buildings/facilities and health and safety are fundamental when opening a private school offering education to pupils of compulsory school age. This is the case everywhere except in Ireland (non state-recognised schools), Luxembourg (primary level), the Netherlands and Sweden. Expectations of standards of equipment and facilities usually rise according to the school's parity with the state sector (or as schools attempt to advance their position in this regard after a period of establishment), or according to increased public funding possibilities (sometimes through specific contracts with the State). Examples of this are the stricter criteria for operation applied to some schools in France (cf. schools under *simple* versus *association* contracts), Italy (*scuole private autorizzate*, *scuole parificate* and

scuole paritarie) and Austria (*Schule mit eigenem Organisationsstatut*).

Considerations of pupil numbers also enter into the equation. In some countries, a condition for the establishment of a grant-aided private school is minimum enrolment. This is the case in Denmark, Ireland (state-recognised schools), the Netherlands and Sweden. Belgium and Greece also impose number requirements and the United Kingdom, Scotland, a maximum roll when provisional registration is granted. In Spain, instead of minimum enrolment, there are stipulations concerning the number of places which must be made available. In the Netherlands, for a private secondary school, predicted enrolment must exceed a fixed legal minimum. In Portugal and the United Kingdom (except Northern Ireland), educational provision to less than five pupils does not fall within the classification of private school. In Finland, although no minimum enrolment is set, evidence of educational need is a prerequisite for permission to organise private education for pupils of compulsory school age.

Map 3: Requirements regarding educational content for the establishment of private schools (compulsory, full-time education), 1999/2000



Explanatory note

For the purposes of this discussion, fundamental aims and objectives is defined as the general framework for teaching with reference to levels of knowledge and skills to be acquired. Curriculum includes fundamental educational aims and objectives, but also details subjects and sub-areas of these, possibly making reference to the stage at which these will be taught.

Additional notes

Germany: Fundamental aims and objectives are set by the governments of the *Länder*.

France: Refers to schools *hors contrat*, since schools must operate for 1-5 years in order to obtain a *contrat* with the State.

Ireland: There are no requirements with regard to educational content for schools without state recognition.

Italy: Does not refer to schools which are *legalmente riconosciute* or *pareggiate* since they can initially operate as *autorizzate* or *con presa d'atto* schools.

Austria: Refers only to schools which are designated as a specific type.

Finland: Refers to state-supervised schools, which form the vast majority.

The last broad category of requirements to be satisfied relates to the content of educational provision. Although freedom of education is stated or implied under constitutional principles in many EU countries, in few countries does the State refrain from setting at least basic educational aims and objectives to be adhered to when establishing private schools offering education to pupils of compulsory school age.

Countries where the legal obligations of private schools regarding educational content extend only as far as prescribed aims and objectives are Denmark, Germany, the Netherlands, Portugal and Sweden. In France, following a law of 1998, schools and *collèges hors contrat* must respect basic standards of required knowledge and skills. In practice, however, it may be that schools in some of these countries adopt the same or similar curricula to the public sector, as is the case in France (schools and *collèges* which are *sous contrat*) and Sweden.

Countries which make more specific stipulations in the area of educational content, that is, regarding the curriculum, are Belgium, Greece, Spain, Ireland (state-recognised schools), Luxembourg, Austria (for schools designated as a specific type), Finland and the United Kingdom. Among these, only in Greece, Ireland, Finland and England for the few CTCs/CCTAs, are schools obliged to fully conform to the national curriculum, but the requirements of 'essential uniformity' in Austria (specific school-type) and 'appropriacy' in the United Kingdom, Scotland, mean that, in these countries too, the curriculum is not markedly different from that of the public sector. Elsewhere (Belgium, Spain and Luxembourg (primary level)), a minimum syllabus has been set by the State and, in the last country, this forms the main focus of government scrutiny for the purposes of approval for the school's establishment and continuing operation.

As with the other two broad categories of requirements discussed (qualifications of relevant persons/entities and physical conditions), beyond minimum requirements for educational content, others will apply depending on such things as whether the school wishes to progress towards a certain type of state recognition, and the contractual level on which the school operates *vis-à-vis* the State.

Across the three broad categories of basic conditions for establishment discussed in this section, those which predominate come within the first and second categories. They relate to standards of qualifications (professional/moral etc) required by the school's senior management and the teaching staff, followed closely by standards relating to buildings and health and safety. In all but a few cases these conditions must be fulfilled. In all countries of the European Union, the opening of private schools is subject to certain expectations regarding the content of education, and eight

countries issue curricular recommendations. In Italy, only private schools seeking to secure the status of *scuola paritaria* have to comply with these conditions. The area of pupil numbers (minimum or maximum) is taken into account in some countries.

Even where no or very limited possibilities for grant aid to the private sector exist, the State does not neglect to set basic legal standards. Of the three countries concerned (Greece, Italy and the United Kingdom), the scope of regulation is widest in Greece and the United Kingdom, extending across the three broad categories (qualifications of relevant persons/entities, physical conditions and educational content). In Italy, only the first two categories are covered. In the case of private schools wishing to obtain the status of *scuola paritaria*, the three categories of requirement are covered.

STATE CONTROL

In all EU countries, the operation of private educational institutions at compulsory level is subject to government control through legislation, compliance with which is, in the large majority of cases, followed up through inspection.

Overall responsibility for the control of private education lies with the relevant Ministry or Department at central government level in Greece, France, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Finland, Sweden and the United Kingdom. Responsibility rests with the sub-national/local level of government in Belgium (the three linguistic Communities), Germany (the *Länder*), Spain (the Autonomous Communities) and Austria.

In most of the countries where overall responsibility for control is located at central government level, there is a practical arrangement for the monitoring and supervision of both private and public sector education which takes the form of either a national inspectorate (Ireland (for recognised

schools), the Netherlands, Portugal and the United Kingdom) or an entity/group of entities operating at national level (Luxembourg). Comparable arrangements exist at sub-national level for Belgium, Germany, Greece (general compulsory education), Spain and Austria. In all of these countries, the same institutional configuration for supervisory and inspection activities is responsible for comparable public sector compulsory education. The Nordic countries, Denmark, Finland and Sweden, differ somewhat from other EU countries in that compliance with regulatory requirements is not controlled through a formalised government inspection mechanism, such as a school inspectorate. In Denmark, parents alone have responsibility for monitoring the activities of the school. In the other two, national guidance of the education system is at the discretion of the Government and the Ministry of Education (Finland) and the National Agency for Education (Sweden). Municipalities may sometimes play a role with respect to monitoring activities in these countries: in Sweden, municipalities may

inspect the activities of schools to which they award grants and, in Denmark, parents may ask them to perform monitoring functions on their behalf.

In countries which employ inspection, although it is normally a government body which performs this function, there are two deviations from the rule. In the Netherlands, the inspectorate is semi-autonomous with self-governing status, giving it maximum autonomy whilst not affecting the overall responsibility of the Ministry of Education. In the United Kingdom (for non-grant-aided schools in England), certain statutory monitoring functions of the Government normally performed by the national inspectorate have been delegated to the Independent Schools Inspectorate, an autonomous, non-governmental agency.

Table 3 illustrates the areas in which government control is exercised.

Almost across the board, for practically all countries and all types of schools, control is exercised (in the relevant ways) over the standards of teaching staff and teaching. Denmark is the only country which stands apart in this respect. Control over buildings, facilities and health/safety is also very widespread. The exceptions are Ireland (schools without state recognition), Luxembourg (primary schools), the Netherlands and Finland (schools which are not state-supervised).

Generally speaking, within countries, those schools types which have greater parity with

state schools or enjoy greater levels of state subsidy than others are subject to control which has a broader scope, extending especially to the curriculum (France (schools *sous contrat*), Ireland (state-recognised), Austria (specific school-type or state-recognised), Finland (schools under state supervision) and the few CTCs/CCTAs in England. Denmark and Sweden have no specific requirements concerning the curriculum.

In many countries, financial administration is controlled where the state awards subsidies (Belgium, Spain, France, Luxembourg, the Netherlands, Portugal and the United Kingdom, England).

Maximum or minimum enrolment is set at the establishment of a new school in several countries as discussed above and is regularly checked.

In some countries, the private sector matches the public sector in terms of which of the five categories shown in table 3 (teaching staff/standards, buildings/facilities and health and safety, maximum/minimum enrolment, curriculum, financial administration) are subject to government control (Belgium, Greece, Spain, France, Luxembourg (secondary), Austria (specific school-type), Portugal (schools with parallel status), and in the United Kingdom, England (the few CTCs and CCTAs). However, the extent of control may not always be the same.

**Table 3: Government control of the operation of private schools
(full-time compulsory education), 1999/2000**

	Type of private school	Teaching staff/standards	Buildings/facilities equipment, health and safety	Minimum/Maximum enrolment	Curriculum	Financial administration
B	All	●	●	●	●	●
DK	All		●	●		
D	All	●	●			
EL	All	●	●	●	●	●
E	All	●	●		●	●
F	<i>Établissements sous contrat</i>	●	●		●	●
	<i>Établissements hors contrat</i>	●	●			●
IRL	State recognised	●	●	●	●	
	Non-state recognised	●				
I	<i>Private autorizzate</i>	●	●			
	<i>Paritarie</i>	●	●		●	●
	<i>Parificate</i>	●	●		●	●
	<i>Con presa d'atto</i>		●			
	<i>Legalmente riconosciute</i>	●	●		●	
	<i>Pareggiate</i>	●	●		●	
L	Primary	●			●	●
	Secondary	●	●		●	●
NL	All	●		●	●	●
A	Specific school type	●	●		●	
	<i>Schule mit eigenem Organisationsstatut und Öffentlichkeitsrecht</i>	●	●		●	
	<i>Schule mit eigenem Organisationsstatut ohne Öffentlichkeitsrecht</i>	●	●			
P	With parallel status	●	●		●	●
	With autonomous status	●	●			
FIN	Under state supervision	●	●		●	
S	All	●	●	●	guidelines	
UK (E/W/NI)	Independent	●	●			
	CTCs/CCTAs	●	●		●	●
UK (SC)	All	●	●	●	●	

● This area is subject to government control



Non-grant-aided private schools

Source: Eurydice.

Additional notes**Germany:** Control over the operation of private schools is exercised by the governments of the *Länder*.**Spain:** Financial administration is not subject to government control in private non-grant-aided schools.**Netherlands:** Both public and private sector schools enjoy a great deal of autonomy with respect to teaching and curriculum. The organisation of educational activities is at the school's own discretion, although it must have regard to required compulsory subjects and minimum standards.**Austria:** For schools entitled to bear the statutory designation of specific school type and which have also been granted state recognition, legal and educational inspection is the same as for the public sector in extent and intensity.For *Schule mit eigenem Organisationsstatut und Öffentlichkeitsrecht*, the curriculum must conform to the school's organisational statute as approved by the State.**Finland:** The category 'not under state supervision' in reality encompasses very few schools.**Sweden:** There are no specific regulations as regards the required number of trained teachers, but the National Agency for Education monitors the number of these in independent schools and, if it is particularly low, they discuss the matter with the school.**United Kingdom (E):** CTCs/CCTAs are largely free to manage their own finances once their grant has been awarded but they are subject to audit and inspection.

PUBLIC FUNDING OF GRANT-AIDED PRIVATE EDUCATION

Three broad categories of expenditure are generally distinguished: costs linked to teaching staff, operational costs and those linked to capital (purchase, rental and maintenance of buildings).

In Greece, Italy (excluding primary schools which are *parificate*) and the United Kingdom (excluding CTCs/CCTAs), there are no private schools at the level of compulsory education which enjoy the financial support of the public authorities. Most denominational and other schools owned by churches or trustees in England, Wales and Northern Ireland are publicly funded as part of the public sector education.

In the other countries of the European Union, funding awarded to grant-aided private institutions is most frequently separately allocated to the different categories of expenditure, but in some countries, the local authorities or schools receive a global grant which covers different categories. In Sweden, the local authority awards a global subsidy of which the amount is decided with reference to the school agreement and the needs of pupils using the same basis as for public sector schools. In Denmark, private schools receive a grant according to the number of pupils enrolled, which covers 80 to 85% of expenditure; they are free to determine the allocation of this grant to the different categories of expenditure. In Italy, primary schools which are *parificate* receive an annual grant which covers less than 50% of the three expenditure categories; they are free to determine the distribution of this grant across the different categories.

In half of the countries of the European Union (Belgium, Spain, Ireland, the Netherlands, Austria, Portugal, for schools with a *contrato de associação*, and Finland), **staff costs** (most frequently covering staff salaries) are paid in

full by the public authorities.

Operational costs are also frequently met by the public authorities or financed as for public sector schools (Belgium, Germany, Spain, the Netherlands, Portugal, for schools with an *contrato de associação*, and Finland). In Ireland, schools receive an award from the State to cover a significant proportion of operational costs. In contrast, in Austria, the public authorities do not award a grant for operational costs; instead, parents contribute to these costs on a monthly or annual basis.

In Luxembourg and Portugal (for schools under a *contrato de patrocínio*), the public authorities only partially contribute to the payment of teachers' salaries and operational costs.

Of the three categories of **expenditure**, those related to capital are the least frequently and least fully met by the public authorities. Only the Netherlands is the exception in this: grant-aided private schools receive grants (from the municipal authority) which cover the expenses represented by the purchase, construction, rental and maintenance of buildings. Elsewhere (Belgium, Germany, France, for lower secondary school alone, Ireland and Finland), these expenses are met in part. In the other countries, grants received by private grant-aided institutions do not cover capital expenditure. There are specific provisions for this type of expenditure, however. Thus, in France, the local authorities can guarantee loans taken out by private primary schools and *collèges* for the purchase, construction and equipping of teaching premises. In Austria, buildings are loaned on the basis of contracts which are valid for a maximum duration of 40 years. In Portugal, it is possible, under certain conditions, to obtain subsidies up to the level of 50% of expenditure.

Table 4: Level of public funding for grant-aided private education, 1999/2000

Primary education				Lower secondary education		
Capital	Operational	Staff		Capital	Operational	Staff
●	●	●	B	●	●	●
●	●	●	DK	●	●	●
?	●	●	D	?	●	●
(-)	(-)	(-)	EL	(-)	(-)	(-)
?	●	●	E	?	●	●
○	●	●	F	○	●	●
●	●	●	IRL	●	●	●
○	○	○	I	(-)	(-)	(-)
●	●	●	L	●	●	●
●	●	●	NL	●	●	●
○	○	●	A	○	○	●
○	●	●	P (contrato de associação)	○	●	●
○	●	●	P (contrato de patrocínio)	○	●	●
○	●	●	FIN	○	●	●
●	●	●	S	●	●	●
(-)	(-)	(-)	UK (CTCs/CCTAs)	?	●	●
(-)	(-)	(-)	UK (Independent)	(-)	(-)	(-)
○ 0% ○ 1-49% ● 50-99% ● 100% ? Percentage not specified						

Source: Eurydice.

(-): Not applicable since, at this level, private education is subsidised by the public authorities.

Additional note**Spain:** Capital grants only cover the maintenance of buildings.

PAYMENT OF FEES

In private institutions, which receive no (or little) funding from the public authorities, the payment of fees is common and the amount parents are charged may sometimes be very high.

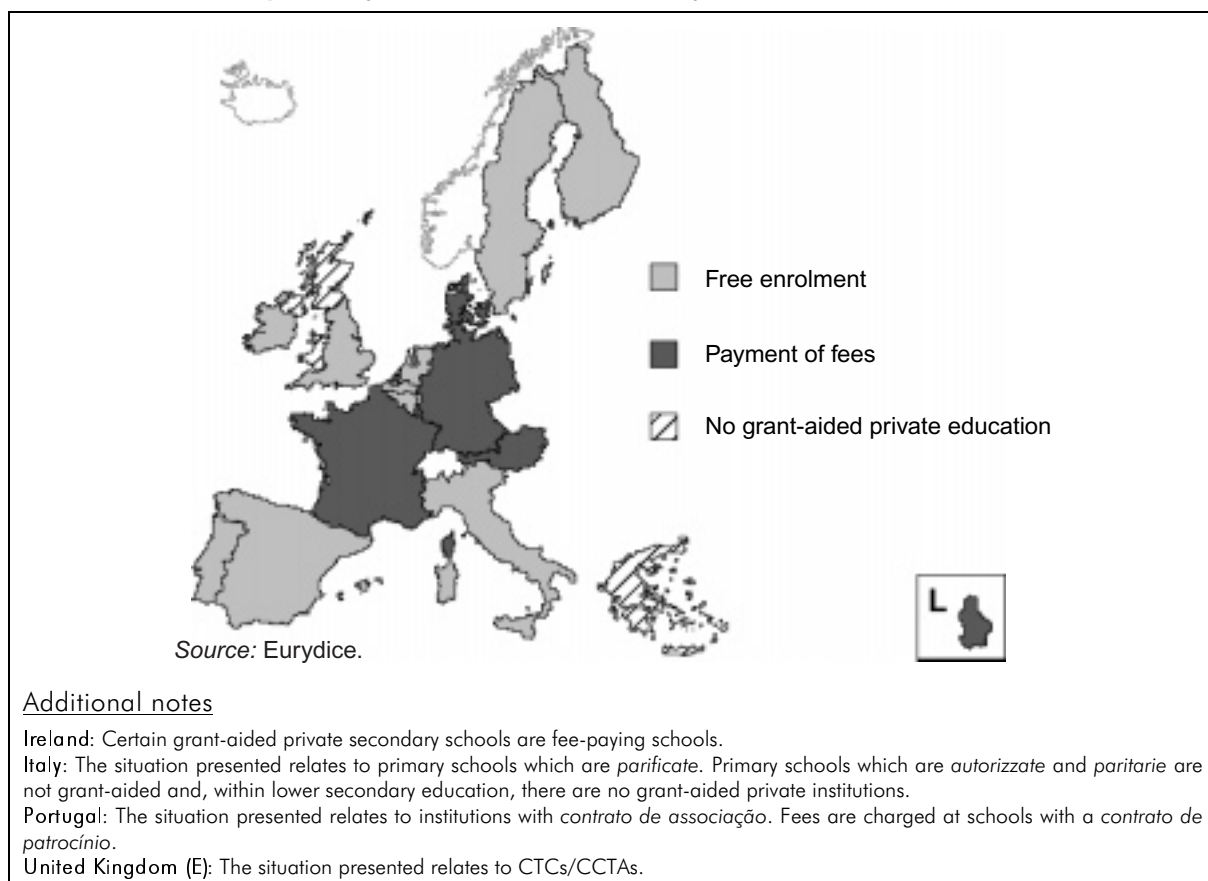
On analysis of the payment of fees for entry to a grant-aided private schools two groups of countries emerge: those where enrolment is free (as in public sector education) and those where parents are charged fees.

Generally, in countries where grant-aided private institutions receive funding equivalent, or almost equivalent, to that awarded to public sector schools, education is free regardless of which sector pupils attend. Parents do not pay fees for their child in Belgium, Spain, Ireland, Italy (for primary schools which are *parificate*), the Netherlands, Portugal (for schools with a *contrato de associação*), Finland, Sweden and England (for CTCs/CCTAs). In most countries, however, parents contribute to the cost of education on a voluntary basis. Furthermore, in Finland, certain schools can charge tuition

fees if they provide education abroad or if they have been given special educational tasks.

In contrast, in some countries, private institutions charge fees even if they receive a grant from the State. Fee levels may be restricted. In Germany, the Constitution (*Grundgesetz*) does not permit any segregation of pupils based on parents' financial means, hence fees are moderate or private schools guarantee concessions to pupils whose parents have limited financial means. In Luxembourg, the State takes responsibility for the range of operational costs not covered by fees, fee levels being kept quite low to prevent discrimination against children from disadvantaged backgrounds. In France and Austria, fees are charged to cover certain budget items for which the school receives no public subsidy. In France (for schools and *collèges* which are *sous contrat*), fees paid by parents contribute essentially to the cost of buildings. In Austria, they cover operational costs.

Map 4: Payment of fees at grant-aided private schools, primary and lower secondary level, 1999/2000

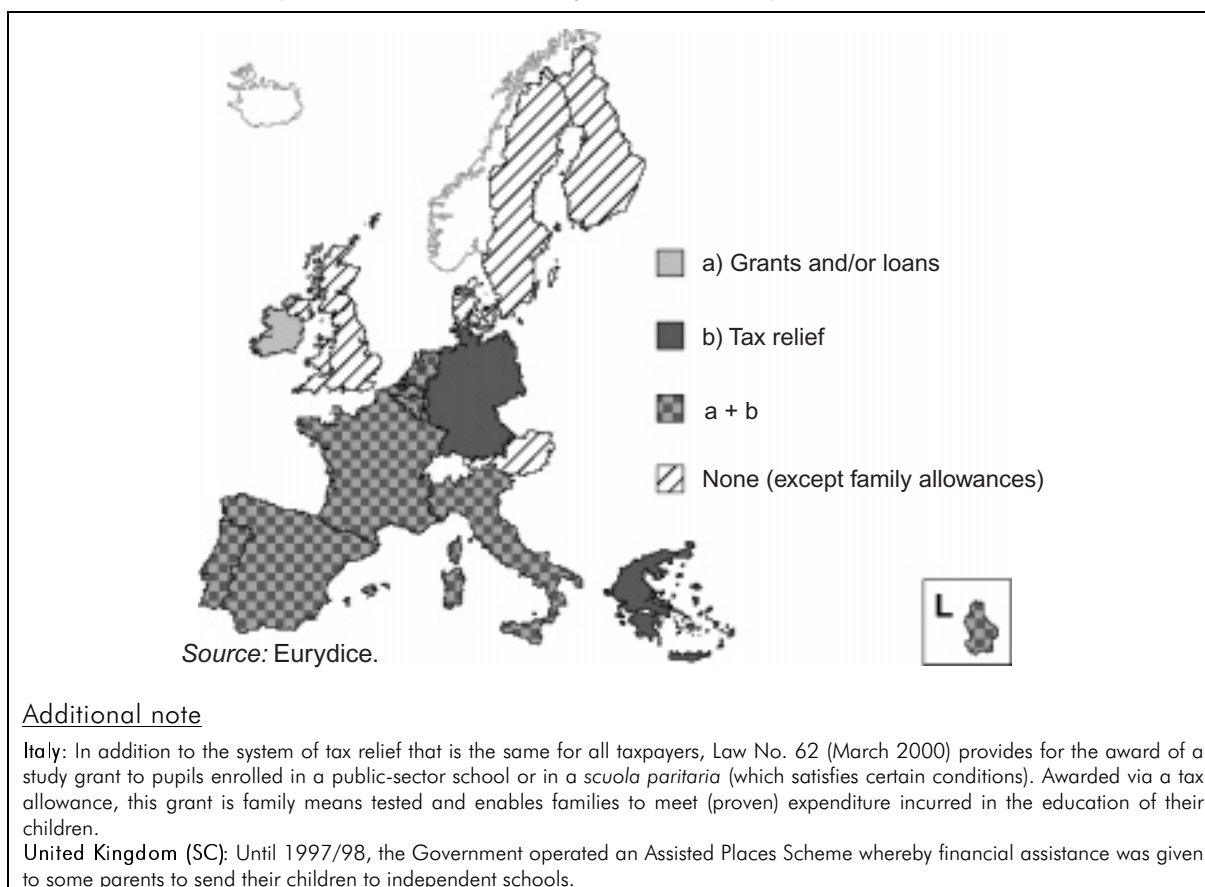


ASSISTANCE TO FAMILIES

In the countries of the European Union, direct financial assistance (in cash) is granted to the parents of children of compulsory school age, regardless of which education sector they attend (public, grant-aided or non-grant-aided private). Depending on the country,

financial assistance can take the form of tax relief or allowances paid to families by the public authorities (at the local or central level). In certain countries, grants and/or loans can also be awarded to pupils, and thus effectively to their families.

**Map 5: Financial assistance to families
(in addition to family allowances), 1999/2000**



Family allowances are paid to families in all countries. They are most commonly awarded from the birth of the child until at least the age at which compulsory education ends. In Luxembourg, they are awarded from the age of 4 (the beginning of compulsory education). Generally, the amount represented by these allowances is independent of parents' income. However, in Italy and Portugal, it is inversely proportional to this income. In Spain, there are allowances only for families with very limited income. In three countries (France, Luxembourg, Austria), a supplementary allowance which varies according to the number of children is paid at the beginning of

the school year to cover the expenses linked to the return to school. In France and Luxembourg, this is independent of parents' income while in Austria it is inversely proportional to it.

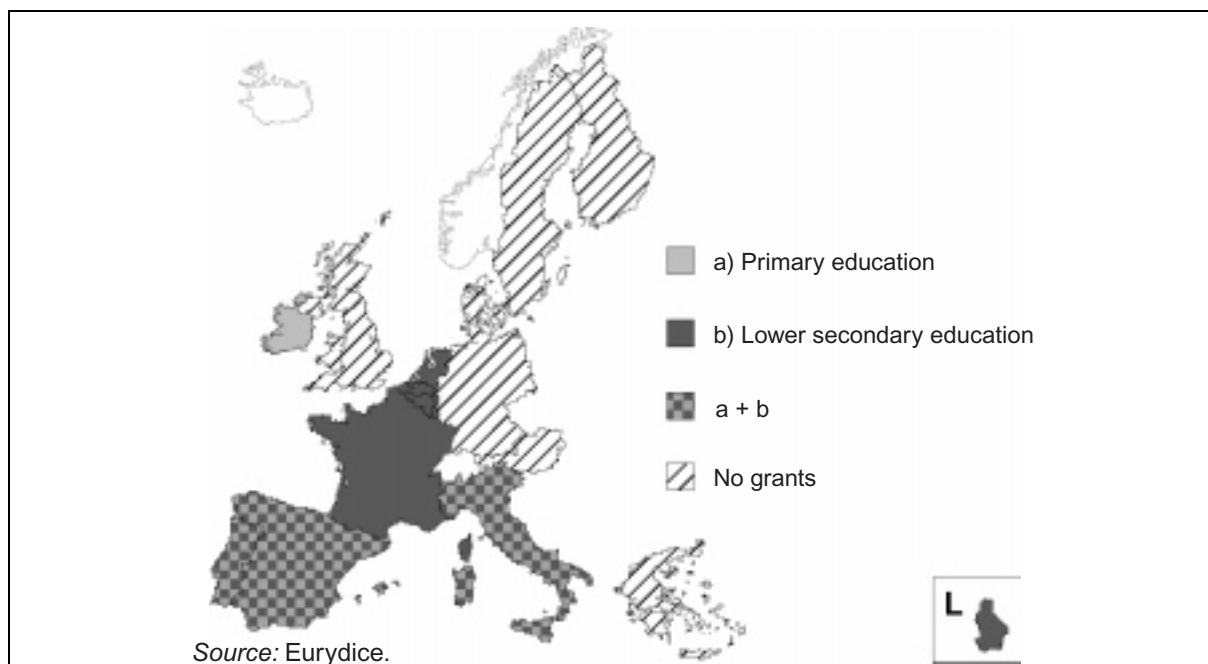
In over half of the countries, besides family allowances, parents benefit from tax relief. This is generally meant to cover a part of the expenses incurred in educating a child and is awarded at least until the end of their compulsory education.

In certain countries (Germany, Greece, Luxembourg and Portugal), such tax relief can take the form of a reimbursement based on

actual expenses linked to enrolment at school, the purchase of books or other materials or the payment of transport costs. In other cases, tax relief is calculated on the basis of income and most commonly varies according to the number of children. In Belgium, Germany, Greece, Spain, Italy and the Netherlands, tax relief is independent of income and is the same for all taxpayers. In contrast, in France and Luxembourg, it is proportional to parents' income, while in Portugal, it is inversely proportional.

As illustrated in Map 6, in several countries, a system exists for the award of grants which makes reference to family income (except in Portugal). In Belgium, France, Luxembourg and the Netherlands, grants are awarded only to secondary school students. In Ireland, they are awarded only to primary school pupils. In Spain, Italy and Portugal, they are available to pupils during their compulsory primary or secondary education.

Map 6: Award of grants to pupils during compulsory primary and/or secondary education, 1999/2000



At the level of compulsory education, only in Belgium has a system of loans been established. These loans can be awarded to pupils of compulsory secondary school age.

At stages beyond compulsory education, grants and/or loans are available in most countries.

EQUIVALENCE OF CURRICULA AND QUALIFICATIONS

CURRICULA IN FORCE

In some countries (Greece, Spain, Ireland, Luxembourg, the Netherlands, Finland and Sweden, United Kingdom – for the few CTCs/CCTAs in England), the primary and/or lower secondary education curricula are the same at both private and public sector schools. In certain cases, the obligation to conform to the public sector curriculum is limited: thus, in Spain, this relates only to a minimum curriculum. In Germany, private schools must pursue the same objectives and provide a level of education similar to that of public sector schools, but are not restricted to the same curriculum. In Ireland, only secondary schools which wish to receive state recognition must abide by the same curriculum.

In France and Italy, the application of the public sector curriculum varies according to the category of private school. In France, while schools with a *contrat d'association* (association contract) offer the same curriculum as the public sector, schools operating under a *contrat simple* (simple contract) must make reference to that of public sector education and schools not operating under contract (*hors contrat*) must respect basic standards of required knowledge and skills. In Italy, primary schools which are *parificate* and *paritarie* (see the additional note under Table 2) and secondary schools which are *legalmente riconosciute* are obliged to adopt the same organisation and (hence curriculum) of public sector schools. Primary schools which are *private autorizzate* must conform to the aims of the public sector and secondary schools *con presa d'atto* are free to follow the curriculum of the public sector.

Private education in some countries (Belgium, Ireland, for primary schools, Austria, the United Kingdom, with the exception of CTCs/CCTAs in secondary education) is free to offer pupils a different curriculum from that which applies within public sector education. In Belgium, this

freedom is limited by eligibility for grants. In the

United Kingdom, there is no legal requirement to follow the same curriculum, but there are certain expectations with regard to this on the part of inspectorate.

THE ORGANISATION OF EXAMINATIONS AND QUALIFICATIONS AWARDED TO PUPILS

At the end of primary education (or the first six years under the single structure system), in the majority of European Union countries, pupils do not receive a certificate; compulsory education continues as secondary education (or as the last three years of secondary education in the single structure system). Only in three countries (Belgium, Greece and Italy) do pupils receive a certificate at the end of primary education. In these countries, the award of this certificate is the sole responsibility of the institution. The organisation and evaluation leading to the certificate thus rests with each institution, whether it forms part of the private or public sector.

On analysis of the relationship between the organisation of evaluation and the award of a qualification at the end of lower secondary school, two groups of countries emerge:

- Countries where the organisation of tests is common to both education sectors. In Denmark, the Minister of Education confers on individual private schools the right to use examinations set for public sector education. In Germany, only recognised private schools can organise examinations and award diplomas equivalent to those of public sector schools. In France, Ireland and the United Kingdom, pupils who have attended private or public institutions take the same national examinations. In Italy, the Netherlands and Sweden, the externally-set part of evaluation at the end

of secondary school is common to the two education sectors. In Finland, private primary and lower secondary schools have the right to award official certificates.

- Countries where the qualification is awarded following an evaluation set by the institution. In these countries, tests or evaluation are not common to both education sectors (and sometimes neither to schools within the same sector), but their organisation is similar. This is the case for Belgium, Greece, Spain, Luxembourg, Austria and Portugal. This is also the case for Italy, the Netherlands and Sweden, but only for the internally-set part of the evaluation at the end of lower secondary school. In Sweden, teachers are wholly responsible for deciding on the final grade.

In the large majority of countries, qualifications awarded in both sectors are identical (or at least equivalent).

In France, private institutions, like public sector institutions, prepare pupils for national qualifications awarded by the State. In Italy, the qualifications awarded by primary schools which are *private autorizzate* and by secondary schools *con presa d'atto* do not have the same status as the qualifications gained within the public sector or in other private education institutions.

EQUIVALENCE OF TEACHERS' STATUS

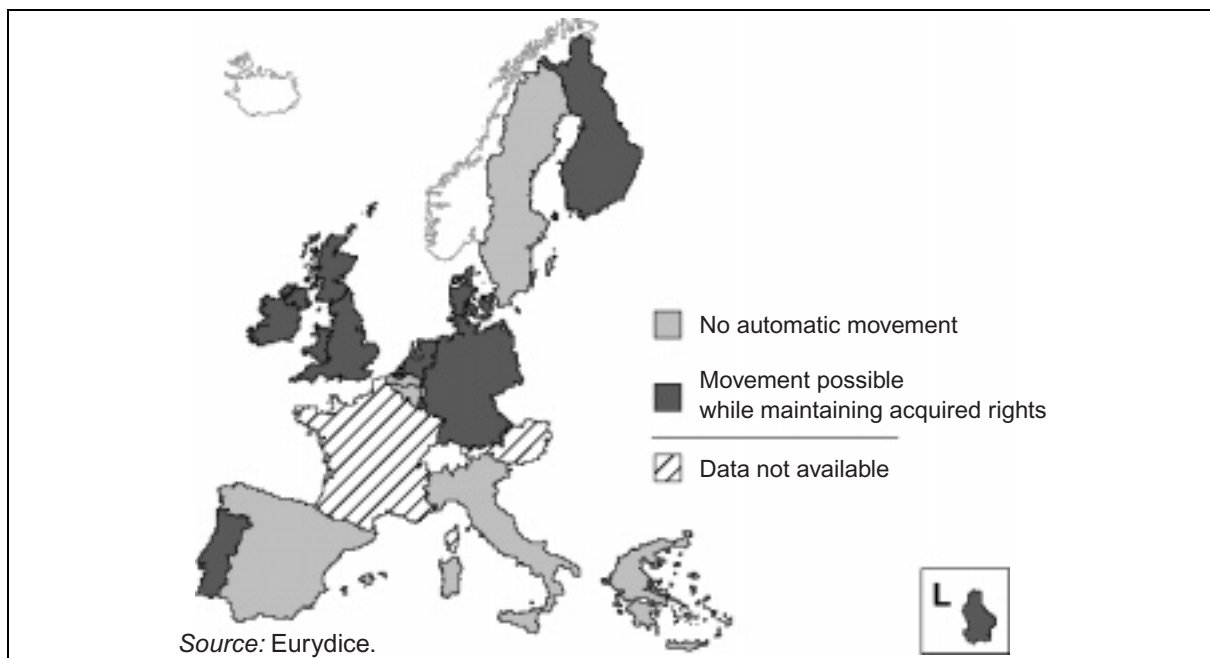
Although sometimes recruitment procedures differ according to the education sector or the institution, the qualifications required for employment as a teacher are the same in the

public sector as in the private sector in almost all countries.

In Denmark and Sweden, there are no requirements set by the Minister of Education regarding the qualifications of the teaching staff at private schools. In the United Kingdom, teachers in non-grant-aided independent schools are not necessarily required to have the same qualifications as those required in the public sector, although they often do. However, grant-aided private schools (CTCs/CCTAs in England) are normally expected to employ fully-qualified teachers.

Given the similarity between qualifications required for employment in both education sectors, teachers have the opportunity to transfer from one sector to the other in certain countries, while maintaining their level of seniority and the rights they have acquired during their career. This is the case in Germany, Ireland, Luxembourg, the Netherlands, Portugal, Finland and the United Kingdom (subject to normal recruitment procedures). In Denmark, if the teacher holds a teacher training qualification from one of the colleges of education which train teachers for the *Folkeskole*, movement across education sectors is possible. In Greece, no such a transfer from the public to the private sector is possible, but it is possible from private to public. In Spain, teachers who wish to become civil servants have to pass a competitive examination, whatever their professional experience in the public or private sector.

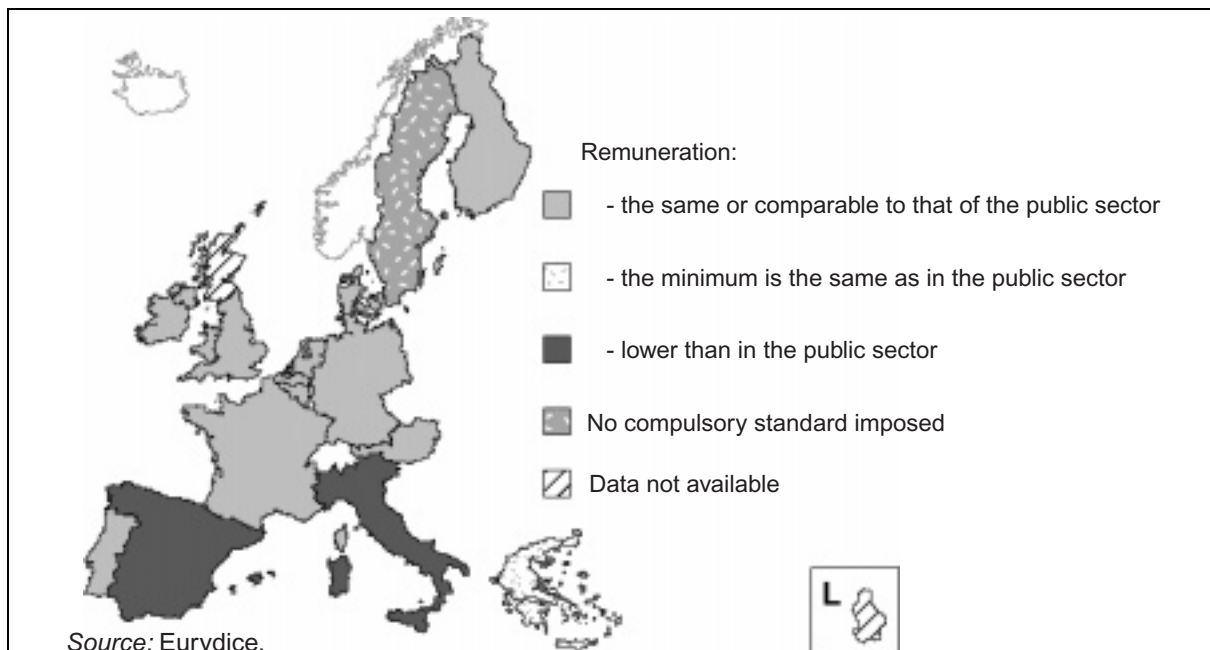
Map 7: Movement of teachers between the public and private sectors, while maintaining their level of seniority and acquired rights, 1999/2000



In the majority of countries, whichever sector they work in, teachers receive a salary which is identical or comparable. In some countries, the level of teachers' salaries can depend on the sector in which they are teaching. Thus in Spain

and usually in Italy, teachers in the private sector have a lower salary to those of the public sector. In Greece, the minimum remuneration of private sector teachers is the same as those of the public sector, but it may also be higher.

Map 8: Remuneration of private sector teachers, 1999/2000



Additional notes

Italy: The remuneration of private sector teachers is set through an *ad hoc* national work contract for private sector teachers. In general, their remuneration is less than that of teachers in the public sector.

Sweden: Salaries of teachers in private schools may vary, and may thus be either lower, identical or higher than those of teachers in public schools.

ANNEX

Basic legislative framework for the operation of private schools

Legislation highlighted in grey contains provisions for both the public and private sector

	Constitutional provision	Principles	Legislative provision	Principles
B fr	1994	Guarantees freedom of education which entails right to establish education institution independently.	Law on the school pact (Article 6) of 29 May 1959	Grants the organising body the freedom to organise at the level of its own network and of the individual institutions timetables, curriculum (subject to ministerial standards) and teaching methods.
B nl	1994	(see above)	Law on the school pact (Article 6) of 29 May 1959	(see above)
			Decree of 24 July 1996	Consolidated and extended above law, defining more clearly final objectives and developmental objectives.
DK	1849	Lays down that general education is compulsory, not school attendance, leaving choice of where children are educated to parents.	Act on free schools and private elementary schools	Provides framework for operation of private schools.
			Consolidation Act on upper secondary Schools of 18 August 1998	Sets out conditions to be adhered to in setting up upper secondary school.
			Consolidation on higher preparatory examination courses and single-subject education preparatory for an examination for adults of 18 August 1998	Sets out conditions to be adhered to in setting up the respective type of education.
D	German Basic Law	Guarantees right to establish private education establishments complying with relevant <i>Länder</i> laws as an alternative to public sector schools.	Provisions on private schools are included in the Education Acts (7 Länder) or Specific Laws on private education (9 Länder). The legislative provisions of the Länder are based on the 'Agreement on private education' of 11 August 1951 drawn up by the Standing Conference of Education and Cultural Affairs of the Länder.	Approval to be granted if: educational aims, facilities and teaching staff qualifications of same standard as public schools; schools are non-discriminatory with respect to pupils and the financial position of their parents; schools provide adequate guarantee of legal security and salaries of teaching staff; primary schools are only approved if they are of particular pedagogical interest, or at the request of parents, if they have a special religious, inter-denominational or philosophical orientation not offered by public primary schools at local level.

	Constitutional provision	Principles
EL	1975	Permits the establishment of private schools alongside state schools in compliance with certain conditions.
E	1978: Article 27	Individuals and legal entities can set up schools in accordance with constitutional principles. Governments will assist these if they meet legal requirements; participation of teachers and parents possible in management of such schools.
F	1946/1958 + Decision of 23 November 1977	Freedom of Education, signifying right to set up private sector institutions and right of these to receive funding from the Government under the conditions set out under the law.
IRL	1937	The family is the natural educator of the child. Freedom of choice between private/ public sector schools or the home as place of education. State must provide first-level education free and endeavour to aid and supplement private and corporate initiatives.

Legislative provision	Principles
Law 682/77 concerning private general education schools and boarding schools	
Law 1566/85 and Law 2640/98 on private schools for technical vocational education	
Royal Decree 685/72, Presidential Decree 850/75 and Presidential Decree 813/77	Lays down the conditions for the foundation of private vocational and technical secondary schools.
Law 1966/91 (Articles 13 and 14)	Regulates matters concerning the control of the above schools as well as 'workshops for free study'.
Organic Act 8/1985 of 3 July on the right to education (LODE)	Provides for integrated network of private and grant-aided schools (under agreements with the Government).
Royal Decree 2377/1985 of 18 December	Establishes basic standards schools must meet to enter into educational agreements with the Education Administration.
Organic Act 9/1995 of 20 November on the participation, evaluation and administration of educational establishments (LOPEG)	Expands on <i>LODE</i> provisions regarding the organisation of governing bodies in public and grant-aided private schools.
GOBLET Act of 30 October 1886 on primary education	Fixes the legal status of private education institutions (primary education) founded or maintained by natural or legal persons of private law.
FALLOUX Act of 15 March 1850 on secondary education	Fixes the legal status of private education institutions (secondary education) founded or maintained by natural or legal persons of private law.
DEBRÉ Act of 31 December 1959 concerning the relationship between the State and private primary and secondary education	Sets out the conditions which private primary and secondary schools must fulfil in order to obtain government subsidies.
Education Act, 1998	Makes provision for the state recognition of schools, subject to predicted student numbers, curriculum, cooperation in inspection and health and sets out other regulations.

	Constitutional provision	Principles
I	Article 33	Rights of individuals and corporate bodies to set up schools and educational institutions without imposing burdens on the State. Also stipulates that schools equivalent in status to state schools must have complete freedom and be able to offer their pupils academic treatment equal that of pupils of the public sector.
L		
NL	1814, Article 23	Guarantees freedom of education, freedom to establish schools, freedom to determine the principles on which they are based (freedom of conviction) and freedom of organisation of teaching.
	1917	So called 'Pacification', introducing for primary education the principal of financial equality of both sectors; since then equal treatment in stages for all sectors of education.
A	State Basic Law, 21.12.1867, Article 17	Gives all citizens the freedom to set up a school if they can prove their ability to do so in accordance with the law. State has supreme right of supervision and control.
	Federal Constitutional Law, Art. 14, Par. 7 B-VG	Schools not in the public domain are deemed private and are awarded state recognition under relevant statutory provisions.

Legislative provision	Principles
Law no. 62 of 10 March 2000 on equivalent schooling and the right to study and education	Includes provisions on the norms that govern the operation of non-state schools, together with those aimed at implementing the right to study and education for pupils attending a public-sector school or a <i>scuola paritaria</i> .
Consolidated act on private schools (Title VIII) of the Legislative Decree of 16 April 1994, no. 297	
Law of 10 August 1912 on primary education	Contains specific provisions relating to private primary education and the conditions private primary schools must fulfil in order to obtain government approval.
Law of 31 May 1982 concerning the relationship between the State and private post-primary education	Sets out the conditions which private post-primary schools must fulfil in order to obtain government approval.
	All legislation applies to both public and private sector, in all domains of education.
Private School Law of 25.7.1962	
Agriculture and Forestry Private School Law	

	Constitutional provision	Principles
P		
FIN	2000, section 16	Everyone has the right to basic education free of charge. The public authorities shall guarantee an equal opportunity for everyone to receive other educational services in accordance with their ability and special needs, as well as the opportunity to develop themselves without being prevented by economic hardship.
S		
UK (E, W, NI)	-	
UK (SC)	-	

Legislative provision	Principles
Decree Law, 1980	Establishes status of private and cooperative education in the area of non-higher education.
Basic Education Act, 1998	These three Acts govern the respective types of education regardless of the provider. Education cannot be provided for profit. Provider must have both the professional and economic abilities to organise relevant education and there must be a need for this education in the particular geographical area.
Upper Secondary Schools Act, 1998	
Vocational Education Act, 1998	
Act on funding for education and culture, 1998	Definition of unit price per pupil of private education for the purposes of the state subsidy.
Education Act, 1985	Independent schools must be open to everyone. New funding possibilities for private organisers to operate within the system (1992, latest change 1997). Sets basic principles for independent schools.
Ordinance for independent schools, 1996	More detailed regulations on admission, school management, grading, etc.
School Standards and Framework Act, 1998 (England and Wales)	Created new legal categories of maintained (publicly funded) schools.
Education Act, 1996 (England and Wales)	Regulatory requirements for all independent schools (including CTCs/CCTAs).
Education (Northern Ireland) Order, 1986	Definition of independent schools as above without stipulation of minimum no. of pupils.
Education (Scotland) Act, 1980	Sets out conditions for the registration of Independent Schools.
Education (Scotland) Act, 1981	Sets the parameters for the Assisted Places Scheme.
Further legislation affecting independent schools is planned for 2000	

NATIONAL DESCRIPTIONS

Each country's report is under the responsibility of its Unit in the Network

BELGIUM

French Community (2000)

1. General/Legislative framework

- Freedom of education is guaranteed by Article 24 of the Belgian Constitution. Education in Belgium is organised by the public authorities: the ‘Communities’¹, the provinces, the communes or associations of communes and other corporate bodies governed by public law; or by private individuals, *de facto* associations, or non-profit-making associations.
- Education organised by the public authorities is known as *enseignement officiel* (official/public education), while that organised by private bodies is called *enseignement libre* (free, i.e. private education).
- Belgium is commonly regarded as having three ‘school networks’. ‘Official education’ embraces two of these networks: the community schools network and the provincial and communal schools network. Grant-aided private schools make up the third network.
- For several years, in the French Community, the private school network has been divided into two sectors: a network of denominational schools and a network of schools which are non-denominational or with no particular affiliation.
- The law of 29 May 1959, known as the *Pacte scolaire*, guarantees parity of treatment for the various educational networks.
- Grant-aided private schools must comply with the language laws and with the system of ‘*capital-périodes*’² which regulates the structure and organisation of education. Grant-aided secondary schools are also subject to the provisions of:
 - the law of 19 July 1971, as amended by the law of 31 July 1975, on the general organisation and structure of secondary education and
 - the Royal Decree of 30 March 1982, setting out a plan for the modernisation and re-organisation of secondary education³.

¹ On 1 January 1989, following a revision of the Belgian constitution, statutory responsibility for education was transferred to the linguistic (French, Flemish, and German-speaking) ‘Communities.’ The central government retains control in only three areas: determination of the beginning and end of compulsory education; minimum standards for the awarding of diplomas; pension schemes.

² In 1984-85, Belgium introduced a system to determine the number of ‘periods’ each school was entitled to in any school year, based on the number of pupils attending the school the previous year. The system was a major innovation which aimed to give both the authorities and head teachers greater independence in managing their schools and a more reliable basis for budget planning. The ‘periods’ granted to a school may be allocated according to the needs and desires of the students and teaching staff, without prejudice to the conditions applicable to the introduction of new courses or the opening of new sections.

³ In order to continue in operation, every school must meet certain standards. If a school does not reach its standard number of pupils by a specified date, it will be closed down gradually, year by year, beginning the following year, unless it merges with another school. Mergers of schools of the same type are encouraged. School planning rules set out the conditions for opening any new teaching department (subject or section).

2. Types of schools

- Private education may be divided into three categories:
 - denominational education, in which Catholic schools are by far the most numerous, although there are some schools run by the Protestant, Jewish and Islamic religious authorities;
 - non-denominational education, including inter alia schools based on rationalist/humanist principles;
 - independent schools applying specific educational theories, such as Freinet or Steiner schools.
- In the French Community, the two above categories come under the aegis of the FELSI (*Fédération des Écoles Libres Subventionnées Indépendantes*/Federation of Independent Free Grant-aided Schools).

3. Conditions for setting up schools

- Under the guarantee of freedom of education, everyone in principle has the right to open a school.
- The Constitution declares that any measure to prevent this is prohibited.
- Standards for school organisation and curricular planning apply to the setting-up and maintenance of grant-aided private schools.

4. Financing/Subsidies from public funds/Fees

- Under the terms of the *Pacte scolaire*, the State (the Communities since 1989) subsidises all schools founded by the provinces, communes and other public bodies as well as those established by private entities and which meet the conditions laid down by law. The Community thus has the same relationship with the schools in both grant-aided sectors - free and official, communal and provincial.
- These conditions include requirements to:
 - adopt a structure which already exists in state education or which has been approved by the Minister of Education;
 - follow a curriculum recognised or approved by the Minister of Education;
 - submit to inspection. This covers the subjects taught, the level of instruction and the enforcement of the language laws, whereas teaching methods are not subject to inspection;
 - be organised by an individual who, or legal body which, assumes full responsibility;
 - have a minimum number of pupils, taking into account population density and frequency of study of certain subjects at the secondary and higher education levels;
 - comply with health regulations and possess the necessary teaching materials and equipment.
- If a school or one of its departments fails to meet these conditions, subsidies are withheld until the situation is rectified.
- Admission to pre-school, primary and secondary education offering a full curriculum is free in state schools (Community schools since 1989) and in schools grant-aided by the State

(by the Communities since 1989) under the terms of the *Pacte scolaire*. Moreover, this principle of free education is reiterated and set out in greater detail in the 'Missions Decree' of 24 July 1997 of the Council of the French Community defining the priority aims of primary education and secondary education and organising the structures designed to achieve such aims. No school fees of a direct or indirect nature may be accepted or received in respect of pupils who are subject to compulsory school attendance. Imposition of a '*minerval*' is not permitted. Nonetheless, there are still some costs to be met by the parents: admission to the swimming pool, purchase of the class journal, costs connected with excursions, services, etc.

- The subsidies granted in principle cover school operating costs and teachers' salaries.
- These subsidies include:
 - salaries paid directly to teaching staff, teachers' aides and educational auxiliaries' salaries. These salaries are identical to those which the State (the Communities since 1989) pays to its own staff in equivalent positions;
 - grants for running and teaching expenses, to cover costs relating to the running of the school, to pay for textbooks and other materials provided free of charge to pupils of compulsory school age and costs in relation to expenditure on equipment and the financing of investments.
- In the French Community, the commitments entered into by the national guarantee fund for school buildings for both public and private education have been taken over by the Guarantee Fund (*Fonds de Garantie*) and the Building Fund (*Fonds des Bâtiments scolaires*).
- In the French Community, the financial arrangements are based on these two systems:
 - for the grant-aided public sector - outright grant of 60%, guarantee for supplementary borrowing and repayment at a reduced rate of interest;
 - for the grant-aided private sector - guarantee for borrowing 100% with repayment at a reduced rate of interest.

5. Conditions regarding curricula, timetables and teaching methods

- According to the principle of the freedom to define teaching methods, each governing body can submit the primary and secondary school curricula of their choice to the Minister concerned for approval. These curricula must be designed in accordance with the basic skills (skills to be acquired by the end of the first level of secondary education) and the skills to be acquired by the end of secondary education that apply to all the networks and define the standards required as regards assessment⁴. In the absence of an actual curriculum, the governing body must refer to the official curriculum of the French Community. The curricula applicable within grant-aided education, for their part, are approved by the Government who first seek the advice of the Curriculum Commission (*Commission des programmes*).
- Within the limits of the minimum timetable set by the Decree on primary education⁵, each school is free to make its own timetabling arrangements.

⁴ Cf. the Missions Decree mentioned above in section 4.

⁵ Decree of 13 July 1998 of the Council of the French Community on the organisation of ordinary pre-primary and primary education and amending the education regulations.

- To receive government subsidies, however, a school applying for such approval must have the teaching materials and school equipment needed to provide the subjects in question.
- The inspectors are responsible for ensuring that each school actually has these materials and equipment and for checking that the standard is reached.

6. Status of qualifications awarded

- Certificates awarded by private schools attesting the completion of levels or courses of study have the same legal status as those given in the 'public' sector.
- They are subject to the same conditions and procedures for official recognition.

7. Appointment/Status/Terms and conditions of service of teachers

- The governing body of a school appoints its teaching staff. At their request, the competent Minister may give official recognition to appointments. This endorsement procedure applies to teachers appointed to posts in grant-aided private establishments offering pre-primary, primary, special, secondary and full-time higher education and further ('social advancement') education.
- Within the French Community, however, the possibility for teachers to transfer from the private to the public grant-aided sector is left to the discretion of the receiving authority.

8. Inspection

- Within the education system, there are two inspectorates, the inspectorate of schools of the French Community and the inspectorate of primary grant-aided education.
- The inspectorate of schools of the French Community is entrusted with a variety of tasks. Within the network of the French Community, as administrative controller, inspector of teachers' work and pedagogical organiser, the inspector is also involved in the drafting of teaching curricula, as adviser in education as regards methods or as trainer of teachers in service. In addition, the task of inspecting secondary and higher education within the grant-aided education system has been entrusted to the inspectorate. Within this context, it is entrusted with the task of examining applications for subsidies for schools or a new section. Its responsibilities also include checking the implementation of curricula and the level of education for all the branches of study taught.
- The responsibilities of the inspectorate for primary grant-aided education cover various areas. In addition to administrative control (inspection of compulsory school attendance, inspection of the material organisation of teaching, etc.), it is responsible for pedagogy whereby it assesses the quality of the teaching provided. An important aspect of its work is its advisory function.

9. Statistics

School year 1995/96⁶

	French Community education	Public grant-aided (province, commune)	Grant-aided private	% Grant-aided private
Pupils				
Pre-primary *	14 092	87 301	67 666	40%
Primary *	34 937	144 936	144 269	44.5%
Secondary *	90 752	59 408	198 372	56.9%
Schools				
Pre-primary*	201	981	752	38.9%
Primary*	217	1 025	775	38.4%
Secondary*	201	138	436	56.2%
Teachers⁷				
Primary	3 218	15 553	12 556	40.2%
Secondary	10 813	7 657	21 449	53.7%

* Including special education.

Sources: **Volume I** of the *Annuaire 1995-1996 sur les statistiques générales de l'enseignement et de la formation*, Ministry of the French Community, Service général de l'informatique et de statistiques, 1998.

- **Volume III** of the *Annuaire 1995-1996 sur les statistiques du personnel de l'enseignement*, Ministry of the French Community, Service général de l'informatique et de statistiques, 1998.

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Percentage of private education in the 1996 education budget (all education levels)			
46.8%			
Distribution of subsidies to private education by education level			
Ordinary primary 15.8%	Ordinary secondary 47.4%	Higher (non-university) 6.3%	Other ⁸ 30.5%

Source: Volume I of the *Annuaire 1995-1996 sur les statistiques générales de l'enseignement et de la formation*, Ministry of the French Community, Service général de l'informatique et de statistiques, 1998.

10. Index of representative organisations

Secrétariat Général de l'Enseignement Catholique
(SEGEC - General Secretariat for Catholic Education)
Rue Guimard 1
B - 1040 Brussels

Fédération des Écoles Libres Subventionnées Indépendantes (F.E.L.S.I. - Federation of the Independent Grant-aided Private Schools)
Drève des Gendarmes 45
B - 1180 Brussels

⁶ The data concerning teachers relates to 1996/97.

⁷ This concerns teachers at pre-primary and primary levels within ordinary full-time education. In addition, the figures include full-time equivalents, i.e. all the teachers who work full-time plus those who work part-time but expressed in terms of full-time employment.

⁸ This concerns special education, further ('social advancement') education, artistic and university education as well as distance learning and PMS centres.

Trends

- Teachers in private education have a clearly defined legal status. This education is grant-aided by the Communities if it meets the conditions of the law of 29 May 1959 (the *Pacte scolaire*) and freedom of teaching methods is allowed.
- The existence of this system of education either provided and financed 100% by the Communities or grant-aided by them guarantees parents the choice of the kind of education and the school to which they send their children. They may opt for:
 - religious or secular education;
 - a school run by the public authorities (an official school) or one run by a private body (a private school).
- It should be borne in mind that the education provided by the Communities is non-denominational.
- On 9 December 1993, the General Secretariat for Catholic Education (SEGEC) replaced the now defunct National Secretariat for Catholic Education (SNEC). This body, which is responsible for the French and German-speaking Communities, is in charge of ensuring the coordination and unity of Catholic education in Belgium and, more particularly, coordination with all the federations that represent the interests of Catholic education - by education level - before the public authorities.
- It should also be noted that free education is represented within the *Conseil de l'éducation et de la formation* (Council for Education and Training - set up in 1990) which acts in an advisory capacity concerning any envisaged policy or reforms, either by its own initiative or at the request of the Minister concerned.

Sources

- Le mouvement éducatif en Belgique. Brussels: Ministère de la recherche et de la formation; Ministerie van de Vlaamse Gemeenschap, Departement onderwijs; Ministerium der Deutschsprachigen Gemeinschaft, 1990.- 22 p. International Conference on Education, UNESCO, 42nd session, Geneva 1990. Development of education: 1988-1990.
- Le système éducatif en Communauté française de Belgique, Ministère de l'éducation, de la recherche et de la formation, Secrétariat général, Brussels, 1996.

BELGIUM

German-Speaking Community (2000)

1. General/Legislative Framework

- Freedom of education is guaranteed by Article 24 of the Belgian Constitution (revision February 1994) and is defined and ruled by Article 6 of the Law of 29 May 1959, the so called *Schulpakt* (School Pact): 'On condition that a minimum, legally fixed curriculum and schedule is respected, each *Schulträger* (organising body) has the freedom in each educational institution of its own *Unterrichtsnetz* (educational network) to organise its own schedules and to work out its own syllabuses as long as they are approved by the Minister in order to guarantee educational standards. As to pedagogical methods each *Schulträger* enjoys total freedom'.
- In the Decree of 31 August 1998, the basic principles of this text are maintained and confirmed. However, the tasks of the *Schultäger* are clearly defined and the developmental and final objectives (*Entwicklungsziele* and *Schlüsselkompetenzen*) replace the legally fixed minimum requirements.
- In 1989, responsibility for education was transferred to the Communities though the central Government retains control in three areas:
 - determination of the beginning and end of compulsory education,
 - minimum standards for the awarding of diplomas,
 - pension schemes.

2. Types of schools

- In the German-speaking Community of Belgium education can be organised by the three *Unterrichtsnetze* or by private, independent associations.
- The networks are:
 - *Gemeinschaftsunterrichtswesen* - GUW (organised and financed by the Community itself, the State)
 - *Offizielles Subventioniertes Unterrichtswesen* - OSUW (organised by the municipalities and grant-aided by the Community)
 - *Freies subventioniertes Unterrichtswesen* - FSUW (*de facto* denominational schools organised by Catholic authorities and grant-aided by the Community)
- The grant-aided networks have to comply with the language laws and with all legal and statutory provisions concerning the organisation of education (see 4) in order to be granted subsidies. (This is why the term 'private education' does not at all fit into the Belgian system.)
- Real private education only exists in one single private school in the German-speaking Community, an independent *Waldorf*-school applying specific educational theories of Steiner without being grant-aided - yet.

- This system of education either provided and financed or grant-aided by the Community guarantees parents the choice of the kind of education and the school to which they send their children. The free options are:
 - denominational or non-denominational education,
 - education organised by public authorities or by a private body.

3. Conditions for setting up schools

- In principle and according to the freedom of education guaranteed in the Belgian Constitution, everyone has the right to establish an educational institution and any measure to prevent this is prohibited.

4. Financing/Subsidies from public funds/Fees

- The *Schulpakt* is amended by the Decrees of the German-speaking Community of 31 August 1998 and of 26 April 1999. The latter stipulates in its Article 23 that a school is approved by the Community and thus financed or grant-aided if it complies with ten criteria:
 - It is organised under the responsibility of a *Schulträger*.
 - It is housed in premises that meet the health, security and hygiene standards.
 - It is organised according to the general pedagogical and organisatory provisions of the Decrees of the German-speaking Community.
 - It forms a pedagogical unit or entity on the same premises.
 - It possesses sufficient teaching aid and general school equipment to meet pedagogical requirements.
 - It conforms to legal provisions concerning the application of the language laws in education.
 - It complies with the provisions on teaching time and school holidays.
 - Education is provided according to a programme of activities or a curriculum approved by the Government.
 - It conforms to the social project laid down by decree and meets the minimum requirements fixed in the *Erziehungsziele* and *Schlüsselkompetenzen*.
 - It submits to official supervision and inspection.
 - The subsidies granted to schools not run by the Community itself cover school operating costs and teachers' salaries. They include:
 - salaries (being identical in the three *Unterrichtsnetze*) paid directly to teaching and educational staff;
 - grants covering costs related to the running of an educational institution (pedagogical materials...);
 - costs in relation to expenditure on equipment and the financing of investments, school-buildings (outright grant of 60%, guarantee for supplementary borrowing and repayment at a reduced rate of interest).
- Admission to compulsory education is free in Community schools as well as in grant-aided schools. School fees are not allowed.

5. Conditions regarding curricula, timetable and teaching methods

- The *Schulträger* (organising bodies) have to comply with the legal provisions as to educational projects, timetables, equipment, premises, minimum standards (*Erziehungsziele* and *Schlüsselkompetenzen*) etc., but within that framework, they are free to organise their schools, to work out own curricula (subject to Ministerial approval) and they are completely free in the choice of teaching aids and methods.
- The curricula will however have to include the subject related minimum standards and the timetables must respect the basic education (number of general subjects) common to all pupils of the same stage before offering an optional component.

6. Status of qualifications awarded

- All certificates awarded by a school of one of the three *Unterrichtsnetze* that attest the completion of levels or courses of study and that are awarded according to legal provisions have the same legal status and are subject to the same conditions and procedures for official recognition.

7. Appointment/Status/Terms and conditions of service of teachers

- The organising body of a school in pre-school, primary, secondary, special and higher education appoints its teaching and educational staff. On request, the competent Minister may give official recognition to appointment.
- The statute of teaching-staff and educational auxiliaries is regulated by law or decree.

8. Inspection

- The inspectorate of the Community checks that schools comply with legal requirements and financing conditions.
- Each network (*Unterrichtsnetz*) may have its own inspectorate and there is also a special inspectorate for each recognised religion.

9. Statistics

School year 1998/99

	Community education	Grant-aided public education	Private grant-aided education
Pupils			
Pre-school	585	2 162	187 (6.3%)
Primary	1 420	3 995	489 (8.2%)
Secondary	2 107	0 (since 1993)	2 338 (52.5%)
Schools			
Pre-school	12	53	2 (2.9%)
Primary	12	53	2 (2.9%)
Secondary	5	0 (since 1993)	6 (54.5%)

- Data on the number of teachers and the percentage of subsidies per educational network is not available.

10. Index of representative organisations

Sekretariat des Katholischen Unterrichtswesens (SKU)
 Rotenbergplatz
 B – 4700 EUPEN

BELGIUM

Flemish Community (2000)

1. General/Legislative framework

- Freedom of education is guaranteed by Article 24 of the Belgian Constitution (revision 17/02/1994.) This freedom was defined and governed by Article 6 of the Belgian Law of 29 May 1959 on the *Schoolpact* (School Pact): 'On condition that a minimum, legally fixed syllabus and schedule are respected, each *inrichtende macht* (organising body) has the freedom in its *onderwijsnet* (educational network), and even in each educational institution, to organise its own schedules and, subject to ministerial approval in order to guarantee educational standards, to work out its own syllabuses. Each *inrichtende macht* (organising body) enjoys total freedom as regards teaching methods'. Recently, the Decree of 24 July 1996 replaced the text of this Article. The basic principles were maintained and confirmed. However a new text was introduced to meet the technical requirements related to establishing clearly defined wordings of the compulsory core curriculum by means of *eindtermen* (final objectives) and *ontwikkelingsdoelen* (developmental objectives) adopted by the Flemish Community and since implemented (see 3). Education in Belgium is organised by the public authorities: the Communities, the provinces, the communes or associations of communes and other corporate bodies governed by public law; or by private individuals, *de facto* associations, or non-profit-making associations.
- In 1989, responsibility for education was transferred to the French Community, the Flemish Community and the German-speaking Community. The central Government retains control in only three areas:
 - determination of the beginning and end of compulsory education;
 - minimum standards for the award of diplomas;
 - pension schemes.
- In the Flemish Community of Belgium education can be organised by:
 - *de Autonome Raad van het Gemeenschapsonderwijs* (Community education)
 - the municipalities
 - the provinces
 - private individuals (*de facto* associations).
- The term 'private education' as used in many other European countries does not fit at all into what is meant by free education in Belgium. It would be more precise to speak of '**grant-aided** private education'.
- Grant-aided private schools must comply with the language laws and with the legal and statutory provisions concerning the organisation of studies. However, this is not the only form of private education in Flanders since there exists a real private, but very small, education system (private schools). The Department of Education also considers international schools in Flanders as a special form of private education.

2. Types of schools

- Private education may be divided into three categories:
 - denominational education, in which Catholic schools are by far the most numerous, although there are some schools run by the Protestant, Jewish and Islamic religious authorities;
 - non-denominational education;
 - independent schools applying specific educational theories, such as Freinet or Steiner schools.
- The above two categories come under the aegis of the VOOP (the *Vlaams Onderwijs Overleg Platform*/Flemish Education Review Board) in the Flemish Community.

3. Conditions for setting up schools

- Under the guarantee of freedom of education, everyone in principle has the right to establish a school.
- The Constitution declares that any measure to prevent this is prohibited.

4. Financing/Subsidies from public funds/Fees

- The pre-school and primary education is regulated by the Decree on Primary Education of 25/02/1997. A school is grant-aided if it conforms to the legal and statutory provisions concerning the organisation of studies and the application of the language laws. Moreover, it must comply with 10 criteria (Article 62):
 - be organised under the responsibility of the *schoolbestuur* (school governors);
 - be housed in places that meet the hygiene and health standards;
 - adopt a structure specified in the Decree. By structure is meant the different classifications of education and the duration of these classifications;
 - form a pedagogical unit settled in the same complex of buildings or at least in the same or neighbouring community or in the bilingual area Brussels-capital, an exception rule confirmed by the government;
 - possess sufficient teaching and general school equipment to satisfy educational requirements;
 - comply with the qualifications concerning educational language and the language-knowledge of the school staff (defined in the law of 30/07/1963 and the law of 02/08/1963);
 - submit to official supervision and inspection;
 - accept the school holiday system as laid down by article 50;
 - conform to a programme that is approved by the government (in primary education);
 - possess a policy-contract or-plan with the *centrum voor leerlingenbegeleiding* – CLB (guidance centres).
- Admission to pre-school, primary, and secondary education offering a full curriculum is free in Community schools and in schools grant-aided by the Community under the terms of the *Schoolpact*.

- No school fees of a direct or indirect nature may be accepted or received in respect of pupils who are subject to compulsory school education. Imposition of a *collegegeld* (school fees) is not permitted.
- The subsidies granted cover in principle school operating costs and teachers' salaries. These subsidies include:
 - salaries paid directly to teaching staff and educational auxiliaries' salaries. These salaries are identical to those which the Community pays to its own staff in equivalent positions;
 - grants for running and teaching expenses, to cover costs relating to the running of the school, to pay for textbooks and other materials provided free of charge to pupils of compulsory school age, and
 - costs in relation to expenditure on equipment and the financing of investments.
- Within the Flemish Community, the commitments entered into by the national guarantee fund for school buildings for both grant-aided public authority and grant-aided private education have been taken over by the *DIGO* (*Dienst Infrastructuurwerken van het Gesubsidieerd Onderwijs* - the infrastructure service of grant-aided education).
- The *DIGO* provides grant-aided schools with capital funds to be used for major annual equipment purchases. The *DIGO* also:
 - assumes 70% of the cost of purchase and construction, modernisation, expansion, and initial furnishing of primary school buildings and 60% for buildings used by other levels; and
 - guarantees reimbursement of capital, interest and other loan charges.

5. Conditions regarding curricula, timetables and teaching methods

- The authorities have the task of defining the minimum expectations of the Community regarding education. This is necessary to secure the quality of Flemish education.
- The 'final objectives' concept was introduced for that purpose. Final objectives are minimum aims that must be striven for and attained by the majority of pupils of the relevant level and discipline. The objectives are described in terms of qualities in the field of knowledge, insight, educational attitudes and skills.
- As far as the pre-school, special education and the 1st year B+ prevocational year of secondary education are concerned, the term 'developmental objectives' is used: skills a school must strive for but need not really achieve.
- Final objectives or developmental objectives are the core of the curricula. The part of the curricula which extends this core, together with the timetables and teaching methods remain the responsibility of the organising bodies. The curricula will, however, have to include the (subject related) final objectives or developmental objectives, whilst timetables in secondary education must have regard to a model of basic education composed of a certain number of general subjects. This part of the study package, the common part, is equivalent for all pupils in the same year. Beyond this, pupils can select several subjects; this is the optional component.
- Final objectives and developmental objectives are developed by a scientific staff service, the DVO (*Dienst voor Onderwijsontwikkeling*/department for educational development).

6. Status of qualifications awarded

- Certificates awarded by grant-aided private schools attesting to the completion of levels or courses of study have the same legal status as those given in the 'official' sector.
- They are subject to the same conditions and procedures for official recognition.

7. Appointment/Status/Terms and conditions of service of teachers

- The Decree on primary education (25/02/1997) and the Decree relating to secondary education (27/03/1991) have established new regulations on the conditions of employment for teaching staff.
- The school board is responsible for personnel policy. It is the employers of the teaching staff. The procedures for recruitment, evaluation, appointment, dismissal, etc. are established by decree of the Flemish Government in the capacity of financier. The status of teaching staff in non-official education is regulated by a Decree of 27/08/1991.

8. Inspection

- The Decree of 17/07/1991 organises the structure and operation of the inspectorate.
- Half of the members of the inspectorate are recruited from teaching staff (for at least 10 years) from the official schools and half of them from the *vrij gesubsidieerde scholen* (grant-aided free schools).
- They are divided into several groups: *basisonderwijs* (elementary education), secondary education, adult education and *deeltijds kunstonderwijs* (part-time artistic education) (DKO). Furthermore, there is also an inspection for the *centrum voor leerlingenbegeleiding* – CLB (guidance centres).
- Article 113 of the new Flemish Decree of 14/07/1998 concerning Education IX modifies the Decree of 17/07/1991. This Article stipulates that the general control and management of the inspection is entrusted to an *inspectieraad* (inspection council).
- The *inspectieraad* (inspection council) consists of the inspectors-general of the several divisions of the inspectorate and the director of the *Dienst voor Onderwijsontwikkeling* (Department for Educational Development) (DVO). The chief inspector of the inspectorate is the chairman in the *inspectieraad* (inspection council).
- The *inspectieraad* (inspection council) concerns itself mainly with the effective operation of the educational inspection and the management of the quality-assurance tasks that the inspectorate, by order of the Flemish Government, executes with respect to educational institutions and the centres. Therefore, the *inspectieraad* (inspection council) promotes cooperation between the divisions of the inspectorate. The inspection council is also regularly in contact with the Education department and, if necessary, makes suggestions in accordance with educational policy. The *inspectieraad* (inspection council) coordinates and manages the concepts, instruments, and procedures that are used within the framework of the tasks of the inspectorate. The inspection council also coordinates the preparation of the annual report of the inspectorate on the state of the education system.
- The inspectorate checks whether the school is performing its social assignment and/or if the resources of the *Gemeenschap* (Community) are being used in a judicious way. For that, the inspectorate advises on whether the school may be recognised or grant-aided or

- not. Moreover, the inspectorate has an advisory function in the area of educational policy. Information about the effects of the policy at school level and on education in general are crucial for the further development of educational policy. One of the ways this information is provided is in the annual report of the inspectorate on the state of education system.
- Alternative procedures apply for *Onderwijs voor Sociale Promotie* (Social Advancement Education). This inspectorate as a team has full responsibility for all the subjects taught at schools with the exception of philosophical or religious courses.
 - Since 1989, a clear distinction has been made between the inspectorate evaluating the level of teaching and learning based on the *eindtermen* (final objectives) and *ontwikkelingsdoelen* (developmental objectives) under the authority of the Minister of Education and supporting individual teachers or teacher teams under the authority of the *inrichtende machten* (organising bodies).
 - By law, the tasks of the inspectorate are:
 - monitoring compliance with and implementation of the curricula by the educational institutions that are approved by the Government;
 - checking whether the *vak- of leergebiedgebonden eindtermen* (subject or subject area-related final objectives) are being achieved and if the *ontwikkelingsdoelen* (developmental objectives) and/or the *vak- of leergebiedoverschrijdende eindtermen* (cross-subject or cross-subject-area final objectives) are being striven for with sufficient zeal by educational institutions;
 - checking on the application of school hours;
 - inspecting the hygiene of the school premises, compliance with the language laws, the teaching equipment and the school equipment;
 - advising on the funding of educational institutions;
 - advising on educational policy.
 - The inspectorate not only checks if a number of legal prescriptions regarding education have been respected but also examines the broader school context such as the school atmosphere, relations between the different groups, and the infrastructure.
 - The inspectorate is not qualified to evaluate the teaching methods or the *schoolwerkplan* (school development plan) of the educational institution which are covered by the principle of educational freedom, or to inspect religion or non-denominational moral education courses.
 - The legal representative bodies of each recognised philosophical or religious community themselves organise inspection and support for the philosophical and religious courses taught at school.
 - They are also responsible for the development of the curricula and the organisation of in-service training for the teachers involved.

9. Statistics

School year 1998/99

	Community education	Grant-aided public authority	Grant-aided private	% Grant-aided private
Pupils				
Nursery	31 624	51 576	157 454	66.11%
Primary	59 387	97 212	277 673	63.99%
Secondary	73 211	38 458	330 035	74.72%
Schools				
Nursery	369	461	1 377	62.79%
Primary	382	523	1 445	61.72%
Secondary	277	105	656	63.20%
Teachers (in January 1998)				
Elementary	7 657	10 767	30 544	62.76%
Secondary	11 520	5 822	41 113	70.33%

Source: Vlaams Onderwijs in cijfers 1997/1998. Ministerie van de Vlaamse Gemeenschap – departement Onderwijs

Subsidies for grant-aided private education by level of instruction (in millions of Belgian francs and in EURO)		
1998	Elementary education (*)	Secondary
	45 714,1 BEF	74 137 BEF
	1 133,22 EURO	

(*) Elementary education = *kleuter* + *lager*.

Source: Statistics - Flemish education in Figures 1998-1999. (Vlaams Onderwijs in cijfers)

10. Index of representative organisation

Vereniging van de Inrichtende Machten
van het Katholiek Onderwijs (RVIMKO)
Handelsstraat 82
B - 1040 Brussel

Vlaamse Confederatie van Ouders en Ouderverenigingen (VCOV)
Guimardstraat 1
B - 1040 Brussel

Vereniging voor Protestants-Christelijk Onderwijs in België
Brusselse Steenweg 153
B - 9000 Gent

Vlaams Onderwijs Overleg Platform (VOOP)/Flemish education review board
Koninklijke laan 9
B - 2600 Berchem

Federatie van Onafhankelijke Scholen (FOS)
Kasteellaan 54
B - 9000 Gent

Trends

- The existence of this system of education either provided and financed 100% by the Communities, or grant-aided by them, guarantees parents the choice of the kind of education and the school to which they send their children. They may opt for:
 - religious or secular education;
 - a school run by the public authorities (an official school) or one run by a private body (a private school).
- It should be borne in mind that the education provided by the Communities is non-denominational.

Sources

- Vlaams Onderwijs in cijfers 1997-1998. Ministerie van de Vlaamse Gemeenschap – departement onderwijs
- Eurydice National Dossier on the Education System of Belgium (Flemish Community) 1998 – English version. Eurydice – European Commission
- Vlaams Eurydice-rapport 1998: overzicht van het onderwijsbeleid en de onderwijsorganisatie in Vlaanderen – J.C. Verhoeven . Ministerie van de Vlaamse Gemeenschap – departement onderwijs (met financiële steun van de Europese Commissie)

DENMARK (2000)

1. General/Legislative framework

- Under the democratic Constitution adopted by Denmark in 1849, general education, and not school attendance, is compulsory. As a result, it is a matter of choice for parents whether their children receive education
 - at a municipal school,
 - at a private school, or
 - at home.
- The founding of private schools is in the main prompted by one of the three following factors: denominational preferences, pedagogical theories or political and social leanings. Education at home is extremely rare.
- Private schools are independent, self-governing institutions whose statutes have been approved by the Ministry of Education, and they must work within the framework of the Act on Free Schools and Private Elementary Schools, etc. Such approval may be refused or revoked if a school does not comply with the relevant regulations or instructions issued to it.
- At upper secondary level, the Minister of Education may authorise private individuals to set up upper secondary schools or HF-courses in accordance with the Consolidation Acts on Upper Secondary Schools and on Higher Preparatory Examination Courses (HF) and Single-Subject Education Preparatory to an Examination for Adults, both of 8 August 2000.
- Private upper secondary schools and HF-courses are independent, self-governing institutions whose statutes have been approved by the Minister of Education. Such approval may be refused or revoked if a school does not comply with the relevant regulations or instructions issued to it.

2. Types of schools

- Private primary and lower secondary schools can be divided into the following categories: small *Grundtvigian* independent schools in rural districts; academically oriented lower secondary schools (the so-called *réal*-schools); religious or denominational schools such as the Catholic or Danish Mission schools; progressive free schools; schools with a particular pedagogical aim, such as the Rudolf Steiner schools; German minority schools; and immigrant schools such as the Muslim schools.
- There are 19 private upper secondary schools at present, a few of which are denominational. There is only one which includes 'Christian' as part of its name; one is Catholic, but it also takes students of other denominations. Two international schools have also been granted the status of private upper secondary schools.

3. Conditions for setting up schools

- Any private organisation or group of adults or parents can set up a private school for children between 6 and 18 years of age. The only requirement is that they meet certain official criteria (see section 5 below).

4. Financing/Subsidies from public funds/Fees

- Private schools are independent, self-governing institutions with their own boards of governors. All private schools are entitled to receive state subsidies covering approximately 80-85% of their operational expenditure on the basis of the number of pupils enrolled at the individual school in a given year. Building grants, grants for special education as well as for school-based leisure time activities are also awarded. Pupils' parents pay a moderate fee.
- At primary and lower secondary level, parents pay DKK 8,100 a year per pupil on average, or about 19% of the total expenditure.
- The State allocates a general operational grant to private schools at upper secondary level on the basis of the annual number of pupils enrolled at the school and based on the average pupil expenditure in the public sector system. In addition, they receive building grants which are also based on the number of pupils enrolled and special grants to cover teaching aids, transport, etc. for pupils with severe handicaps.
- At upper secondary level, parents pay on average DKK 10,400 a year per pupil.

5. Conditions regarding curricula, timetables and teaching methods

- At primary and lower secondary level, the education offered by private schools must be of a standard comparable to that of the *Folkeskole*. For instance, the teaching of Danish, arithmetic/mathematics and English must match the requirements for municipal schools. There must be a certain minimum number of pupils enrolled in the school, e.g. there must be at least 12 pupils enrolled in the school in the first year of its existence, 20 in the second year and from then on, 28 pupils.
- At upper secondary level, private schools must comply with the conditions applicable to public sector schools as regards their curriculum, syllabuses, timetabling, teachers' qualifications, appointment and status of staff, and inspection.

6. Status of qualifications awarded

- The Ministry of Education confers on private schools the right to use the municipal schools' final examinations, and the status of the qualifications awarded is the same as for the public sector system.

7. Appointment/Status/Terms and conditions of service of teachers

- The State does not intervene in the appointment of head teachers or teachers, except in the case of the appointment of head teachers at private upper secondary schools which has to be approved by the Ministry of Education.

8. Inspection

- The parents of children enrolled at a private school are responsible for monitoring whether it ensures educational provision of a standard comparable to that of the *Folkeskole*. They may comply with this either by appointing a person for a maximum period of four years to monitor the pupils' proficiency in the subjects Danish, arithmetic/mathematics and English or by asking the municipal council in the municipality where the school is located to perform this supervisory function.

9. Statistics

School year 1998/99

	Public	Private	% Private
Pupils			
<i>Folkeskole</i>	541 187	72 916	11.9 %
General upper secondary	64 055	3 015	4.5 %
Schools			
<i>Folkeskole</i>	1 715	443	20.5 %
General upper secondary	200	19	8.7 %
Teachers			
<i>Folkeskole</i>	45 847*	6 595*	12.6 %
General upper secondary	8 533	553	6.1 %

* full-time equivalents.

10. Index of representative organisations

Primary and lower secondary level:

Frie Grundskolers Fællesråd

Japanvej 36

DK - 4200 Slagelse

Dansk Friskoleforening

Prices Havevej 11

DK-5600 Fåborg

General upper secondary level:

Foreningen af Private, Selvejende Gymnasier, Studenter- og HF-Kurser

Sankt Kjelds Gade 3

DK-2100 København Ø

Trends

- Private schools have a long and glorious tradition in Denmark, starting with the poet-clergyman, N.F.S. Grundtvig, who exercised a powerful influence on the development of Danish schools. Grundtvig wanted to reduce the task of children's schools to no more than the teaching of reading, writing and arithmetic in order to make room, either at home or at school, for a liberal narrative education that would build on the natural potential for development inherent in the child's mind. Grundtvig's ideas were translated into practice by Christen Kold, who created a distinctive Danish parent-controlled school, the 'free school', as a welcome counterbalance to the state school, and which exercises a growing influence over the latter's mode of operation.
- In Denmark, going to a private school is not generally considered 'elitist'. Private school pupils have no added status or advantages to afford them a smoother passage to upper secondary and higher education. At primary and lower secondary level, about 12% of all pupils attend private schools. This proportion increased from the beginning of the 1980s but is now more or less stable, while the debate on the content and quality of private versus public sector education is still going on with undiminished fervour.

- At upper secondary level, the content and status of private education in Denmark are exactly the same as those of the public sector. No unofficial privileges are attached to having attended certain private institutions, however prestigious. The private schools are a small, mixed group which do not collectively have any influence on the decision-making process. Strong individuals within them may have influence, but that applies equally to heads of private as well as public institutions. The participation rate is stable at upper secondary level.

GERMANY (2000)

1. General/Legislative framework

- The German Basic Law (*Grundgesetz*) in Article 7, paragraphs 4 and 5 defines the Constitutional basis for private education⁹:
 - The right to establish private schools is guaranteed. Private schools which serve as an alternative to public sector schools are subject to state approval and must comply with the laws of the *Land* where they are located. Private schools must be approved if the aims of the education they provide, their facilities and the qualifications of their teaching staff are not inferior to those of public sector schools and if they do not encourage discrimination between students on the basis of their parents' financial situation. Approval will be refused if the remuneration and legal security of the teaching staff are not adequately guaranteed.
 - A private primary school will not be approved unless the school authorities acknowledge it to be of particular pedagogical interest or if, at the request of children's parents or legal guardians, the school has a special religious, inter-denominational or philosophical orientation and there is not a public primary school of this kind in the area already.
- Since the Federal Government has no statutory powers in relation to school education, private education is governed by the laws and regulations of the *Länder*. The Standing Conference of the Ministers of Education and Cultural Affairs of the *Länder* (*Kultusministerkonferenz, KMK*) has provided a standard framework in its 'Convention on private education' of 11 August 1951.

2. Types of schools

- There are two types of private schools: *Ersatzschulen* (alternative schools) and *Ergänzungsschulen* (complementary schools). *Ersatzschulen* have basically the same status as public sector schools and have the same educational objectives. They are an alternative to an existing public sector school or one which is in principle provided for in a particular *Land*.
- *Ergänzungsschulen* are not considered valid substitutes for public institutions. They aim to complement public education by providing courses which are generally not available in public sector schools, especially within vocational training (e.g. for beauticians or physical-fitness teachers).
- The dividing up of education law according to organising body is of lesser importance. School organisers can be natural persons, non-profit-making school associations and foundations, non-profit-making enterprises or other legal entities.

⁹ In the Federal Republic of Germany, pre-school education in kindergartens is not part of organised education and is thus not subject to school inspection. Pre-school education will therefore not be covered in this report. Pre-school establishments set up by private bodies (such as churches or welfare associations) play a major role in terms of the volume of provision (in 1994 some 64% of all establishments in west German *Länder* and about 16% in East German *Länder*, since Kindergartens in the GDR were mainly run by the State or local authority up until 1990).

3. Conditions for setting up schools

- The setting up of a private school is subject to compliance with the law and police regulations on the safety of buildings, fire protection, hygiene, and the protection of minors. The organising individual or body, the head teacher and the teaching staff must provide proof of good character in the form of a police certificate of good conduct.
- Conditions for establishing *Ersatzschulen* differ somewhat from those for *Ergänzungsschulen*. *Ersatzschulen* must obtain the approval of the *Land*, while *Ergänzungsschulen* are required only to announce their opening to the school authorities of the *Land*.
- The highest school authority (the Ministry of Education and Culture) of the *Land* where a school is located, or one of its subordinate school authorities, is responsible for granting approval to alternative schools (*Ersatzschulen*).

4. Financing/Subsidies from public funds/Fees

- The *Land* Governments are required to ensure private schools' existence under the constitutional entitlement to set up private schools and the prohibition of discrimination between pupils on the basis of their parents' financial situation. The latter means that pupils may not be required to pay fees covering the entire cost of their education. In practice, all of the *Länder* have legal provisions for financial assistance to private schools, although the amount of aid and conditions for awarding funds vary from one *Land* to the next. In principle, only alternative schools are guaranteed financial assistance under the Basic Law, although *Ergänzungsschulen* in some *Länder* also receive state subsidies if they meet certain conditions. To promote and ensure the existence of private *Ersatzschulen*, all *Länder* are obliged to provide funds up to the minimum amount required for school operations, but there is no obligation to cover all costs. The determining factor is whether the school's organising body is recognised as a non-profit-making institution. Some *Länder* also impose additional conditions. One of them may be the obligation on the part of a private school to wait a certain period after its foundation for a final decision to award it financial support. This period may also be specified (in which case it is usually 2-3 years).
- Financial support may take various forms. All of the *Länder* guarantee eligible schools so-called standard financial assistance in the form of subsidies to meet running costs for personnel and materials. Such aid may be a lump sum determined on the basis of selected statistical criteria and may vary according to the type of school, or else the school may have to provide a detailed account of its financial needs and will receive a subsidy for a certain percentage of these. In any event, an index of the costs of public education serves as a reference. In addition to this standard financial assistance, other forms of subsidy are available to help cover construction costs, the purchase of textbooks and educational materials which pupils may borrow, teachers' pension funds, and salaries for teachers with civil servant status who may be suspended from office for teaching at a private school. There are also indirect subsidies in the form of tax allowances and payments to parents or legal guardians to meet school fees and transport costs for pupils. The *Land* and, to a lesser extent, the local authorities fund these subsidies. In principle, subsidies to private schools are calculated on the basis of a percentage of material costs, personnel costs and, where applicable, costs relating to the alternative form of teaching after subtracting what is determined to be an appropriate contribution by the organising body. The share contributed by the organising body is drawn from school fees as well as from contributions received from third parties for this purpose.

- Private schools continue to require the payment of fees to cover a certain percentage of their actual expenses. In the case of *Ersatzschulen*, only appropriate school fees can be charged in accordance with the provisions of the Basic Law requiring that all pupils, regardless of their parents' financial situation, be given the opportunity to attend *Ersatzschulen*. In the case of higher school fees, *Ersatzschulen* give reductions to pupils whose parents' are in a weaker financial position (reduced school fees, reductions for siblings, etc.). The largest numbers of *Ersatzschulen* are organised, however, by the Catholic and Protestant churches, who subsidise their schools from their own funds, such that no school fees or only very low fees are charged.
- *Länder* financial assistance as a proportion of the total financing of private schools varies between *Länder* and differs depending on the type of schools. Numerous special regulations apply, e.g. for private schools which are merely approved as compared with recognised private schools, and for boarding schools and church-run *Ersatzschulen*. A comparison of *Länder* financial support for private schools on a per pupil basis is only possible in part, since support may only cover the so-called standard financial assistance or other types of financial support. In general, financial assistance provided by the *Länder* is calculated on the basis of an appropriate contribution to personnel and material costs, making reference to public sector schools, and by subtracting the amounts that the private school can be expected to contribute on its own and raise from school fees.

5. Conditions regarding curricula, timetables and teaching methods

- *Ersatzschulen* must, to be approved, provide the same level of instruction as public sector schools with equivalent objectives and programmes. They are not required to follow the same timetables or curricula as public sector schools and are free to choose the textbooks they use.
- Private schools may also promote specific religious or philosophical views and apply their own teaching methods.
- However, such establishments must conform to the public sector regime on school equipment and materials as well as on matters of internal organisation.

6. Status of qualifications awarded

- Approval of an *Ersatzschule* does not automatically give it the right to administer examinations or award school-leaving certificates corresponding to public sector school diplomas. Pupils may obtain such qualifications only by taking external examinations. Only if an *Ersatzschule* is recognised by the State may it administer examinations and award diplomas equivalent to those granted by public sector schools. To gain recognition, the school must prove its long-term capacity to comply with the conditions of approval (a solid financial footing, a stable teaching staff, and consistent enrolment) and must follow the regulations applicable to public sector schools on the admission and promotion of pupils from one year to the next, and on the administration of examinations.

7. Appointment/Status/Terms and conditions of service of teachers

- In theory, private schools have complete freedom to choose their teaching staff. However, in order to achieve state approval as an alternative school (*Ersatzschule*), the academic education and teacher training of its teaching staff must be equivalent to those of teachers in public sector schools¹⁰. The school must provide for teachers' financial and legal security in the main by providing a written employment contract, remuneration not significantly lower than that paid to teachers at public sector schools¹¹, and retirement pension rights. Denominational schools provide employment conditions somewhat similar to the civil servant status in public sector schools, particularly in terms of health care and retirement pensions.
- In several *Länder*, public sector school teachers may be suspended from office for the transfer to *Ersatzschulen*. Time spent teaching in private schools may be assimilated to that in the civil service, and this provides for some mobility between private and public sector schools. This applies at least in relation to transfers from public sector schools to private schools; if a teacher complies with all the requirements of the civil service regulations, he or she may also transfer from a private to a public sector school if the *Land* has a need for teachers in his or her particular subject area.
- Teachers may also transfer without restriction between regions, within the private school network or from public sector schools to private schools, as far as the need exists.

8. Inspection

- Private schools are also subject to state inspection under the law. This obligation is basically fulfilled in the form of information and reports submitted to the education authorities of the *Land*. Inspection is also possible. The scope of supervision for the two categories of private schools is, however, different. For *Ersatzschulen*, supervision serves to ensure that the conditions for approval and recognition are fulfilled. For *Ergänzungsschulen* that are solely subject to reporting obligations, supervision is limited to preventing damage that might be caused by any shortcomings in the character or capacities of the organising body, the school head, the teaching staff or by any deficiencies in school equipment that pose a threat to pupils or the general public.

¹⁰ Studies leading to a qualification to teach in public sector schools in Germany include university study of at least two subjects (as well as specific training in the teaching of these subjects), studies in educational sciences together with a practical training phase and two state examinations.

¹¹ To provide teachers with financial security, private schools receive, from the public authorities, subsidies which cover a certain percentage of the staff costs.

9. Statistics

Pupils attending private general education schools. School year 1998/99

	Total public sector and private schools	Private	% Private
Pupils at general education schools			
<i>Grundschule</i> (Primary school)	3 602 000	37 500	1.0%
<i>Schulartunabhängige Orientierungsstufe</i> (Orientation stage independent of school type)	409 800	9 300	2.3%
<i>Hauptschule</i> (Lower secondary school)	1 098 000	19 600	1.8%
<i>Realschule</i> (Lower secondary school)	1 247 600	88 800	7.1%
<i>Gymnasium</i> (Lower and upper secondary school)	2 223 400	229 500	10.3%
<i>Integrierte Gesamtschule</i> (Integrated comprehensive school)	525 400	10 300	2.0%
<i>Freie Waldorfschule</i>	67 300	67 300	100%
School types with several education courses*	385 800	1 700	0.4%
<i>Sonderschule</i> (Special school)	410 400	55 800	13.6%

* Pupils in integrated classes for *Hauptschule* and *Realschule* pupils.

Private general education schools 1998/99

	Total public sector and private schools	Private	% Private
General education schools			
<i>Grundschule</i> (Primary school)	17 662	314	1.8%
<i>Schulartunabhängige Orientierungsstufe</i> (Orientation stage independent of school type)	2 335	59	2.5%
<i>Hauptschule</i> (Lower secondary school)	5 859	188	3.2%
<i>Realschule</i> (Lower secondary school)	3 461	266	7.7%
<i>Gymnasium</i> (Lower and upper secondary school, classes 5-13)	3 155	358	11.3%
<i>Integrierte Gesamtschule</i> (Integrated comprehensive school)	825	30	3.6%
<i>Freie Waldorfschule</i>	162	162	100%
School types with several educational courses*	1 336	14	1.0%
<i>Sonderschule</i> (Special school)	3 406	559	16.4%

* For the educational courses of *Hauptschule* and *Realschule*.

Teachers at private general education schools 1998/99

	Total public sector and private schools	Private	% Private
Teachers at general education schools (full-time teacher units)			
<i>Grundschule</i> (Primary school)	195 504	2 182	1.1%
<i>Schulartunabhängige Orientierungsstufe</i> (Orientation stage independent of school type)	25 735	603	2.3%
<i>Hauptschule</i> (Lower secondary school)	73 354	1 828	2.5%
<i>Realschule</i> (Lower secondary school)	74 775	4 788	6.4%
<i>Gymnasium</i> (Lower and upper secondary school)	152 352	15 819	10.4%
<i>Gesamtschule</i> (Comprehensive school)	42 253	849	2.0%
<i>Freie Waldorfschule</i>	5 094	4 589	100%
School types with several educational courses*	26 258	128	0.5%
<i>Sonderschule</i> (Special school)	65 267	10 473	16.0%

* With integrated classes for *Hauptschule* and *Realschule* pupils.

10.Private school associations

Arbeitsgemeinschaft Freier Schulen
Verbände gemeinnütziger Schulen in Freier Trägerschaft
Bundesrepublik Deutschland
Mittelweg 147
20148 Hamburg

Arbeitskreis katholischer Schulen in freier Trägerschaft
Kaiserstrasse 163
53113 Bonn

Arbeitsgemeinschaft Evangelischer Schulbünde e.V.
Heidehofstr. 49
70184 Stuttgart

Bund der Freien Waldorfschulen e.V.
Heidehofstrasse 32
70184 Stuttgart
<http://www.waldorfschule.de>
Vereinigung Deutscher Landerziehungsheime
Libanonstr. 3
70184 Stuttgart
<http://www.leh-internate.de>

Bundesverband Deutscher Privatschulen
Bildungseinrichtungen in freier Trägerschaft
Bundesgeschäftsstelle
Darmstädter Landstrasse 85 A
60598 Frankfurt am Main
<http://www.privatschulen.de>

Trends

- By protecting the right to set up private schools, the Basic Law prevents a state monopoly on education, although public sector schools do have priority. Criteria for approval and financial assistance to private schools are based upon those applied to public sector schools. Educational concepts deriving from the private school movement, however, have made a significant contribution to progress in public education, for example with respect to teaching methods. Private schools have set up associations to defend their interests to the *Land* Governments, although there is no institutionalised cooperation between these associations and education authorities. Hearings are held by the education authorities to discuss issues affecting private schools with the associations, such as financial aid and philosophical aspects of the curricula. No reform of legislation affecting the status of private schools is currently planned.
- The legal bases for establishing private schools in the east German *Länder* on the territory of the former GDR were laid in 1990. By 1998, some 154 private general education schools had been set up in the five east German *Länder*.

- In the west German *Länder*, new private schools are being established less frequently. The number of pupils enrolled in private schools has nonetheless grown from 445,500 to 506,700 in the period from 1992 to 1998, an increase of around 14%. This can hardly be seen as a shift in favour of private school enrolment, however, as the current percentage of pupils attending the 2,200 private schools is around 5 to 6 percent of pupils at general education public sector schools.

Sources

- *Das Bildungswesen in der Bundesrepublik Deutschland* (The education system in the Federal Republic of Germany) 1999. Ed. Documentation and education information service of the Secretariat of the *Kultusministerkonferenz*, German Eurydice Unit of the *Länder*, Bonn 2000.
- Allgemeinbildende Schulen. Schuljahr 1998/99. Ergänzende Tabellen zur Fachserie 11 Bildung und Kultur. Arbeitsunterlage des Statistischen Bundesamtes. (General education schools. School year 1998/99. Supplementary tables to the Education and Culture series 11. Working document of the Federal Office of Statistics).
- *Grund- und Strukturdaten 1999/2000* (Basic and Structural Data). Ed. *Bundesministerium für Bildung und Forschung* (Federal Ministry for Education and Research), Bonn 2000.
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GREECE (2000)

1. General/Legislative framework

- The Greek Constitution of 11 June 1975 permits the establishment of private schools alongside state establishments in accordance with conditions set out in Article 16 (8). The same article prohibits the setting up of university-level institutions by private citizens or bodies.
- Private schools are subject to Law 682/77 'concerning private general education schools and boarding schools' and to Law 1566/85 and the law 2640/98 on private schools for technical vocational education.
- The foundation of private schools for Secondary Technical and Vocational Education is now allowed. The terms, conditions and procedures are laid down by Royal Decree 685/72 and by Presidential Decree 813/77.
- The Law 1966/91 (Articles 13 and 14) now regulates matters concerning the control of private schools for technical and vocational training as well as 'workshops for free studies'.

2. Types of schools

- The private schools provide general education or technical and vocational education. These schools can be founded by Greeks or by corporate bodies comprising a majority of Greeks.
- In addition to Greek private schools, there are American, English, German, Italian and Japanese private schools. They operate on the basis of the provisions of Law 4862 of 1931 on 'Foreign Schools' and provide education in three cycles - nursery, primary and secondary (*Gymnasia* and *Lykeia* for foreign pupils living in Greece).
- Fifteen foreign schools have been set up under the above legislation. They also provide education for Greek secondary school pupils on the basis of the curricula determined by the Greek Ministry of Education and Religious Affairs. The certificates awarded by these foreign schools are equivalent to those granted by the other private schools.

3. Conditions for setting up schools

- The conditions for setting up private schools are defined in Articles 6 and 7 of Law 682/77.
- The private schools come under the Ministry of Education and Religious Affairs and are controlled by the regional offices responsible.
- Private general schools are set up by decision of the Minister of Education and Religious Affairs on the recommendation of the competent Regional Council of Primary and Secondary Education in the region where the school will be operating.
- Private technical and vocational schools are established on the recommendation of the Regional Council for Vocational Education.

4. Financing/Subsidies from public funds/Fees

- Private schools receive no funding.
- Private secondary schools belonging to non-profit-making organisations may be supported financially via appropriations entered in the general budget of the Ministry of Education. The level of this support is decided by the Minister, according to Law 682/77.

- Pupils pay fees for tuition but textbooks are provided free as in state schools only to the pupils of the private evening secondary schools.
- Private technical and vocational schools cannot receive grants and are funded by their students' fees which are fixed by the Ministry of Finance. Students attending these establishments may be given financial assistance subject to ministerial decision (Law 576/77, Article 54). The amount of any such assistance is determined jointly by the Ministers of Finance and Education.

5. Conditions regarding curricula, timetables and teaching methods

- The curricula of private general and technical/vocational schools are the same as those followed in public sector schools. Possible initiatives in relation to their content require the approval of the Ministry of Education. The education must conform to the definition in the Greek Constitution and it must not promote any particular political party. Arrangements for the beginning and the end of the school year, enrolments, transfers, absences, tests, grades, discipline, promotion from class to class and examinations are the same as for state schools. Private day schools operate in the morning; exceptionally they may be open in the afternoon with the approval of the Ministry.

6. Status of qualifications awarded

- The certificates awarded by private primary and lower general secondary schools (*Gymnasia* for pupils aged 12-15) rank equally with their state equivalents, without any special procedure having to be followed. Certificates must be in the Greek language.
- However, at the upper secondary level (private general *Lykeia*), pupils in all three classes have to sit written class promotion examinations in all subjects at the end of each school year under the supervision of a joint board of private and state school teachers. Private general *Lykeia* are not permitted to award leaving certificates to pupils who have not passed these examinations.

7. Appointment/Status/Terms and conditions of service of teachers

- Teaching staff are appointed by the Director of the Directorate or of the Office of Primary and Secondary Education on the proposal of the school proprietor, in accordance with Article 30 of Law 682/77.
- Staff cannot be transferred to state schools. However, private school teachers with a contract for a fixed or indefinite period who are dismissed because their school has closed down (Article 30 par. 8 and 9 of Law 682/77) or their contract has expired (Article 33 par. 4 of Law 682/77), may apply for a corresponding position at a state school, under a private contract of employment for an indefinite period (Article 30 par. 9 of Law 682/77 and Article 62 of Law 1566/85).
- State school teachers are prohibited under Law 1566/85, Article 14 par.17, from teaching at private schools.
- Teaching hours for full-time teachers at private schools are the same as those for teachers at state schools.
- Teachers at private schools receive at least the same remuneration as their counterparts in the state schools.

8. Inspection

- Private and state schools are subject to the same inspectorate, i.e. the local Directorates and local Offices of Primary and Secondary Education, in accordance with the current legal provisions.
- Inspection relates to the adequacy of staffing, pupil numbers per class, transfers from state-run schools to private schools, the composition of the examining boards responsible for class promotion examinations at the *Lykeia*, the awarding of leaving certificates and, on occasion, the school textbooks.
- In accordance with Law 1966/91, a committee is responsible for monitoring the observance of current legal provisions concerning the foundation, organisation and functioning of private schools for technical and vocational education and 'workshops for free studies'. This is chaired by the Permanent Head of the Ministry of Education and Religious Affairs.

9. Statistics

School year 1997/98

	Public	Private	% Private
Pupils			
Pre-primary	136 301	4 743	3.5%
Primary	603 755	44 853	7.4%
<i>Gymnasia</i>	375 052	17 382	4.6%
<i>Lykeia</i>	227 840	15 027	6.6%
Technical and vocational <i>Lykeia</i> (TEL)	101 742	3 023	2.1%
Technical vocational schools (TES)	23 494	3 387	14.4%
Comprehensive <i>Lykeia</i> (<i>Polikladika</i>)	30 974	--	0%
Schools			
Pre-primary	5 554	127	2.3%
Primary	6 306	399	6.3%
<i>Gymnasia</i>	1 821	105	5.7%
<i>Lykeia</i>	1 157	85	7.3%
Technical and vocational <i>Lykeia</i> (TEL)	283	43	15.1%
Technical vocational schools (TES)	122	57	46.7%
Comprehensive <i>Lykeia</i> (<i>Polikladika</i>)	52	--	0%
Teachers			
Pre-primary	8,660	237	2.7%
Primary	44,456	3,206	7.2%
<i>Gymnasia</i>	34,205	1,984	5.8%
<i>Lykeia</i>	17,875	1,512	8.5%
Technical and vocational <i>Lykeia</i> (TEL)	10,284	642	6.2%
Technical vocational schools (TES)	2,838	665	23.4%
Comprehensive <i>Lykeia</i> (<i>Polikladika</i>)	3,083	--	0%

Source: Greek Eurydice Unit.

10. Index of representative organisations

Panelinii Sindesmi Idioctiton
Idioticen Tecnicon Epanghematicon Ke
Naftikon Scolicon Monadon/Panhellenic Union of Owners
of Private technical, vocational and naval schools
Emanouil Benaki 59
GR- Athens 106 81

Sindesmos Idriton Elinicon Idioticon Ecpedeftirion/Union of
Founders of Private Schools of Greece
3rd Septemvriou 75
GR- Athens 104 34

Omospondia Idriton Elinicon Idioticon Ecpedeftirion/Federation
of Founders of Private Schools of Greece
3rd Septemvriou 75
GR- Athens 104 34

Sources

- Greek Eurydice Unit: replies to questions EU/91/001/00; GR/88/006/00; NL/89/002/00.
- The Education System in Greece. Brussels: Eurydice European Unit, June 1984. - 19p.
- The Greek Education System. Brussels: Eurydice European Unit; Greek Eurydice Unit, 1998.-30p + annexes. Revised edition.
- Laws 682/77; 576/77; 1966/91.

SPAIN (2000)

1. General/Legislative framework

- Article 27 of the Spanish Constitution of 1978 is devoted entirely to education and stipulates that:
 - Individuals and legal entities have the right to set up educational establishments in accordance with Constitutional principles;
 - Teachers, parents, and, in some cases, pupils may participate in the supervision and management of all establishments receiving government subsidies, within legal limits;
 - The Government will assist educational establishments which meet legal requirements.
- Organic Act 8/1985 of 3 July on the Right to Education (*Ley Orgánica Reguladora del Derecho a la Educación* - LODE) provides for an integrated network of public and grant-aided private schools which have signed agreements with the Government.
- Royal Decree 2377/1985 of 18 December granted approval to a regulation on basic standards for education agreements. Based on this decree, the corresponding educational administrations give specific directives for each school year.
- Organic Act 1/1990 of 3 October concerning the general organisation of the educational system (*Ley de Ordenación General del Sistema Educativo* - LOGSE) provides for a restructuring of the education system up to but not including university level, and applies to both public and private schools.
- Royal Decree 1004/1991 of 14 June sets out minimum conditions which all educational establishments must meet under Title 1 of the LOGSE, which covers pre-primary, primary, secondary education, specific vocational training, and special education.
- Organic Act 9/1995, of 20 November, on the Participation, Evaluation and Administration of Educational Establishments (*Ley Orgánica de la Participación, la Evaluación y el Gobierno de los Centros Docentes* - LOPEG) expands on LODE provisions regarding the participatory nature of such establishments and specifies certain standards for the organisation and operation of governing bodies in publicly funded establishments to adjust them to LOGSE stipulations. It also sets out measures to guarantee the education of pupils with special educational needs in grant-aided establishments so that they are likewise able to participate in action in favour of education quality subject to the same mechanisms of social control.

2. Types of schools

- Private schools are defined as those founded by private individuals or legal entities registered as such with the competent education administration (LODE, Articles 10 and 13).
- Private establishments are generally classified according to their administrative authority - usually an association, the Catholic church or other religious groups.
- Private schools may also be divided into grant-aided and non-grant-aided establishments, depending on whether they receive government aid.
- Non-grant-aided private schools do not participate in an agreement scheme (see section 4), and are subject to the principle of administrative approval.

- Under the *LODE*, non-grant-aided private schools enjoy complete freedom of internal organisation, choice of teachers, admission requirements, rules of conduct, and financial administration.
- Grant-aided private schools, on the other hand, must:
 - provide instruction at the agreed level free of charge;
 - place supplementary school activities within a non-discriminatory, non-profit-making voluntary framework (approval is required to receive funds for this type of activity);
 - provide the courses specified in the agreement and maintain the average teacher/pupil ratio set by the Government;
 - inform the public of the grant-aided nature of the establishment and, where appropriate, of its special character;
 - comply with all the provisions of Title IV of the *LODE* concerning the school community's participation in the control and management of state-grant-aided schools, including the appointment and operation of a school council, recruitment of a head teacher, and hiring and firing of teaching staff; comply with provisions regarding the protection of pupils' rights to freedom of conscience, including their optional participation in religious observances; and act in accordance with the procedures established for state schools for admissions.

3. Conditions for setting up schools

- Article 14 of the *LODE* stipulates that all educational establishments must meet certain minimum conditions so that the quality of instruction provided is guaranteed. These conditions must be set out in government regulations and cover the degrees and qualifications of teaching staff, the teacher/pupil ratio, school and sports facilities, and the number of places available.
- Article 23 of the aforementioned law, as amended by the sixth supplementary provision of the *LOGSE*, sets out the requirement for prior government approval of the establishment and operation of private schools which will only be granted if the minimum conditions referred to above are met.
- The general provisions of the Royal Decree 1004/1991, aforementioned, stipulate that educational establishments must:
 - be located in buildings used only for educational purposes;
 - comply with existing legislation relating to health, noise levels, capacity, and safety;
 - be designed so as to allow access for physically handicapped pupils, in accordance with the relevant legislation.

4. Financing/Subsidies from public funds/Fees

- Methods of financing private schools vary according to the type of agreement a particular establishment has reached with the State.
- Private schools receiving public subsidies are subject to the agreement scheme described in Title IV of the *LODE* for grant-aided schools. This scheme sets out the reciprocal rights and obligations of the Government and the head teacher, as the two parties to the agreement. Generally speaking, such establishments provide compulsory level schooling (primary and compulsory secondary education) and, exceptionally, vocational training and *bachillerato*.
- Spanish law provides for two types of agreement: the standard agreement (*régimen general*) governing private schools providing basic education at the compulsory stage with

full government funding; and individual agreements (*régimen particular*) with schools which are financed by both government subsidies and pupils' fees. Since 1989/90, individual agreements are no longer approved at the level of compulsory education.

- Participation in the agreement scheme for private schools which have already been approved depends on the availability of funds. Thus schools which provide education in areas of significant need or serve disadvantaged groups or, in addition to meeting these conditions, are conducting experiments of interest for the education system will be given priority. Where all other factors are equal, cooperative schools will be given priority.
- In order to participate in the agreement scheme, private schools must meet the minimum conditions laid down in the *LODE*, be authorised to provide the instruction referred to in the agreement, and be able to assume the obligations stipulated therein.
- Agreements cover a period of four years, may be renewed or modified, and set out the rights and obligations of the Government and the head teacher of the establishment signing the agreement.
- The Government is required to contribute towards financing the grant-aided school on the basis of the funding formula established for each class in its general budget. This should guarantee that education is provided free of charge and is broken down as follows:
 - remuneration of teaching staff, including their social security contributions;
 - payment of other expenses (salaries for administrative and service staff, ordinary maintenance costs, and reconstitution of fixed capital);
 - payment of costs related to seniority increases, head teachers' replacement and support, and to teachers carrying out trade union representative functions.
- These amounts are determined in the national Government's annual Finance Act and in the corresponding Autonomous Communities legislation.
- Without prejudice to the general agreement scheme, as a part of its budgeted expenditure, the Government provides aid to finance investment in facilities and teaching materials.
- Nowadays, all of the Autonomous Communities and the Ministry of Labour, through the General Directorate of Cooperatives for Ceuta, Melilla and Asturias, grant subsidies to educational cooperatives to pay the interest on loans they have taken out to finance investment in schools.
- Grant-aided schools are also eligible for tax and other advantages granted to charitable organisations.
- Grant-aided schools are required to provide the instruction described in their agreements with the Government free of charge. Any charge to pupils for extra-curricular activities or school services, such as school meals, transportation to and from school, medical treatment, psychological counselling or special educational help must be authorised by the competent educational authorities.
- Non-grant-aided private schools have complete financial autonomy.

5. Conditions regarding curricula, timetables and teaching methods

- In order to ensure that all pupils receive the same basic education, and to guarantee the status of qualifications awarded, the national Government has established a core curriculum (*enseñanzas mínimas*) for which it has laid down the aims, content, and evaluation criteria. The Government also sets timetables for the basic elements of the *enseñanzas mínimas*.

- Educational establishments are free to choose which optional subjects to teach, to adapt curriculum of their Autonomous Communities to conditions in the area where they are located, as well as to choose their teaching methods, and to organise curricular and extra-curricular cultural activities as they see fit.
- All of these provisions apply to both public and private sector education.
- Private school proprietors have the right to define the character of their establishment within the framework provided by the Constitution and while respecting the rights of teachers, parents, and pupils. They are also required to inform the educational community about this.

6. Status of qualifications awarded

- The setting up and management of private schools providing education under the standard or special regime requires government authorisation, which is granted if certain minimum conditions are met. Such schools then have full powers in academic matters.
- Private schools providing instruction which does not lead to a recognised academic qualification are subject to the general law and may not use any of the official designations applicable to educational establishments.

7. Appointment/Status/Terms and conditions of service of teachers

- Private schools have complete freedom concerning recruitment of teachers, limited only by the requirement that candidates hold the necessary qualifications for teaching a certain subject at the particular level for which they are appointed. Secondary education teachers must also be in possession of a specialised educational training diploma (*título de especialización didáctica*).
- In general, access to teaching posts in private schools is through recruitment, which must be carried out in accordance with the law. The *LODE* prescribes, in particular, criteria for the hiring and firing of teachers in grant-aided schools.
- The rights of teachers in private schools include an open-ended contract, which may be terminated at the teacher's request, holidays, official leave, special leave, retirement benefits (with some differences from schemes for public sector teachers), and social security.
- As for holiday and official and special leave allowances for teachers, these are the same in the public and private sectors.
- Private school teachers providing the same services as public sector teachers generally teach more hours and receive lower salaries, although the situation is improving.
- Salaries for teachers in grant-aided schools are paid out of the Government's general budget. The Administration of the Autonomous Communities pays these salaries directly to teachers on behalf of the school proprietor, their employer.
- Salaries are determined by framework agreements covering the various levels of private sector education.
- There are no specific regulations for teachers wishing to move within the private sector, in contrast with the public sector.
- Similarly, teachers do not transfer automatically from the private to the public sector, although teachers also enter through a competitive examination. However, teaching experience in a private school is taken into consideration when it comes to evaluating teachers who wish to become civil servants.

8. Inspection

- The Administration of the Autonomous Communities, through its Technical Inspectorate for Education, inspects both public and private schools and their curricula, activities, and services up to but not including university level. The purpose of this inspectorate is to ensure compliance with all regulations on teaching methods and course content, as well as the general and financial administration of schools, to contribute to the evaluation of the results of educational provision, and to provide advice, support, and guidance to the educational community.

9. Statistics

School year 1998/991

Pupils	Public	Private	% Private
Pre-primary education	763 592	363 461	32.2%
Primary education	1 710 376	854 722	33.3%
Special education	13 826	14 288	50.8%
ESO (Compulsory secondary education)	1 326 190	574 977	30.2%
BUP and COU (Upper secondary education and university orientation course, LGE) ²	391 222	182 135	31.7%
Bachillerato (LOGSE)	340 169	60 919	15.2%
Vocational training (LGE) ²	194 972	94 247	32.6%
Specific vocational training (LOGSE)	174 869	53 529	23.4%
Schools			
Pre-primary education	11 443	4 391	7.7%
Primary education	10 610	3 491	24.8%
Special education	492	327	39.9%
ESO (Compulsory secondary education)	7 120	3 258	31.4%
BUP and COU (Upper secondary education and university orientation course, LGE) ²	1 241	1 106	47.1%
Bachillerato (LOGSE)	2 098	571	21.4%
Vocational training (LGE) ²	767	632	45.2%
Specific vocational training (LOGSE)	1 436	602	29.5%
Teachers			
Pre-primary and primary education	165 910	60 113	26.6%
Secondary education and vocational training	186 225	56 752	23.4%
Both level groups	18 819	10 769	36.4%
Special education	2 973	2 625	46.9%

¹ Provisional data.

² Both of these levels, BUP-COU and vocational training, were defined by the LGE and will disappear with the full implementation of the LOGSE in 2001/02 and 2002/03, respectively.

Source: Oficina de Planificación y Estadística. Ministerio de Educación y Cultura.

10. Index of representative organisations

A. Teachers' associations: national unions

ANPE Sindicato Independiente
C/ Carreta, 14-5º
28012 Madrid

CCOO Comisiones Obreras
C/Lope de Vega, 38
E - 28014 Madrid

CGT Confederación General de Trabajadores
C/ Alenza, 13-1º
E - 28003 Madrid

FETE-UGT Federación de Trabajadores de la Enseñanza
C/Avda. de América, s/n
E - 28002 Madrid

FSIE Federación de Sindicatos Independientes de la Enseñanza
Comandante Zorita, 6
E - 28020 Madrid

STEM Sindicato de Trabajadores de la Enseñanza de Madrid
C/Tirso de Molina, 5-5º
E - 28012 Madrid

USO Unión Sindical Obrera
C/Príncipe de Vergara, 13-7
E - 28001 Madrid

STEs Confederación de Sindicatos de Trabajadores y Trabajadoras de la Enseñanza
C/Carretas, 14 - 7ºF
E - 28012 Madrid

B. Parents Associations

CEAPA Confederación Española de Asociaciones de Padres de Alumnos
Plaza Puerta del Sol, 4 - 6ºA
E - 28013 Madrid

CONCAPA Confederación Católica de Padres de Alumnos
Alfonso XI, 4
E - 28014 Madrid

C. Associations of private schools

CECE Confederación Española de Centros de Enseñanza
C/Marqués de Mondéjar, 29-31-1ª planta
E - 28028 Madrid

FERE Federación Española de Religiosos de Enseñanza
C/Hacienda Pavones, 5
E - 28030 Madrid

ACADE Asociación de Centros Autónomos de Enseñanza
Av. Alberto Alcocer, 46
E - 28016 Madrid

UECOE Unión Española de Cooperativas de Enseñanza
C/ Vallehermoso, 15
E - 28015 Madrid

D. Education and management

Confederación de Centros. Educación y Gestión
C/Hacienda Pavones, 5
E - 28030 Madrid

Trends

- Since 1980, when the financing of private education was regulated and educational agreements were established, the distribution of public and private sector education has remained stable.
- With the implementation of the *LOGSE*, a new situation can be observed in schools. They receive public funds for two additional years of study, due to the fact that compulsory education has been extended to the age of 16. It is also worth mentioning here that, at university level, an important number of private universities have been created, which, despite their currently limited number of students (around 5%), are expected to grow in the next few years.
- Two more imminent trends can be identified. Firstly, free choice of establishment by parents regardless of school ownership will be fostered. Secondly, the intention is to raise participation rates in pre-primary education by increasing subsidies for private establishments.

Sources

- The Spanish Education System. National Report, 1998. Unidad Española de Eurydice. Ministerio de Educación y Cultura, 1999.

FRANCE (2000)

1. General/Legislative framework

- In its decision of 23 November 1977, the *Conseil constitutionnel* (Constitutional council) determined that the freedom of education was one of the fundamental principles recognised by the laws of the Republic, reaffirmed in the preamble of the 1946 Constitution and given Constitutional status in the 1958 Constitution.
- Freedom of education justifies the coexistence of public and private establishments within the French education system and the provision of state aid to private education on the terms defined by law.
- Three basic laws corresponding to the different levels of education – the GOBLET law of 30 October 1886 with respect to primary education, the FALLOUX law of 15 March 1850 on secondary education (general education classes in *collèges* and *lycées*) and the ASTIER law of 25 July 1919 on technical education (classes providing vocational or technological education) – establish the legal status of private education establishments set up and maintained by private sector individuals and legal entities.

2. Types of schools

- At the present time, private education primarily includes schools under contract to the State in the context of the DEBRÉ law no. 59-1557 of 31 December 1959. Private individuals organise and finance the other schools.
- Private schools may conclude either a *contrat simple* ('simple contract', for primary or special education schools) or a *contrat d'association* ('association contract', for primary or secondary education schools) with the State for a portion or all of their classes on condition that they respect the terms imposed by the DEBRÉ law and the decrees that implement it.
- Before being placed under contract, classes must have been in operation for five years. However, the prefect may decide to reduce this period to one year in new areas of urban development with at least 300 new housing units. The same rules and criteria apply to these classes as for the creation or closure of classes in corresponding public sector schools where operating conditions are equivalent.
- Furthermore, in the case of the *contrat simple*, school buildings and facilities must satisfy health requirements, whereas in the case of a *contrat d'association* there must first be a recognised school need as well as appropriate buildings and facilities.

3. Conditions for setting up schools

- Any French citizen or person subject to the jurisdiction of the European Union may open a private school, subject to submission of a prior declaration of intent and to meeting the conditions regarding the qualifications and professional skills required under the three basic laws cited above (1886, 1850 and 1919).
- The declaration that the school has been opened must be submitted to the *inspection académique* (school inspectorate, for a school) or *rectorat* (for a *collège* or *lycée*), prefect of the *département*, *procureur de la République* or mayor of the municipality in which the proposed school is to be established.

- The administrative and teaching staff must also meet certain conditions in terms of qualifications and professional skills in keeping with the level of instruction offered.

4. Financing/Subsidies from public funds/Fees

- All private schools can receive public funds under the conditions established in the three basic laws cited above, and schools under contract can receive additional public assistance on the basis of the DEBRÉ law.

Provisions applicable to all private schools

- The GOBLET law applicable to primary education prohibits regional authorities from financing private schools.
- With respect to secondary education, the FALLOUX law authorises *départements* and regions to allocate buildings and/or subsidies to *collèges* and general education classes in *lycées* respectively. Subsidies allocated in this way must not exceed 10% of the school's annual expenditure and require prior consultation with the school council for national education (*conseil académique de l'Éducation nationale*) which assesses contentious training and disciplinary cases.
- The ASTIER law on technical education does not include any provision that might obstruct financing by local communities for technological or vocational training classes in *lycées*. Subsidies therefore are not limited and do not require any prior consultation process.
- When the public aid cited above serves to finance investments in private schools under contract, the beneficiary school and local community must sign an agreement to specify how the aid will be allocated, the length of time allowed for amortisation of the investments financed, and the terms on which amounts that have not been amortised and corresponding guarantees will be reimbursed should the contract be terminated.

Provisions applicable to private schools under contract

- The State and local organisations provide public financing for private schools jointly in the context of the DEBRÉ law under the following conditions:

1) The State assumes responsibility for payment of salaries, the employer's social security and fiscal contributions and the expense of initial and continuing teacher training of the teaching staff in classes under a *contrat simple* or *contrat d'association*. It also assumes certain teaching expenses and participates in the payment of salaries for non-teaching staff in second cycle classes only under a *contrat d'association*.

This assistance conforms to the principle of parity with public education in pursuance to the provisions established by the DEBRÉ law and supplemented by the protocols of 13 June 1992 and 11 January 1993 signed by the Minister of Education and Secretary General for Catholic education.

2) Local municipalities contribute to the operating costs of classes under contract in the form of a *forfait* (lump sum payment) paid by the municipality where a school is located (*collectivité de rattachement*).

This payment is compulsory for primary classes under a *contrat d'association* and optional for pre-primary classes for pupils domiciled in the municipality.

In the case of primary classes under a *contrat simple*, municipalities can finance operating expenses in the context of an agreement with the school in question.

In all cases, the State assumes responsibility for these expenses on the same conditions as for the corresponding classes in public education.

In secondary education under a *contrat d'association*, a financial contribution from the départements and regions is compulsory and calculated on the basis of the average cost per pupil in public education plus 5% to cover the various expenses that arise specifically for private *collèges* and *lycées* under a *contrat d'association*.

5. Conditions regarding curricula, timetables and teaching methods

- As a general rule, head teachers of private schools, whether they have signed a contract with the State or not, are responsible for the operation of the school, school life and the organisation of school work.
- Schools that are not under contact, however, are required to respect compulsory attendance requirements (for pupils 6 to 16 years of age), the standards of compulsory education (basic standards of required knowledge and skills) and of the level of education to which the school is attached by its initial declaration of principles.
- Teaching of basic subjects in classes under a *contrat simple* is organised with reference to the curricula and general rules governing the timetables in public education and it must be provided according to the rules and curricula of public education in classes under a *contrat d'association*.

6. Status of qualifications awarded

- Modified article 17 of law no. 84-52 of 26 January 1984 on higher education provides that the State has a monopoly on awarding university degrees and qualifications for which a list is established by decree passed on the basis of the opinion of the *Conseil national de l'enseignement supérieur et de la recherche* (National Council for Higher Education and Research).
- The regulations governing technical education also prohibit schools from awarding vocational or technological certificates attesting to an individual's preparation to exercise an industrial, commercial or crafts profession.
- As a result, private schools award their pupils attendance certificates, not qualifications, at the end of their schooling. They prepare pupils for the official examinations in order to obtain state qualifications attesting to their successful completion of a given course of study.

7. Appointment/Status/Terms and conditions of service of teachers

- The teaching staff in non-contract private schools have the status of private sector employees and their appointment, salaries, and social and job security are regulated by the labour laws and any collective agreements to which their employers may subscribe. They essentially maintain no contractual link with the State.
- Teachers in private schools under contract with the State should be separated into two categories: those in schools under a *contrat simple* and those in schools under a *contrat d'association*.
- In consultation with the school administration, the district school authority appoints the teachers holding contracts in private schools under a *contrat d'association* with the State. They are employed as temporary civil servants.
- By contrast, positions in classes under *contrats simples* are filled by the private authority, and the teachers they nominate are submitted to the school authorities for approval. Approved teachers are thus private sector employees, although the State pays their salaries.

- Since the 'Lang-Cloupet agreements' came into effect in 1993, the same teacher recruitment competitions with the same demands and methods have been used to recruit approved teachers holding contracts in private education as are used to hire equivalent teachers in public education. These teachers are also bound by the same conditions of service and enjoy the same opportunities for promotion.

8. Inspection

- Private schools are usually inspected by the district National Education Inspectors (*IEN*) at primary level and the regional school and pedagogical inspectors (*IA-IPR*) at secondary level.

8.1 Non-contract schools

- Inspection of non-contract schools is limited to the qualifications required of school heads and teachers, public order, moral standards, and health and social regulations. Inspection of teaching only occurs to ensure that it is not contrary to moral standards, the Constitution, the laws of the country and the provisions of compulsory education in particular.

8.2 Schools under contract

- Control is more extensive in schools under contract as it is also designed to ensure compliance with curricula and timetables and respect for pupils' freedom of conscience as specified in the DEBRÉ law. The latter guarantees access to these schools for all children without discrimination on the grounds of origin, opinions or beliefs.
- Teachers employed in these schools undergo a teaching assessment. This is the responsibility of the school authority, and a report on their activities addressed to the school authority is produced by the school head. The latter is taken into account for career planning and promotion in the same way as for civil servants teaching in public sector schools.
- Private schools under contract are also subject to a financial and administrative audit, as laid down in a 1961 decree:

1) The *Inspection générale des services administratifs de l'Éducation nationale* (inspectorate-general of the administrative services of national education or *IGAEN*) and competent school authorities are responsible for exercising administrative control on the basis of the rules in effect in public education.

The inspection, which applies in the school sector under contract, ensures that certain legislation and regulations applicable to the schools are observed and that they fulfil the agreed commitments.

The decree also grants *IGAEN* the necessary financial investigative powers to perform its duties.

2) The paymaster-general (*TPG*) performs the financial audit in conjunction with *IGAEN* and the school services. Private schools are also subject to control by the Inspectorate-General of Finances (*inspection générale des finances*). The purpose of this inspectorate is to verify that private schools receiving public funding respect the financial clauses in the *contrats simples* or *contrats d'association*.

9. Statistics

School year 1999/2000		Metropolitan France	
	Public	Private	% private
Pupils			
Pre-school (1)	2 111 169	305 555	12.6 %
Primary (1)	3 276 906	562 864	14.7 %
Secondary, 1st cycle (1)	2 505 800	658 300	20.8 %
Secondary, 2nd cycle (general and technological)	1 162 900	301 600	20.6 %
Secondary, 2nd cycle (vocational)	544 200	152 700	21.9 %
Number of schools			
Pre-primary (nursery schools)	18 285	273	1.5 %
Elementary (primary schools)	34 025	5 385	13.7 %
Secondary (<i>collèges</i>)	4 953	1 786	26.5 %
Secondary (<i>lycées</i>)	2 543	1 732	40.5 %
	Under contract	Non-contract	% non-contract private schools
Number of pupils in private schools			
Primary (1)	852 620	13 752	1.6 %
Secondary, 1 st cycle (1)	650 698	7 625	1.1 %
Secondary, 2nd cycle (general and technological)	292 703	8 841	2.9 %
Secondary, 2nd cycle (vocational)	141 127	11 572	7.5 %

(1) Not including special education.

Teachers

- There were 42,853 teachers working in private schools under contract at primary level on 1 January 1999 in metropolitan France; they represented 12.39% of all teachers in primary education whose salaries were paid by the State.
- There were 93,779 teachers working in private schools under contract at secondary level on 1 January 1999 in metropolitan France; they represented 19.12% of all teachers in secondary education whose salaries were paid by the State.
- The distribution of this staff at primary and secondary level by *département* and education district reveals some very significant regional disparities.
- The Ministry does not know the precise number of teachers working in primary and secondary education at non-contract private schools; who are only teaching a very small minority of pupils.

Subsidies for private education as a percentage of current public expenditure on education				
1990		11.9%		
1995		11.6%		
1997		12.1%		
1998		12.1%		
Distribution of subsidies for private education by level of instruction				
1998	Pre-school	Primary	Secondary	University
	8.8%	17.3%	68.8%	5.0%

Index of representative organisations

SGEC
Secrétariat Général de l'Enseignement Catholique
227, rue Saint-Jacques
F-75005 Paris

FNEPL
Fédération Nationale des Écoles Privées Laïques
EURECOLE
5, rue de Lubeck
F-75116 Paris

FPF
Fédération Protestante de France
47, rue de Clichy
F-75009 Paris

FSJU
Fond Social Juif Unifié
39, rue Broca
F-75005 Paris

FNEPL
Fédération Nationale de l'Enseignement Privé Laïc
37, rue d'Amsterdam
F-75008 Paris

Other

FNOGEC
Fédération Nationale des Organismes de Gestion de l'Enseignement Catholique
277, rue Saint-Jacques
F-75005 Paris

UNAPEL
Union National des Parents d'élèves de l'enseignement libre
277, rue Saint-Jacques
F-75005 Paris

Trends

- Private education is represented in numerous consultative and disciplinary bodies at national, education district and *département* level.
- Developments during the 1990s include the agreement reached in June 1992 between the State and representatives of Catholic schools. Implementation of this agreement, which is based on the right to private education and recognition of private education's contribution to the education system, has made possible developments in the following areas:
 - standard grants (*forfait d'externat*): final settlement of disputed amounts and definition of new methods of calculation and updating
 - the responsibility of the State for library staff in private schools;
 - initial training and the use of competitions in recruiting teachers;
 - the conditions of service of school heads.

IRELAND (2000)

1. General/Legislative framework

- History
- Irish education developed according to a private, state-assisted model from the nineteenth century onwards.
- The great majority of primary schools are publicly funded but privately owned, generally by a religious denomination. Until the 1970s these schools were managed by a clergyman of the denomination to which the school belonged. Today, they are managed by a board of management, the composition of which is intended to reflect and promote participation and partnership among owners, parents, teachers and the wider community. A smaller number of multi-denominational schools set up and owned by groups of parents are also funded by the State.
- The majority of post-primary schools are publicly funded. Approximately 44% of these schools are also publicly owned.
- Constitution
- The Irish Constitution acknowledges that the family is the primary and natural educator of the child and that parents are free to choose to educate their children in their homes or in private schools or in schools recognised or established by the State, or to any particular type of school designated by the State. The State has a duty to provide for free primary education and to endeavour to supplement and give reasonable aid to private and corporate educational initiatives and, when the public good requires it, to provide other educational facilities or institutions.
- Recent legislation
- The Education Act 1998 makes provision for the recognition of schools by the Minister for Education and Science, subject to certain conditions regarding the number of students likely to attend school, the curriculum to be provided in the school, the willingness of the school to cooperate with regular inspection by the Inspectorate of the Department of Education and Science, and its willingness to comply with health and other regulations.
- The Act provides a statutory basis for the funding of recognised schools by the State. It also provides for the establishment of boards of management in all schools (both primary and post-primary) in receipt of public funding, thus giving parents and teachers a statutory right to be involved in the management of their schools.
- The Act stipulates that the State shall not require any student attending a state-funded school to attend instruction in any subject which is contrary to the conscience of the parent of the student or in the case of a student who has reached the age of eighteen years, to that of the student.

2. Types of schools

- At primary level schools are privately owned and the great majority are publicly funded. Only about 1% of primary school children (ISCED 1) attend schools not in receipt of any funds from the State.

- At post-primary level, approximately 57% of secondary schools are privately owned and denominational. A very small number of schools are fully private. The remainder are state-owned vocational, community and comprehensive schools.
- All are subject to statutory requirements as regards recognition and funding.

3. Recognition of new schools

- The Education Act provides for the recognition of a proposed school by the Minister for Education and Science on submission of a request for that purpose. Recognition is subject to satisfying the same conditions as described in section 1 and also the condition that the needs of prospective students are not already being met by existing schools while bearing in mind the desirability of diversity in the educational system.

4. Financing/Subsidies from public funds/Fees

- There is no public funding of private primary schools. They are funded largely by way of fees, but other income may be forthcoming in the form of donations and private means related to the school's operation (e.g. if the school is run by a religious order, the order may subsidise its operation).
- Until 1967, tuition fees were payable at secondary schools, but in 1967 a scheme of free education was introduced. It sought to ensure equality of educational opportunity at the second level for all young people, regardless of their family circumstances. At present, about 95% of secondary schools participate in the scheme.
- Secondary schools, although privately managed, receive considerable financial assistance from the Department of Education & Science: payment, almost in full of teachers salaries and allowances; 90% of the cost of approved building and equipment; and capitation grants for each eligible pupil. Approximately 88% of (voluntary) secondary schools operate by means of a capitation grant of £184.00 p.a. per pupil. The remainder are fee-paying schools.

5. Conditions regarding curricula, timetables and teaching methods

- The Department of Education and Science is responsible for setting the curriculum for grant-aided primary schools but no control is exercised as far as the curriculum followed in private primary schools is concerned.
- In order to receive state recognition, secondary schools must operate in accordance with the Rules and Programme for Secondary Schools established by the Department of Education and Science. In particular, regulations cover aspects like the suitability of school premises, the quality of the teaching staff, minimum number of pupils and the content of the school curriculum and courses of instruction. Syllabuses for specified subjects must be approved by the Minister. Under the terms of the Education Act 1998, the Minister may, after due consultation with appropriate bodies, prescribe the curriculum for recognised schools.

6. Status of qualifications awarded

- State examinations include the Junior Certificate and Leaving Certificate.

7. Appointment/Status/Terms and conditions of service of teachers

- Private primary schools employ their own teachers (including head teachers) without state approval.
- Primary teachers must have a Bachelor of Education (B.Ed.) degree that is suited to the teaching of pupils in the age range 4 to 12.
- Voluntary secondary schools are private institutions and teaching appointments (including of head teachers) at these schools are matters for the individual school authorities, subject to the terms of the redeployment scheme for teachers. State approval is confined to the eligibility of individual teachers for payment of an incremental salary grant. The teacher allocation, for grant purposes, to an individual school for a particular school year is determined by applying a pupil-teacher ratio to the enrolment at the school at the end of the preceding September. The pupil-teacher ratio is determined by the State. General conditions for the recognition of voluntary secondary schools for grant aid stipulate that:
 - 'The staff of teachers must be sufficient in number, and must be qualified to give instruction in the subjects of the programme which they teach. The staff will not be considered sufficient if, in the opinion of the Minister, the number of pupils in any class is too large to permit efficient instruction.'
- To be eligible for an incremental salary, secondary teachers must, amongst other things, be registered in accordance with the Regulations for the Registration of Secondary School Teachers as laid down by the Registration Council. Secondary teachers must have a third level qualification at degree level which in the opinion of the Registration Council (for secondary teachers) is suitable for the teaching of one or more subjects from the approved second level curriculum. They must also hold a training-in-teaching qualification at post-graduate level that is approved by the Registration Council as being suited to the teaching of students in the age range 12 to 18.

8. Inspection

- All recognised schools are subject to regular inspection and evaluation by the inspectorate.
- The functions of the inspectorate are:
 - to support and advise recognised schools and centres for education,
 - to evaluate the quality and effectiveness of the provision of education in the State,
 - to conduct research into education,
 - to promote excellence in all the domains of education,
 - to disseminate relevant information,
 - to evaluate the effectiveness of teaching,
 - to advise the Minister on matters relating to educational policy, provision and curriculum,
 - to perform designated functions in the domain of the school certificate examinations,
 - to assess the psychological needs of students at recognised schools and advise the Minister and the school of these,
 - to assist in the creation of a school environment that facilitates the education of students with learning disabilities.

9. Statistics

School year 1998/99

Primary Education (ISCED 1)	Grant-aided	Private (1)	% Private
Pupils	452 533	4 031	0.9%
Schools	3 303	36	1.1%
Teachers (2)	21 500	262	1.2%

(1) Non-grant-aided primary schools exclude centres not catering for children aged 6 or over and coverage is not complete.

Full-time lower and upper secondary education (ISCED 2 + ISCED 3)

Second level (GENERAL)	Secondary (privately owned) (publicly funded)	Vocational	Community & Comprehensive	Total (Publicly funded)	% Secondary (privately owned) (publicly funded)	Fully Private (ISCED 3 only) (3)	% Fully Private
Pupils	210 711	76 126	51 391	338 228	62.3%	1 325	0.4%
Schools	432	245	82	759	56.9%	5	0.6%
Teachers (2)	13 223	6 602	3 610	23 435	56.4%	102	0.4%

(2) Full-time equivalent; most teachers of ISCED 4 programmes are included in these figures.

(3) Coverage of fully private schools is not complete.

Source: Department of Education & Science Statistical Report 1998/99

10. Index of representative organisations

Catholic Primary Schools Managers Association
Veritas House
7/8 Lr Abbey Street
Dublin 2
Tel: 01-8742171

Secondary Education Committee
15 Belgrave Road
Rathmines
Dublin 6
Tel: 01-4961611
E-Mail secretar@iol.ie

Conference of Religious of Ireland
Milltown Park
Dublin 6
Tel: 01-2698011

Association of Secondary Teachers in Ireland
ASTI House
Winetavern Street
Dublin 8
Tel: 01-6719144
E-Mail info@astil.ie

National Parents Council (primary)
16-20 Cumberland Street South
Dublin 2
Tel: 01 6789980

Church of Ireland Board of Education
Church Avenue
Rathmines
Dublin 6
Tel: 01-4978422
E-Mail rebldub@iol.ie

Catholic Episcopal Commission for Education
St Nathy's
Ballaghderreen
Co Roscommon
Tel: 0907-60021

Irish National Teachers Association
35 Parnell Square
Dublin 1
Tel: 01-8722533
E-Mail info@into.ie

Teachers Union of Ireland
73 Orwell Road
Rathgar
Dublin 6
Tel: 01-4922588
E-Mail tui@iol.ie

National Parents Council (post-primary)
Marino Institute of Education
Griffith Avenue
Dublin 9
Tel: 01-8570522

Trends

- The Education Act 1998 sets out for the first time a statutory framework within which the Irish education system can operate and continue to develop.
- The Act provides that it is the duty of the patron of a recognised school to appoint a board of management for the purposes of ensuring that the school is managed in a spirit of partnership. The board appoints teachers to the staff of the school. As regards teachers paid by the State, questions regarding their numbers, qualifications and suspension or dismissal must be decided in accordance with state regulations.
- The board is accountable to the patron for upholding the characteristic spirit of the school as determined by the cultural, educational, moral, religious, social, linguistic and spiritual values and traditions which inform the objectives of the school.
- The Act provides for an appeal to be made to the Department of Education and Science by or on behalf of a student who has been expelled or suspended from or refused admission to a school.

ITALY (2000)

1. General/Legislative framework

- Article 33 of the Italian Constitution lays down two fundamental principles of school policy:
 - the obligation upon the state to provide a school system at all levels (paragraph 2);
 - the right of private individuals and legal entities to set up schools and educational institutions without imposing financial burdens thereby on the Government (paragraph 3). Paragraph 4 says that laws must be passed to set out the rights and duties of those private schools which request recognition of equal status with state schools. This is to ensure that they enjoy complete freedom and that their pupils receive academic treatment equivalent to that received by pupils in state schools.
- Consequently, in accordance with the Italian Constitution, there should be three types of school:
 - State schools, administered directly by the state;
 - *Scuole paritarie* (private schools equal in status to state schools), administered by private corporate bodies or individuals but recognised by the state and thus entitled to award legally valid qualifications;
 - Purely private schools, not entitled to award legally valid qualifications.
- As a result of conflicts that arose between groups with Catholic tendencies and predominately secular groups, especially concerning the fundamental issue of financing, the law on *scuola paritaria* was approved by Parliament only in the year 2000. This is Law No 62 of 10 March 2000, which speaks of "standards for school equality and regulations concerning the right to school education" as mentioned in the Constitution of 1948.
- A two-part solution has made it possible to overcome the conflicts that, for half a century, blocked approval of the law on the equal status of these schools (*parità scolastica*). Firstly, there is the formula whereby financing is not provided directly to the administrators of non-state schools – which secular groups considered incompatible with the concept 'without burdens on the state' mentioned in Article 33 of the Constitution – but indirectly in the form of scholarships and tax relief to the families of pupils, regardless of whether they attend non-state or state schools. Secondly, there is the recognition that non-state schools with equal status (*scuole paritarie*) constitute a part of the national education system.
- A transitory solution was found with Law No 62 of 10 March 2000 (Article 1, Paragraph 7), which states that the regulations contained in Part VIII-II of the Consolidated Act, approved with Legislative Decree No 297 dated 16 April 1994, continue to apply to private schools that do not intend to apply for equality of status. However, at the end of three years, starting from the end of the year in which the new law came into force (i.e. at the end of school year 2002-2003), the Italian Education Minister will have to re-arrange the standards set out in the Legislative Decree of 16 April 1994, in order to bring all non-state schools within the two categories of "non state schools with equal status" (*scuole paritarie*) and "non state schools without equal status" (*scuole non paritarie*).
- Therefore, when dealing with non-state schools at the present time, the legislative framework breaks schools down into the following categories:
 - Non state schools with equal status (*scuole paritarie*), which belong to the Italian school system and are run in accordance with Law 62 of 10 March 2000;

- Legally recognised transitory schools (already *scuole pareggiate* – approved schools; *scuole parificate* – schools that enjoy equal treatment; *scuole legalmente riconosciute* – legally recognised schools), which do not belong to the state system and which are run according to the standard mentioned in Legislative Decree 297 of 16 April 1994;
 - Purely private schools, which naturally do not belong to the state school system, and which are also run according to the standard mentioned in Legislative Decree 297 of 16 April 1994.
- Only the schools mentioned at a) and b) (the latter category being of a transitory nature) may award diplomas with the same legal value as those granted by the corresponding state schools.
 - In its Circular No 163 of 15 June 2000, the Italian Education Ministry gave preliminary indications concerning the application of Law No 62 of 10 March 2000, reserving the right to give more indications which mention the standards of the laws formerly in force (Legislative Decree of 16 April 1994). These standards are to be understood as abolished, both because of the introduction of the standardised system and as a result of the reform of School Administration (abolishment of Provincial Directorates of Education, etc.)
 - What is presented in the following paragraphs may therefore change, as the old regulations are modified to bring them into line with the new rules.
 - Everything heretofore notwithstanding, some Regional Governments had already before Law No 60 2000 started paying *buoni scuola* (school vouchers) or *asegni per il diritto allo studio* (grant assistance) to parents of pupils attending state schools and *scuole legalmente riconosciute* and *parificate*, in accordance with the 1998 Legislative Decree No 112 on the “Granting of state administrative functions and duties to regional governments and local authorities in accordance with Chapter I of Law No 59 of 15 March 1997”. This legislative decree delegates some administrative functions to the regions, such as contributions to be paid to private schools, which come under national law.

2.Types of schools

- Private schools may be divided into:
 - “*paritarie*” or equal-status schools: the term “equal-status” is applied to those private educational institutes, including those run by local authorities (communes, provinces, regions) which provide schooling for children from infants upwards, meet the general standards for schools, provide a service requested by parents, and have the requisite quality and efficiency characteristics as required by law (see point 3). Equal-status schools may be run by private individuals or legal entities from countries within the European Union, Religious Orders within Italy, or foreign religious orders recognised by the Holy See and with a legal status in Italy; they are all qualified to teach in the Italian education system;
 - *scuole parificate*, *scuole legalmente riconosciute* and *pareggiate* (schools that enjoy equal treatment, legally recognised and approved schools): the term “schools that enjoy equal treatment” refers to primary schools, run by bodies or companies with juridical personality, legally recognised by means of special conventions; the term “legally recognised schools” (*scuole legalmente riconosciute*) refers to lower and upper secondary schools run either by private individuals or by bodies and associations as mentioned below at point 3; the term “approved schools” (*scuole pareggiate*) refers to lower and upper secondary schools run either by public or Church bodies as mentioned below at point 3;
 - purely private: schools run by either a private individual or a legal entity (whether public or private) which, in certain conditions, may be authorised to run a nursery or primary school

or may obtain the *presa d'atto* (acknowledgement of the existence of schools that have not yet been granted legal recognition - lower or upper secondary schools). A private school may take the name of a state school and teach its contents, such as *liceo classico* (classical liceo), *istituto tecnico* (technical school), etc. If, on the other hand, they adopt another name and different contents, these are classified as "courses"; these types of schools, indeed, tend to provide accelerated exam preparation courses among other options.

3. Conditions for setting up schools

- The Italian Education Ministry grants equal status to private schools requesting it under the following conditions:
- when they have prepared a teaching plan in accordance with the Constitution;
- when they adopt a Plan of the Educational Offer (*Piano dell'Offerta Formativa* - POF) in accordance with the laws currently in force;
- when they publish their budgets and provide for classrooms, equipment, and teaching materials adequate for the specific type of school;
- when they have collegiate bodies in order to implement a democratic participation within the school;
- when they guarantee the enrolment for those pupils who request it, whether these are handicapped or in some other way disabled;
- when they offer all the courses of the specific type of school (which means that they cannot apply for this status only for some classes, unless the school is waiting for the rest of the classes to be set up);
- when they have a properly qualified teaching staff with a contract and a stipulated salary (except in the case of religious staff who teach within a school of their Order). Schools can, however, use voluntary teachers or teachers with contracts of professional service to fill no more than a quarter of teaching posts.
- *Equal-status* schools must undergo a series of tests of their methods and results in accordance with the national evaluation system. On the other hand, *equal-status* schools have absolute freedom in choosing the teaching contents and the pedagogical approach, and non-profit organisations may follow the tax programme for socially useful non-profit organisations (Legislative Decree No 640 of 4 December 1997).
- Authorised pre-schools, *equal-status* primary schools, and *legally recognised* or approved lower and upper secondary schools during the 1999-2000 school year may request recognition of equality starting from year 2000-2001. The same request may be made by schools which taught without legal recognition during the school year. It goes without saying that these schools must have fulfilled all the other requirements for recognition demanded by Law No 62 of 10 March 2000.
- However, the State educational administration no longer has discriminatory powers over the authorisation of non-state schools, because such a power is in contrast with the constitutional right to school pluralism, and would mean returning to a monopoly of the state in education. Thus, when the conditions set out in the law have been met (especially those regarding hygiene, and the suitability of buildings), authorisation is due.
- At nursery level, authorisation of private schools (whether run by private individuals or public entities) is given by the local *dirigente scolastico* (school manager). In the event of failure to meet the requisite conditions, the *dirigente scolastico* may decide to close the school down.

- At primary level, *authorised private schools* (*scuole private autorizzate*) may be run by Italian citizens who have a diploma to prove they have completed upper secondary education, or another document showing them to be legally and morally capable of so doing. Authorisation is granted (and may be withdrawn) by the local *dirigente scolastico*.
- *Equal-status schools* (*scuole parificate*) are those run by legally established entities or associations, and which are recognised by means of a special convention stipulated after authorisation by the Ministry of Education with the Provincial Directorate of Education.
- At lower and upper secondary level, schools (and courses) which are entitled to run with *presa d'atto* (acknowledgement of the existence of schools that have not yet been granted legal recognition - lower or upper secondary schools) from the school administration may only be opened and run by legal persons, by citizens of Italy or of the European Union who are at least 30 years old and who have the requisite professional and moral qualifications.
- Schools that have been operating for at least one year with *presa d'atto* may receive the title of "legally recognised" (*scuole legalmente riconosciute*) provided that:
 - the school meets all conditions regarding hygiene, teaching and security, and possesses furniture, equipment and teaching materials in sufficient number and correct for the particular type of school;
 - teaching is provided and practical work carried out in accordance with national syllabus;
 - the administrative and teaching staff hold the same degrees as called for in the corresponding state schools;
 - pupils hold legally valid qualifications for the classes they attend.
- If the schools that have been operating for at least one year with *presa d'atto* are administered by public or religious bodies, they can receive *equal status* instead of *legal recognition* and thus assume the title of *scuole pareggiate* or schools of a status equivalent to that of the corresponding state schools. In addition to the conditions listed above, such schools must satisfy the following additional conditions:
 - they must have the same number and type of teaching positions as the same type of state schools;
 - the teaching positions must be filled with staff appointed on the basis of a special public competitive examination or from the state rolls;
 - the staff must be paid an initial salary equal to that paid by state schools.

4. Public financing and subsidies/fees

- In addition to laying down standards for equal status, Law No 62 of 10 March 2000 also contains regulations for the right to study and schooling.
- Generally speaking, this law excludes direct financing for people who run private schools, including equal-status ones (*scuole paritarie*). On the other hand, the law speaks of a special state finance programme for regional administrations, exclusively for pupils at state and equal-status schools (*scuole paritarie*), and in order to put the right to schooling into effect. However, this law applies only to equal-status and state schools as far as compulsory and upper secondary education is concerned and is given to families via grants, often with differences made in terms of the level of school attended.
- Precedence in making grants is given to poorer families, and these grants are in addition to any other assistance provided by the Regional Government.
- The sums set aside by law are 250 billion lire for the year 2000, and 300 billion for 2001.

- The amount to be provided in the following years has still to be budgeted.
- Finance for the running of non-state schools is still limited to two sectors, i.e.:
 - nursery schools (integrated state and private pre-school system);
 - primary schools that enjoy equal treatment (*scuole parificate*).
- Public bodies provide subsidies for the running costs of both public and private nursery schools. The size of these subsidies was, in the past, rather modest, but the budget of the Italian Ministry of Education has gone up considerably in the last few years. Law No 62 of 10 March 2000 increased the capital by 280 billion lire.
- Subsidies are distributed according to:
 - the number of children who have signed up for or are attending classes;
 - the number of sections a school has, taking as a reference point the number of children foreseen in terms of the current regulations for state schools;
 - the number of children accepted for free schooling and school meals, or for free schooling only, or for free meals only;
 - any other income the school has;
 - the socio-economic conditions of the area where the school is;
 - the distribution of schools in large cities, in urban areas, or in small towns;
 - expenses incurred for school management.
- Children, generally speaking, enjoy the same services as in a state school in terms of canteens, transport, and so on. They pay a fee, which is decided by the management.
- In primary schools, although no finance measures have been foreseen for *scuole autorizzate*, the convention stipulated with *scuole parificate* by the local Administration determines the amount of state aid. For this budget item, Law No 62 foresees a further grant of 60 billion Liras. Pupils enjoy the same services as in a state school in terms of canteens, transport, and so on.
- Textbooks are provided for free. No school fees are charged; instead, the granting of equal status depends on the school's willingness to accept children free of charge during the years of compulsory education. Other extra-curricular activities, however, do not need to be offered for free.
- Lower and upper secondary schools with *presa d'atto* or run as *scuole legalmente riconosciute* do not receive any sort of financing.
- Pupils who go to compulsory middle or secondary school (middle school and the first year of secondary school) enjoy the same services as in a state school in terms of canteens, transport, and so on, whereas textbooks are not provided free of charge.
- School management is free to decide at what level enrolment and tuition fees should be set.
- The benefits spoken of in Law No 62 of 10 March 2000 refer therefore only to state and *equal-status* private schools (*scuole paritarie*). By contrast, the benefits under regional laws may be applied to pupils at either state schools or non equal-status private schools.

5. Conditions regarding syllabuses, timetables, and teaching methods

- This point is currently being redefined on the basis of the following:
 - Law No 62 of 10 March 2000 on *parità scolastica* (school standardisation). This law does indeed guarantee complete freedom to equal status schools (*scuole paritarie*) in deciding the teaching contents and the pedagogical approach. However, these schools are still part of a national education system and can grant legally valid diplomas, so at the same time they must have a basic structure as close as possible to the one used in state schools (paragraphs 3 and 2);
 - Law No 59 of 15 March 2000 and its later amendment (number 275) dated 8 March 1999. These granted state schools a wide range of freedoms - even in view of the national system - in teaching, running, researching and experimenting, and they also obliged non-state schools which grant legally-recognised diplomas to bring their systems as close as possible to that of the state sector, provided this can be done without compromising their declared aims.
- Generally speaking, the areas for autonomy in teaching and in running a school have been considerably widened in terms of the former laws on *parità scolastica* (school standardisation). The law on *parità scolastica*, for example, states that the teaching programme of an *equal-status* private school may indicate cultural or religious tendencies, but any extra-curricular activities that require a certain ideology or religious creed may not be made compulsory for pupils.

6. Status of diplomas granted

- Diplomas granted by *scuole private autorizzate* or those which run with *presa d'atto* have no legal value. However, those granted by *scuole paritarie*, *parificate*, *legalmente riconosciute* or *pareggiate* at primary and secondary level have the same value as qualifications awarded by state schools of the corresponding type.
- Law No 425 of 10 December 1997, which established new norms for the upper secondary school leaving state examinations, no longer provides for *scuole legalmente riconosciute* or *pareggiate* to be independent examination centres. Moreover, it establishes that each examination board of a school that is *legalmente riconosciuta* or *pareggiata* should be matched with the examination board of a state school, and have the same chairman of the board.

7. Appointment/Status/Terms and conditions of teachers' service

- At pre-school level, members of the teaching staff must hold a legal teaching qualification. The working relationship is of a private nature.
- At primary level, teachers in private schools that are either *autorizzate*, *parificate* or *paritarie* must hold the prescribed qualification. Their working relationship is of a private nature and is regulated by the national labour contracts, which may be supplemented by the regulations of each school.
- At secondary level, the same applies as for the primary level. Staff in *scuole pareggiate* must be paid an initial salary equal to that of staff at state schools.
- *Scuole paritarie* at any level and of whichever type may employ volunteers or teachers with contracts of professional service, but not for any more than a quarter of the total hours.

8. Inspection

- The inspection of private schools will also have to be changed as soon as possible, in view of the changes introduced by the new Law. It is evident that a checking system will have to be put in place to see if *scuole paritarie* – as well as state schools - reach standards set at national level, given that *scuole paritarie* are liable to the assessment of the national evaluation system. School administration (see Circular No 163 of 16 June 2000) will also have the right to check the observance of the requirements of school standardisation and the granting of financial assistance to parents. The actual methods to be used in carrying out these checks – even in non equal status schools – must take account of the recent reform of the school administration, which saw the abolition of Provincial Directorates of Education.

9. Statistics*

1998/1999

	Public	Private
Pupils		
Pre-school	1 149 565	442 783
Primary	2 641 341	191 592
Lower secondary	1 714 349	60 660
Upper secondary	2 388 591	155 159
Schools		
Pre-school	17 149	8 444
Primary	17 343	1 730
Lower secondary	7 953	742
Upper secondary	4 991	1 892

1998/1999

	Public	Private
Teachers		
Pre-school	100 418	23 195
Primary	269 968	11 941
Lower secondary	199 888	8 732
Upper secondary	260 105	35 377

Sources: Ministero della Pubblica Istruzione, Servizio Statistico – Ufficio SISTAN

10. Index of representative organisations

AGESC

Associazione Genitori Scuola Cattolica
(Catholic School Parents Association)
Viale Baldelli, 41
I - 00146 Rome

ANINSEI

Associazione Nazionale Istituti non Statali di
Educazione e Istruzione
(Italian Private Schools Association)
I - 00198 Rome

* We are still waiting for up-to-date statistics from the Statistical Service of the Ministry of Education.

CNOS
Centro Nazionale Opere Salesiane
(National Centre for Salesian Works)
Via Marsala, 42
I - 00185 Rome

CSSC
Centro Studi per la Scuola Cattolica
(Catholic Schools Study Centre)
Circonvallazione Aurelia, 50
I - 00165 Rome

FIINSEI
Federazione Italiana Istituti non Statali
di Educazione e Istruzione
(Italian Private Schools Federation)
Via Nazionale 172
I - 00184 Rome

FOE
Federazione delle Opere Educative
(Federation of education works)
Via Melchiorre Gioia, 181
I - 20125 Milan

CNSC
Consiglio Nazionale della Scuola Cattolica
(Catholic Schools National Council)
Circonvallazione Aurelia, 50
I - 00165 Rome

FIDAE
Federazione Istituti di Attività Educative
(Federation of institutions providing education activities)
Via della Pigna 13
I - 00186 Rome

FISM
Federazione Italiana Scuole Materne
(Italian Nursery Schools Federation)
Via della Pigna, 13
I - 00186 Rome

Trends

- The law on *parità* (standardisation) was approved so recently that any important changes are – at least in the short term – difficult to foresee. However, the law has been criticised by two different types of people: on the one hand, those who favour direct financing of schools and those who believe in “school vouchers” system, whether state or private; and, on the other hand, those who think that the system of grants and financial aid is an efficient way of bypassing the ban imposed by the Constitution concerning finance for private schools.

Sources

- Consolidated Act on schools approved by Legislative Decree No 297 of 16 April 1994.
- Law No 62 of 10 March 2000 on “Standardising equality between schools, and regulations concerning the right to study and education”, published in the Official Gazette, 21 March 2000.
- Ministerial Circular No 163 of 16 June 2000.

LUXEMBOURG (2000)

1. General/Legislative framework

- The vast majority of primary and secondary schools in Luxembourg are public.
- There are however private schools established as corporate bodies; these are almost all administered by the Catholic Church.
- The law of 10 August 1912 on primary education and the law of 31 May 1982 concerning the relationship between the State and private post-primary education set out the conditions which private schools must fulfil in order to obtain government approval.

2. Types of schools

- **At primary level**
- There is currently one denominational private school and one non-denominational private school in Luxembourg.
- **At post-primary level**
- The law of 31 May 1982 makes a distinction between general private post-primary education and post-primary education under contract.
 - General private post-primary education is defined as education which is not provided by the State, local government or vocational organisations. Programmes and timetables may differ from those of state schools. Approval to open a private post-primary school is granted by the Ministry of Education.
 - Private post-primary education under contract is defined as private education with curricula, timetables, and teaching methods corresponding to those of state schools. Private schools under contract must obtain approval from the Ministry of Education and they receive state subsidies toward their running costs.
- Luxembourg has six private schools under contract, including five denominational and one non-denominational school.
- All the schools under contract provide technical secondary education. Two of these schools also offer general secondary education and one provides primary education. The remaining establishment offers primary and lower secondary education.

3. Conditions for setting up schools

- **At primary level**
- The law of 10 August 1912, as subsequently amended, on the structure of primary education provides that all private primary schools must obtain government approval, which is granted by a decision of the local council, the education inspector, and the Inspection Commission. This approval applies only to the particular establishment in question and may be withdrawn if the school ceases to meet one or more of the legal conditions attached to its approval. These conditions mainly concern the curricula.

- **At post-primary level**

- Chapter I of the law of 1982 states that approval to set up a school will be granted after an examination of:
 - the moral character of the individual or body responsible for managing the school;
 - the moral character and qualifications of the head teacher and teaching staff;
 - the classroom accommodation and the cleanliness of the premises;
 - the aims, curricula and teaching methods;
 - the requirements for admission and promotion of pupils;
 - the qualifications awarded to pupils;
 - the internal rules for discipline and good order;
 - the financing of the school;
 - the standard educational contract between the school and its pupils.

4. Financing/Subsidies from public funds/Fees

- **At primary level**

- Subsidies are not awarded on the basis of a contract binding the State, but by a decision of the Government meeting in Council. Subsidies are paid annually upon presentation of a declaration of the number of pupils enrolled at the beginning of the school year.
- Subsidies are granted to cover a portion of a school's running costs. Aid is calculated on a per-capita basis, in contrast to aid for private secondary schools. It does not thus take into account the real cost per pupil and is not weighted according to the level of education.
- Private schools charge fees, the amount of which is determined by the individual school.

- **At post-primary level**

- The State provides subsidies to meet current running costs not met by the fees, up to the total of the operating losses.
- The law of 1982 excludes expenditure on durable goods, construction or renovation of school buildings from eligibility for subsidies.
- In order to receive state subsidies, schools must:
 - have non-profit-making status;
 - exist for the sole purpose of providing education and training;
 - be the employers of the teachers and administrative and technical staff;
 - own or have possession of the buildings and equipment used for teaching purposes;
 - provide education corresponding to the types of education provided by the State;
 - follow the curricula in force in state schools;
 - respect state school timetables;
 - apply the same criteria for admission and promotion as state schools.
- Subsidies are based on the average cost of educating a public sector pupil, how qualified teachers are, and the number of pupils at the private school. This number is not an actual count of pupils but instead a figure adjusted to give more weight to upper secondary education.

- Private schools charge fees set by the individual school with the approval of the Ministry of Education. These are minimal compared to the state subsidies. The fees are kept low to avoid discrimination against children from disadvantaged backgrounds.

5. Conditions regarding curricula, timetables and teaching methods

- **At primary level**
- Private schools should, in principle, teach the same subjects as public sector schools. Primary schools' schemes of work must cover all subjects which are, or may be declared, compulsory under the law of 10 August 1912. The Government may, however, grant a dispensation from teaching one or more of these subjects. Any change to the scheme of work must be communicated to the Inspector and the local authority.
- **At post-primary level**
- In general, the criteria for state schools provide a frame of reference for private schools under contract.

6. Status of qualifications awarded

- To the extent that private schools provide education comparable to that in state schools, the qualifications awarded are equivalent. Private school pupils must take their final secondary exams in the public sector examination sessions.

7. Appointment/Status/Terms and conditions of service of teachers

- Private primary school teachers must be nationals of an EU country and hold the same qualifications as public sector primary teachers.
- The State is not directly involved in the appointment of head teachers. However, it does take into account the moral character of the teaching and senior staff when deciding whether to grant approval to the setting up of a private school (see section 3 above).
- Private school teachers may transfer to public sector schools if they have the same qualifications as public sector school (civil servant) teachers. Some state teachers teach part-time in private establishments in addition to their public sector work.

8. Inspection

- Private schools are subject to monitoring and inspection by the Ministry of Education. A committee of financial auditors also ensures that the norms which form the basis for the calculation of the state subsidy are complied with.

9. Statistics

School year 1998/99

	Public	Private
Pupils		
Primary	39 918	402
Secondary	8 901	703
Secondary technical	18 233	2 777
Total post-primary	27 134	3 480
Schools		
Primary	± 150	2
Secondary and secondary technical	22	6
Teachers		
Primary	2 732*	26
Secondary and secondary technical	2 906	287.25** full-time equivalents of 22 hours/week

* Regular staff (qualified teaching staff).

**The total number of hours of instruction is thus 6,320. The actual number of teachers has little significance as there are many part-time posts in private schools.

Sources: Luxembourg Eurydice Unit.

Statistique année scolaire 1998/99. Luxembourg: Ministère de l'éducation nationale.

10. Index of representative organisations

- In Luxembourg there is no association representing all private schools. Private school teachers', parents', or pupils' associations may be contacted at the addresses of the various schools.

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• Primary

- École Waldorf 6, avenue Joseph Sax, L - 2515 Luxembourg
- École Privée Notre-Dame 4, rue Marguerite de Busbach, L - 1269 Luxembourg

• Post-primary

- Lycée Technique Privé Emile Metz 50, rue de Beggen, L - 1220 Dommeldange
- École Privée Notre-Dame 4 rue Marguerite de Busbach, L - 1269 Luxembourg
- École Privée Fieldgen 21, rue d'Anvers, L - 1130 Luxembourg
- École Privée Ste Anne 108, Grand-Rue, L - 9051 Ettelbruck
- École Privée Marie-Consolatrice 101, rue de Luxembourg, L - 4221 Esch/Alzette
- École Privée Ste Elisabeth 7, rue de Binsfeld, L - 9912 Troisvierges

Source

Luxembourg Eurydice Unit

THE NETHERLANDS (2000)

1. General/Legislative framework

- Article 23 of the Dutch Constitution guarantees freedom of education, which embraces the freedom to set up schools, freedom to determine the principles on which they are based (freedom of conviction) and freedom of organisation of teaching.
- The freedom to set up schools, which has been guaranteed by the Constitution since 1848, means that any individual or body has the right to found a school without the prior approval of the authorities. It implies that different groups in society have the right to found schools on the basis of their own religious, ideological or educational beliefs or principles.
- The freedom of conviction means that the *bevoegd gezag*, the competent authority, (governing body responsible for school administration) may tailor instruction to reflect its religious, philosophical or educational convictions.
- The freedom of organisation of teaching refers to the freedom of the competent authority to determine the content of teaching and the teaching methods used.
- The exercise of this Constitutional right has led to the emergence of a great variety of educational establishments which fall however into two main categories – publicly run and privately run schools (*openbare* and *bijzondere scholen*).
- This diversity of schools means that there is also a large number of governing bodies responsible.
- Public sector schools are under the control of the municipal authorities, in which case the municipal executive acts as the competent authority. The municipal council may opt to delegate the task from the municipal executive to some other type of body, governed by public law. The governing body of a publicly run school can be publicly called to account by the municipal council for its actions.
- The authorities are responsible for ensuring that there are enough public sector schools to provide good quality education for all. Public sector education is secular.
- Private schools are established upon individual initiative and administered by a governing body governed by private law. The competent authority of a privately run school is the board of the association, foundation or church body that set it up, foundations being the most common.
- If public and private schools cooperate and share the same competent authority, they have the option of choosing a competent authority governed by either private or public law. Statutory regulations safeguard the provision and nature of public education within schools of that kind.
- Under the terms of the Constitution all schools – publicly run and privately run – are funded on an equal financial footing. The legislation on education governs privately run schools as well as public authority schools and takes into account the Constitutional freedom of education.

2. Types of schools

- The majority of private schools are denominational schools. Most of these are Catholic and Protestant establishments, but there are also establishments founded by other religious groups (like Islamic schools).
- Many private schools are also non-denominational, basing their programmes on ideological or educational principles. In private education as well as in public education, the Netherlands have a relatively large number of schools based on particular teaching philosophies, such as Montessori, Steiner, Jenaplan, Dalton and Freinet schools.

3. Conditions for setting up schools

- The standards required for setting up schools are set out in government legislation on education. These specify minimum enrolments and, at primary level, are based on pupil density within the local authority area, i.e. the number of children aged 4 to 12 per square kilometre. A private secondary school may be included in the *Plan van scholen* (Plan for new schools) for setting up new establishments, if it can be demonstrated that the number of pupils likely to be enrolled exceeds the legal minimum for a school of this type. An application to create a new school must include an estimate of probable enrolment.
- The provincial administration ensures the availability of adequate numbers of public authority schools.

4. Financing/Subsidies from public funds/Fees

- Since 1917, public authorities have been providing 100% funding for both public and private sector schools. This equal support is a fundamental principle of Dutch society. Although at the outset only primary schools were eligible for equal funding, financial equality has gradually been extended to all levels of education up to and including university education (as of 1970). As a condition of funding from the public purse, the law lays down that private educational establishments must be maintained by a legal person with full legal competence, whose aim is to provide education, without any profit-making motive.
- Financial equality is carefully regulated in relation to all types of education. Application of the rule of equal funding (*overschrijdingsregeling*) means that if, during a given year, the running costs met by local government for public education exceed state subsidies to private schools, the local authority must in principle pay the difference to private schools. However, certain needs-based subsidies do not have to be paid to all schools in the same amounts, if their needs differ.
- Subsidies to private schools are based on the cost of the facilities, equipment, staff and running expenses of public sector schools of the same level. This means, in particular, that the public authorities pay the salaries of teachers and technical staff to the competent authority for each school.
- Private schools often receive contributions from parents or have resources of their own. These funds may be used for different purposes such as teaching materials, extra-curricular activities or even to engage additional staff or to pay the staff a supplement to their regular salaries.
- In order for a school to receive state financing, the competent authority must comply with certain conditions set out in specific government laws and regulations.

- In general, schools must observe rules on the admission of pupils, must have a non-profit-making status, and their governing body must belong to the Appeals Commission.
- Quality norms in relation to teachers' qualifications, compulsorily taught subjects in each kind of school and final examinations are also applicable.

5. Conditions regarding curricula, timetables and teaching methods

- Although education law in the Netherlands is extensive, public and private sector schools have a great deal of autonomy.
- The Ministry of Education, Culture and Science does not impose any particular teaching materials and does not produce any materials of its own. Educational materials are designed and marketed by commercial and non-commercial publishers. The Government sets objectives for each type of education, but schools nonetheless have complete freedom to choose their teaching methods and the means of attaining these objectives.

6. Status of qualifications awarded

- There is no difference in status between diplomas or other qualifications awarded by public sector schools and those given by private schools funded by the Ministry.

7. Appointment/Status/Terms and conditions of service of teachers

- The Constitution explicitly states that the freedom to set up schools includes the freedom to appoint teachers and choose teaching methods.
- The competent authority of a school is thus free to recruit teachers, on the sole condition that they be able to produce a certificate of good conduct and a teaching certificate.
- Private schools have the right to appoint, exclusively or as a matter of preference, teachers who subscribe to the school's particular religious, philosophical, or educational views.
- Teachers appointed to public sector schools are formally public sector personnel, while private school teachers have a contract of employment under civil law.
- The legal status of teachers is laid down in decrees per education sector. For education personnel in primary and special education the legal status is set out in the *Rechtspositiebesluit Onderwijspersoneel (RPBO)*, the Legal Status (Education Personnel) Decree. For education personnel in secondary education the legal status is laid down in the *Kaderbesluit Rechtspositie VO*, the Legal Status (Education Personnel) Framework Decree. The decrees apply directly to public sector teachers and are a condition of receipt of subsidy for private schools. In other words, if a private school wishes to receive funding, its administration must incorporate the decrees provisions into the conventions on working conditions for its staff. The State then pays their salaries, which are identical to those of public sector teachers. For purposes of the legislation on retirement pensions, all teachers are treated as civil servants.

8. Inspection

- The Ministry of Education, Culture and Science is responsible for educational inspection. The Education Inspectorate functions under the Ministry's direction. The Education Inspectorate is a semi-independent agency with self-governing status. Both private and public sector schools are subject to inspection.

9. Statistics

Number of pupils 1999/2000	
Primary education (including special schools) (PO)	1,638,800
Secondary education (VO)	891,000
Adult and vocational education (BVE)	440,400
Higher professional education (HBO)	301,300
Universities	161,000
Total	3,432,500

Number of institutions 1999	
Primary education (including special schools)	7,753
Secondary education	668
Adult and vocational education	62
Higher professional education	56
Universities	12*

Exclding the Agricultural University, the theological universities and the Open University.

Institutions by denomination		1998/1999	1999/2000
PO	Public	33.1%	33.1%
	Protestant	29.5%	30.0%
	Roman catholic	30.1%	29.9%
	Other private	7.3%	7.1%
VO	Public	23%	27%
	Protestant	22%	21%
	Roman catholic	32%	32%
	Private non-denominational	19%	11%
	Interdenominational	4%	9%

Number of teachers 1999	
Primary education (including special schools)	103,300
Secondary education	67,300
Adult and vocational education	33,300
Higher professional education	21,200
Universities (teaching + research, incl. contract work)	39,600*)

*) 1998

10. Index of representative organisations

- Educational interests are defended by national coordinating bodies ⁽¹²⁾ (umbrella organisations). The following organisations represent private education:
 - NKSR: *Nederlandse Katholieke Schoolraad* (Dutch Council of Catholic Schools)

¹² These national coordinating bodies are cooperative associations representing a variety of organisations, including teachers' unions, parents' organisations, and organisations of governing bodies, among others.

- NPCS: *Nederlandse Protestants Christelijke Schoolraad* (Dutch Council of Protestant Schools)
- NABS: *Nederlandse Algemeen Bijzondere Schoolraad* (Dutch Council of Neutral Schools).

Trends

- Private schools in the Netherlands have considerable autonomy within the general legal framework. The Constitution explicitly provides for freedom of private education in terms of teaching methods and the recruitment of teachers. Private schools also have complete freedom in:
 - determining the membership of the governing body (*bevoegd gezag*);
 - relations with parents and the various education support organisations;
 - provision of religious instruction and subjects outside the compulsory curriculum or school hours.
- Financial and legal support for private education has contributed to the development of education based on different philosophical and religious convictions and responding to a historical demand which is very much alive in Dutch society.
- The division of enrolment between public and private sector schools has remained practically stable since the beginning of the century, with about two third of primary and secondary school pupils attending private establishments. Since 1970, the public sector has grown slightly. However, over the last decade, some important changes in government itself have had a large impact on private and public sector schools. These changes are decentralisation, cutbacks, deregulation and privatisation. Decentralisation, or the shift in competence and responsibilities from central to local governments, led to a decrease in the influence of national umbrella organisations. With cutbacks, the conditions for government funding became stricter. Schools looked for other sources of income, mainly from the market. Private and public sector schools become more 'look alike'. Public sector schools can now opt for a form of public or private legal status. Administrative cooperation of public and private schools is possible; institutional cooperation is under consideration. This will contribute to erasing the line between public and private sector schools.¹³

Sources

- Onderwijs, Cultuur en Wetenschappen in kerncijfers 2001. Zoetermeer. Ministry of OcenW, 2000
- (Education, Culture and Science, Facts and Figures 2001
- Information dossier on the structure of the education system in the Netherlands 1999. Zoetermeer: Ministry of Education, Culture and Science, Dutch Eurydice Unit, 2000

¹³ The Social and Cultural Planning Office has published a study on the developments of the non-profit-making sector in The Netherlands (www.scp.nl) in which primary education is one of the three fields investigated.

AUSTRIA (2000)

1. General/Legislative framework

1.1. Constitutional law

- Article 17 of the State Basic Law (*Staatsgrundgesetz*) dated 21.12.1867, Reich Law Gazette. no. 142:

All citizens of the state are entitled to set up and teach at educational institutions as long as they have furnished proof of their ability in this regard in accordance with the law. (...) The state is vested with the right of supreme control and inspection of the entire teaching and education system.

- Article 14, Par. 7 B-VG (Federal Constitutional Law):

Schools that are not in the public domain are deemed to be private schools; these are awarded state recognition under public law in accordance with the relevant statutory provisions.

1.2. Specific statutory basis of the Austrian private school system:

- Private School Law (*Privatschulgesetz*) dated 25.7.1962, Federal Law Gazette no. 244/1962 as last amended.
- Agriculture and Forestry Private School Law (*Land- und forstwirtschaftliches Privatschulgesetz*) dated 29.4.1975, Federal Law Gazette no. 318/1975.

2. Types of schools

2.1. Private schools with the statutory right to bear the designation of a specific school type

- The prerequisite for the statutory right to bear the designation of a specific school type (besides the requirements referred to under section 3 below) is that its organisation, including the curriculum and equipment of the private school, essentially conforms to that of similar public sector schools and that – where provided for at all – only textbooks approved by the education authorities are used. Furthermore, the head teacher and teaching staff must be in possession of the teaching qualification required for the type of school concerned. It must also be ensured that there is a high degree of probability that the private school can continue to exist for a period of several years.
- This type of private school is required to conform quite rigidly with the respective public sector school of the same type in relation to organisation (definition of mandate, structure, entry requirements, curriculum, number of pupils per class) and internal school order (especially performance assessment). A private general secondary school (*gymnasium*), for example, is subject to the same terms and conditions under the law as the public sector general secondary school provided for by statute.
- The similarity required in this case does not, however, mean that a private school with the statutory right to bear the designation of a specific school type has to be identical to the respective public sector school of the same type, which is made clear by the explicit qualification of the requirement of *essential* conformity. Nonetheless, in practice the tendency is more towards complete assimilation.

2.2. Private schools not bearing the statutory designation of a specific school type

- This concerns private schools which – because they are not comparable to school types provided for by statute – want to implement an independent organisational/pedagogical

concept and are therefore detached from the public sector school system, especially with regard to curricular structure. These schools are frequently categorised under the generic heading of *Statutschulen* or *Alternativschulen* (alternative schools).

2.3. State recognition under public law can be conferred on private schools referred to under section 2.1 as well as those under section 2.2.

- This presupposes, in the case of the private schools referred to under section 2.1 above, a guarantee that teaching meets the requirements of the responsibilities of the Austrian school system and that the success rate of such teaching corresponds to that of a similar public sector school - which is determined by the State's school supervisory authorities.
- Where a private school referred to under section 2.2 above (*Statutsschule* or *Alternativschule*) wishes to attain state recognition under public law, the following requirements must be met:
 - a guarantee that teaching meets the requirements under the responsibilities of the Austrian school system;
 - the school's organisation, curriculum and equipment must, in particular, conform with the organisational statute (which adequately sets out the independent organisational/pedagogical concept and has been approved by the Federal Ministry of Education and Cultural Affairs);
 - the private school must have proven itself with regard to its teaching successes, which is also determined by the State's school supervisory authorities on the basis of the organisational statute.

2.4. Designation of private schools

- Each private school must bear a title from which the person or body maintaining the school can be discerned and which rules out any confusion with a public sector school. Private - schools that have not been granted the statutory right to bear the designation of a specific school type (*Statutsschule* or *Alternativschule*) may not bear any title which could lead to confusion with a statutory designation of a specific school type.

3. Conditions for setting up schools

- The setting up of private schools is subject to compliance with the conditions and requirements relating to the person or body maintaining the school, the head teacher, the teaching staff as well as the school premises and teaching materials.

3.1. Person or body maintaining the school

- The person or body maintaining a private school can be any natural or legal person. The statute governing private schools does, however, stipulate various requirements that have to be fulfilled. Austrian citizens must have full capacity to act and be reliable and dependable in both moral and civic terms; in the case of non-citizens, it is further required that the Austrian school system cannot be expected to suffer any negative or detrimental effects from the setting up of such a school. In the case of legal entities, the requirements set out above apply to the bodies vested with power of representation.
- The person or body maintaining a private school must ensure provision of the financial and staffing resources as well as the premises and equipment of the private school. Such a person or body is not permitted to exert influence on the responsibilities assigned to the head teacher and teaching staff under the provisions of the law governing school education (in particular pedagogical/administrative management, teaching, and social education). Such person or body does, however, have an absolute right to determine the 'spirit' of the school maintained by it (e.g. in ideological terms).

3.2. Head teachers in private schools

- The person or body maintaining the school is responsible for hiring the head teacher. However, the person or body maintaining the school must notify the education authority of such an appointment (plus any substantial change under the statute governing private schools). Within one month of receiving such notification, the education authority is empowered to prohibit the hiring of the head teacher if the latter does not meet the requirements for such an appointment or does not adequately fulfil his or her responsibilities.
- In hiring head teachers, it must be ensured that they possess:
 - Austrian citizenship (dispensation is possible),
 - the suitability and aptitude to be a teacher in moral, civic and health terms,
 - the relevant teaching qualification or other suitable qualification.

3.3. Private school teachers

- For hiring teachers, the same requirements apply as those set out above for head teachers.

3.4. School premises and teaching materials (equipment) of private schools:

- The school premises must, from the point of view of construction and equipment, be in accordance with the purpose and organisation of the private school as well as the principles of education and school hygiene. Furthermore, the private school must have the teaching materials and other facilities necessary for implementing the curriculum. It is the responsibility of the person or body maintaining the school to provide for this. The regulations in force for public sector schools are normally applied in an analogous way when scrutinising compliance with these requirements.

4. Financing/Subsidies from public funds/Fees

- The subsidising of private schools with state recognition under public law is also provided for under the statute governing private schools (regardless of whether they bear the statutory designation of a specific school type) in so far as this concerns financial support for personnel costs. Contributions towards equipment or construction expenditure do not come under these provisions, but are permissible where appropriate resources are provided for in the Federal budget.
- With regard to subsidies, a distinction is drawn between denominational and non-denominational private schools.

4.1. Financial support for denominational private schools

- Coming under this heading are those schools maintained by statutorily recognised churches and religious communities or their institutions (e.g. religious orders). They have a legal entitlement to provision for teaching posts (including the head teacher) necessary to fulfil the curriculum (full financial support).
- The subsidies normally take the form of the allocation of teachers under contract of employment (under public or private law) with the Federation or (for private compulsory schools) with a *Land*; these are known as 'live subsidies'. Money payments are also conceivable.
- The prerequisite for allocating a teacher as a 'live subsidy' is that the supreme authority of the church applies for such an allocation or does not raise any objection and that the teacher is in agreement. The teacher can apply for such an allocation to be rescinded. The

supreme authority of the church can, for religious reasons, declare that the further employment of the teacher is intolerable and also apply for the allocation to be rescinded.

4.2. Financial support for non-denominational private schools

- Only 'live subsidies' are permitted in this case, although no legal entitlement for the allocation of such subsidies exists. Such financial support is at the discretion of the Federal Minister for Education, Science and Culture, insofar as resources for this purpose are provided for in the Federal budget.
- The differing treatment of denominational and non-denominational private schools is justified by the fact that the public sector schools are inter-denominational and that denominational private schools therefore supplement the public sector system. This makes it easier for parents to choose an education for their children which corresponds to their religious beliefs in accordance with Article 2 of the supplementary protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms.

4.3. School fees

- No regulations exist in relation to school fees at private schools. The fixing of such fees is incumbent on a contractual agreement between the person or body maintaining the school and the pupil or his/her parent(s)/guardian.

5. Conditions regarding curricula, timetables and teaching methods

- The essential components of a curriculum are general educational objectives, educational and teaching duties relating to the individual subject matter of the teaching, didactic principles (teaching methods), the syllabus, the dividing up of the syllabus into individual stages as well as the total number of lessons and the numbers of lessons assigned to the individual subject areas (timetable).
- The curriculum of a school bearing the statutory designation of a specific school type must conform 'essentially' with that of a public sector school of the same type. In practice, they are identical to each other, though this is not required.
- No detailed provisions are contained in the statute governing private schools with regard to the curriculum in private schools not bearing the statutory designation of a specific school type (*Statutsschulen* and *Alternativschulen*). The curricular content and, more precisely, what subjects are taught in what manner and in what order of priority, the number of lessons allocated to each subject, what didactic methods are applied, etc., is determined by the person or body maintaining the school within the context of educational freedom provided for as a fundamental right.

6. Status of qualifications awarded

- The private school with state recognition under public law is of the greatest significance in practical terms. Such state recognition under public law is associated with various legal consequences for school qualifications (as well as for the socio-economic measures from which pupils may benefit – school and home allowances, 'free textbooks', school travel subsidy, free travel for school students – and for the provision of state teaching staff for the person or body maintaining the school).
- However, the legal consequences of state recognition under public law differ depending on whether it concerns a private school bearing the statutory designation of a specific school type or a private school not entitled to bear the statutory designation of a specific school type (*Statutsschule* or *Alternativschule*).

6.1. Private schools bearing the statutory designation of a specific school type

- The conferring of state recognition under public law gives such private schools the right to issue qualifications which then have the same legal implications as those issued by similar public sector schools. Pupils attending or leaving such a private school with state recognition under public law have the same legal status as pupils attending or leaving a public sector school. They can, for example, change to a public sector school on the basis of a positive end-of-year certificate without having to sit any additional examinations. Examinations provided for at the type of school concerned (e.g. general secondary school leaving certificate [*Reifeprüfung*]) can be taken at the private school. A pupil passing the general secondary school leaving examination (*Reifeprüfung*) is also entitled to study at university. The requirement of compulsory school attendance can be fulfilled at private schools in the same manner as at public sector schools.
- The qualifications required to enter a large number of professions can in many cases be substituted in part or in full by qualifications acquired at public sector schools. The qualifications issued by the corresponding private schools (especially those of a vocational nature) also have this effect.

6.2. Private schools not bearing the statutory designation of a specific school type

- These schools are not comparable to public sector schools in terms of their concept and aims. Consequently, pupils attending or leaving such schools cannot acquire any entitlements linked with qualifications issued by such schools (e.g. completion of the 8th grade, technical college leaving certificate, university entrance entitlement). A pupil wishing to change from such a private school to a public sector school must also take a series of assessment examinations (differing in number and extent depending on the public sector school applied for).

7. Appointment/Status/Terms and conditions of service of teachers

- Teachers at private schools are either appointed by way of a contract of employment under private law drawn up with the person or body maintaining the school or are assigned to the school by the relevant authority, i.e. the Federation or *Land*, as subsidised teachers ('live subsidies'). In the latter case, the teacher has a contract of employment under public law with the Federation or *Land* with civil service status or is a contract teacher employed by the Federation or *Land* on the basis of a contractual agreement, in each case receiving the respective salary or remuneration provided for under public law.

8. Inspection

- The extent and intensity of school inspection depend on the type of private school concerned (see section 2 above).
- In the case of private schools not entitled to bear the statutory designation of a specific school type or which do not have state recognition under public law, this purely comprises inspection limited to the legality of administrative activities. This regards requirements relating to the person or body maintaining the school, the head teacher, the teaching staff and equipment. For schools entitled to bear the statutory designation of a specific school type and which have also been granted state recognition under public law, this is extended to unrestricted legal and educational inspection of the schools. In this case, the extent and intensity of inspection is the same as that for public sector schools.

9. Statistics

School year 1998/99

	Total number at state and private schools	At private schools	% at private schools
Pupils			
Primary schools	390 112	15 484	3.97%
Lower secondary schools	260 783	10 309	3.95%
Special schools	15 102	607	4.02%
Polytechnic schools	19 816	28	0.14%
General secondary schools	185 137	27 265	14.73%
Compulsory vocational schools	126 686	30 724	24.25%
Lower secondary vocational schools	52 206	22 111	42.35%
Upper secondary vocational schools	117 046	11 846	10.12%
Teacher training institutions	24 715	7 892	31.93%
Total	1 191 603	126 266	10.59%
Schools			
Primary schools	3 388	88	2.6%
Lower secondary schools	1 185	56	4.73%
Special schools	463	13	2.81%
Polytechnic schools	327	1	0.31%
General secondary schools	319	70	21.94%
Compulsory vocational schools	193	61	31.61%
Lower secondary vocational schools	453	237	52.37%
Upper secondary vocational schools	274	52	18.98%
Teachers training institutions	67	33	49.25%
Total	6 669	611	9.16%

School year 1997/98

Teachers ⁽¹⁴⁾	Total at state and private schools	At private schools	% at private schools
Primary schools	32,625	1,060	3.25%
Lower secondary schools	33,841	1,332	3.94%
Special schools	5,866	225	3.84%
Polytechnic schools	1,848	0	0%
General secondary schools	19,648	3,198	16.28%
Compulsory vocational schools	4,473	1	0.02%
Lower and upper secondary vocational schools	19,436	2,536	13.05%
Teacher training institutions	3,738	1,712	45.8%
Total	121,475	10,064	8.28%

Source: Federal Ministry of Education and Cultural Affairs – Austrian school statistics for the school year 1998/99 (the statistics relating to teachers refer to the school year 1997/98)

¹⁴ Full and part-time.

10. Private school associations

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und heilende Pädagogik
Siebensterngasse 27
1070 Wien

Netzwerk – Bundes- Dachverband
für selbstbestimmtes Lernen
Schweglerstraße 43/4
1150 Wien

Österreichische Bildungsallianz
Hasnerstraße 144/16
1160 Wien

Österreichische Gesellschaft
für Montessoripädagogik
Kundmanngasse 12
1030 Wien

Österreichische Vereinigung freier Bildungsstätten
auf anthroposophischer Grundlage
Endresstraße 100
1230 Wien

Sources

- Jisa, Werner, Die rechtliche Verankerung und Ausgestaltung des Privatschulwesens in Österreich, Recht der Schule, 1988, 80ff
- Jonak/Kövesi, Das österreichische Schulrecht (1999)
- Juranek, Markus, Schulverfassung und Schulverwaltung in Österreich General/Legislative framework

PORTUGAL (2000)

1. General/Legislative framework

- Educational freedom is guaranteed by the Portuguese Constitution and laws. This finds expression in the right to set up and operate private and cooperative educational establishments and freedom of access to all educational establishments which contribute to the development of the national education system without economic, social, or regional discrimination.
- Basic legislation on private and cooperative education includes:
 - Law no. 9/79 on private and cooperative education;
 - Law no. 65/79 on freedom of education;
 - Decree no. 553/80 on the legal status of private and cooperative education.
- These laws distinguish between:
 - public sector schools administered entirely by the State, the autonomous regions, local communities and public bodies; and
 - private and cooperative schools set up and managed by private individuals acting individually or collectively.
- These schools provide collective instruction to not less than five pupils or offer regular educational activities.
- Private and cooperative schools which provide collective instruction in keeping with the objectives of the national education system are eligible for the same benefits as public service bodies.
- The State supports and coordinates education in private and cooperative schools by:
 - granting formal approval for founding private and cooperative schools and ensuring that they function smoothly;
 - providing the teaching and technical assistance necessary for these schools to operate properly;
 - assuring that the pedagogical and academic level of their curricula and teaching methods meets the standards of general educational policy;
 - awarding subsidies and entering into contracts with private and cooperative establishments, in order gradually to guarantee the same quality of instruction as that provided in public sector schools at the compulsory and free levels and reduce disparities at the other levels.

2. Types of schools

- Private and cooperative schools may sign one of three types of contract with the State: a *contrato de associação*, a *contrato simples*, or a *contrato de patrocínio*.
- The State makes *contrato de associação* with private and cooperative schools which are located in areas with an insufficient number of public sector schools, share the educational objectives of the public system, and provide free education on the same terms as public sector schools.

- In addition to financial and tax advantages, the State gives *contrato de associação* school grants equivalent to the cost per pupil for public sector schools offering the same level of instruction.
- Criteria for financial assistance are determined by the Minister of Education on an annual basis.
- The State enters into *contrato simples* with private and cooperative schools not covered by *contrato de associação*, in order to enable them to offer special conditions, i.e. to reduce their annual fees.
- These contracts must specify the per capita subsidy and the reduction in fees which schools have to accept.
- The State may also enter into *contrato de patrocínio* with private school proprietors in the interest of promoting and supporting education in areas not widely covered by the public sector, such as special curricula or experimental teaching techniques.
- Under a *contrato de patrocínio*, the State is required to assume at least 50% of the school's running costs, grant legal recognition to the diplomas and certificates the school awards, establish equivalence between its courses and those of public sector schools, set out rules for pupil transfer between these courses and others and monitor the educational activities of the schools.

3. Conditions for setting up schools

- The State approves the activities of private and cooperative schools provided that they comply with the following basic conditions:
 - applicants (private persons) have to possess university qualifications of a level to allow them to teach the most advanced courses offered by the school; applicants (which are legal entities) have to provide qualified staff;
 - schools must have the necessary facilities and equipment to meet their educational objectives;
 - schools must undertake to recruit teaching staff possessing the qualifications required by law.
- Each school must select a name which is not likely to be confused with that of another public or private sector school.
- Approval may be provisional or definitive.

4. Financing/Subsidies from public funds/Fees

- Apart from the subsidies provided under one of the various types of contract (see section 2 above), the State may grant private schools supporting the objectives of the public sector system special subsidies to cover setting-up expenses, to fund educational experiments, extend facilities, purchase equipment or support extra-curricular activities.
- Under the provisions of Decree n° 344/88 of 28 September 1988 and Ministerial Decree n° 156/ME/88 of 15 September 1988, private and cooperative schools are eligible for credit facilities at a reduced rate of interest for the construction, purchase or expansion of premises.

- Pupils in private and cooperative schools, whether or not their establishment is under contract, are eligible without discrimination for the same social benefits as pupils in official schools.

5. Conditions regarding curricula, timetables and teaching methods

- Any private school may have its own educational scheme provided that it offers education at each level generally equivalent to that available at the corresponding level in a state school.
- Within the framework of their educational scheme, private schools may acquire either parallel or autonomous educational status, which is granted either for all levels in a given school or only for one or more levels.
- Schools with autonomous status are not bound by public sector educational requirements in respect of:
 - methodology;
 - curricula or course content;
 - assessment of knowledge, including the administration of examinations; or
 - enrolment or the granting of certificates and diplomas.
- Schools with parallel status are independent of public education only in the following areas:
 - methodology;
 - assessment of knowledge, including procedures for administering examinations.

6. Status of qualifications awarded

- Private schools whose levels of education have autonomous status may adopt their own methods of evaluation, which will then have official status once they have been submitted to the Ministry of Education.
- Pupils in private primary and secondary schools without parallel or autonomous educational status must take final examinations subject to Ministerial decree.
- Private schools with autonomous status may grant their own certificates of enrolment, attendance and aptitude, as well as school-leaving certificates.
- The authorities award diplomas and certificates to pupils from schools without autonomous status.

7. Appointment/Status/Terms and conditions of service of teachers

- Private and cooperative schools are established by private persons or legal entities and must appoint a person or committee responsible for educational and curricular matters.
- The State has no role in relation to the appointment of the board of studies or the teachers, but imposes certain requirements in relation to academic qualifications and teaching experience, in particular for the board of studies.
- Private school teachers must provide experience of good physical and mental health, vocational aptitude and their ability to teach particular levels of education.
- In general, private sector school teachers are considered to perform a function in the public interest and have certain rights and responsibilities as teachers.

- Private sector school teachers must hold the same qualifications as those of the public sector and collective bargaining agreements must try to harmonise their career structure with that of the public sector.
- Teachers working at public sector schools may teach in private and cooperative schools, and vice-versa. Private schools may employ foreign teachers on the same conditions as Portuguese nationals.

8. Inspection

- Schools under contract with the State are subject to compulsory inspection of their teaching and administration.
- Other schools may be subject to the same type of inspection if it is deemed appropriate.

9. Statistics

School year 1999/2000

	Public	Private and cooperative	% private and cooperative
Pupils			
Pre-school	105 196	113 029	51.8%
Basic education (total)	1 043 940	114 266	9.9%
- 1st cycle	453 469	45 882	9.2%
- 2nd cycle	231 436	27 358	10.6%
- 3rd cycle	359 035	41 026	10.3%
Secondary education	325 166	59 357	15.4%
Schools			
Pre-school	4 093	2 052	33.4%
Basic education (1)			
- 1st cycle	8 653	547	5.9%
- 2nd cycle	1 227	229	15.7%
- 3rd cycle	1 119	219	16.4%
Secondary education (2)	495	350	41.4%
Teachers			
Pre-school	7 448	6 534	46.7%
Basic education (total)	96 326	8 742	8.3%
- 1st cycle	32 855	2 470	7.0%
- 2nd cycle	28 105	2 609	8.5%
- 3rd cycle	35 366	3 663	9.4%
Secondary education	37 420	10 181	21.4%

Note: These figures reflect only Azores and the Continent – Madeira is excluded.

Source: *Ministério da Educação; Gabinete de Estudos e Planeamento.*

10. Index of representative organisations

- The only organisation for private schools (those offering primary and secondary education) which is active at national level is:
- *Associação de Estabelecimentos de Ensino Particular e Cooperativo* (AEEP) (Association of Private and Cooperative Educational Establishments)
Av. Defensores de Chaves, 32 – 1ºEsq.
P – 1000- 119 Lisbon

Sources

- Portuguese Eurydice Unit: answers to questions EU/91/003/00, GR/88/006/00, NL/89/002/00.
- Laws no. °9/79, 65/79 and *Estatuto do Ensino Particular e Cooperativo* - Decree n° 553/80.
- National Dossier (1st version).

FINLAND (2000)

1. General/Legislative framework

- Most educational institutions in Finland are maintained by municipalities but the Constitution of Finland (2000) provides for the right to arrange corresponding education in private educational institutions. The right to establish private schools has been stipulated in more detail by the legislation concerning various forms of education, such as the Basic Education Act, the General Upper Secondary Schools Act, and acts governing vocational education.
- The Basic Education Act governs all basic education irrespective of the provider. Basic level education is also offered by a few dozen private providers of education who have been granted permission to do so by the Government on the condition that there is a specified need for the education and that the provider and the municipality both agree to the arrangement. According to the Act, basic level education cannot be provided in order to gain economic profit.
- The General Upper Secondary Schools Act specifies further that the education provider must have both the professional and economic abilities to accomplish the necessary tasks of providing opportunities for higher education and working life. The same applies to the legislation covering vocational upper secondary education.
- There are no specific laws on private education but that branch is accordingly dealt with in the nine separate laws on the structure of the education and training system (the total number of laws was reduced from 26 to 9 in 1998). This new legislation came into force in 1999 and it continued the deregulation and decentralisation process for education from the central Government to municipal authorities, individual schools and institutions. According to this new legislation, the ministry in charge, in effect the Ministry of Education, will give private education permits on the basis of the applications of private communities and foundations. By August 1999, there had been nine applications of which four were approved. The legislation also aims to encourage innovation in education and training at the local level. This will have a positive effect on the private school system, as well.

2. Types of schools

- Primary (= comprehensive) education has traditionally been under local authorities and most comprehensive level institutions are maintained by municipalities and federations of municipalities. Only about 1% of basic level institutions are privately maintained. In 1998, 6.5% of general upper secondary schools and 10,6% of vocational institutions were privately owned.
- Since 1993, the State has gradually withdrawn from maintaining vocational institutions and from the beginning of 1997, the State has chiefly maintained certain special institutions and language schools (French-Finnish School and Finnish-Russian School) as well as teacher training schools operating in connection with universities.
- **Private day care** is mainly mediated by municipalities which purchase services and offer them to families. Day care services supplied by private individuals may be purchased by municipalities, organisations or parishes to complement their own services. In these cases, the municipality covers the costs and collects the normal, municipally-determined fee from the client. Needless to say, the prerequisite is that the quality of the purchased service is equal to municipal day care services and meets the statutory requirements.

- Of all private schools offering basic education, the largest group is composed of those based on the **Steiner** pedagogical method. The Steiner schools operate under the supervision of the school authorities and they have the right to award official certificates.
- The majority of private vocational institutions are supervised by public authorities. They receive state subsidies and have the right to award official qualification certificates. These institutions accounted for 10,6% of all vocational institutions in 1998.
- **Polytechnics** (*ammattikorkeakoulu*) provide higher education with working life contacts in multidisciplinary surroundings for matriculated students and those with qualifications from upper secondary vocational education. **Universities** and polytechnics are the two parallel sectors in the Finnish higher education system. Polytechnics can be either private or municipal. However, all of Finland's 20 universities are state-owned.
- **Adult education** may be provided by a municipality, federation of municipalities, registered association or foundation. The majority of adult education centres and **vocational adult education centres** (*amatillinen aikuiskoulutuskeskus*) are owned by municipalities. On the other hand, **folk high schools** (*kansanopisto*), **physical education centres** (*liikunnan koulutuskeskus*), **summer universities** (*kesäyliopisto*) and **study centres** (*opintokeskus*) are private institutions under public supervision, and they receive public funding. Private maintaining bodies can include different non-profit-making associations and foundations. Private adult education institutions have the right to function according to a certain ideology. The maintaining bodies of educational institutions include religious movements, political associations, and labour market organisations. There are a number of different ideological associations which maintain adult education institutions operating in accordance with a certain ideology. In these institutions, social actors are represented on the board in a different way from under the traditional approach.
- There are also about one thousand private **commercial training organisations** in Finland. They are small, specialised businesses based on the expertise of a few employees, such as driving schools, language schools and commercial organisations specialising in information technology. Private businesses also organise, for instance, barber, hairdresser, and cosmetology training as well as masseur training. Moreover, there are private art, music, and dance institutions. The private commercial field is not considered to be a part of the official school system controlled by the authorities.

3. Conditions for setting up schools

- The Government grants private polytechnics permission to organise education in so far as it deems them to be required by educational need and to fulfil other conditions prescribed by legislation. The Ministry of Education does the same with private basic education institutions as well as upper secondary and vocational institutions. If permission to organise education is not granted (or if it is not even applied for), the private school can still be established, but it will remain outside public supervision and benefits (e.g., public funding). There are very few of these kinds of schools.

4. Financing/Subsidies from public funds/Fees

- The majority of private institutions receive state subsidies. The government-dependent ones spent less than 10% of the entire funds allocated for education in 1996. As these institutions obtain most of their funding from public sources, the proportion of private funding is relatively small.

- Schools under private supervision receive state aid according to the same principles as other schools but a unit price per pupils based on the state subsidy to private education providers is 90% of the municipal unit price. However, for private schools already operating before 1 August 1998, the unit price is the same as the one for municipal schools. The providers of education are granted state subsidies according to the Act on Financing of Education and Culture (1998). In addition, the Act on Financing of Additional Vocational Training (1996) includes articles on the same issue.
- The supervision of private adult education institutions and the financial support they receive depend on whether they organise certificate-oriented education or education without fixed objectives. The financial support given by society for this kind of education is smaller than support granted for certificate-oriented adult education.
- The municipalities, federations of municipalities and private organisations can also receive additional state funding for establishing and operating costs if they apply for it. The funding criteria are usually uniform irrespective of ownership. The State grants and pays the state subsidy to the provider of education responsible for the practical operation of the institution.
- State subsidies for investments vary normally from 25% to 50% of the calculatory costs. The state subsidy percentage depends on the amount of the municipality's tax revenue. A state subsidy may also be granted to privately maintained institutions for investment costs. In order to receive a state subsidy for investments, the project must have been accepted by the Ministry of Education within the national financing plan in accordance with the budget.
- Private commercial organisations do not fall within the public financing system.

5. Conditions regarding curricula, timetables and teaching methods

- Private education institutions, including those of adult education, which organise certificate-oriented education, are obliged to follow the same national core curricula and qualification guidelines as educational institutions maintained by municipalities.
- Private adult education institutions which organise education without fixed objectives can quite freely decide on their own educational objectives, contents and methods. The Government only gives general guidelines on the educational task of these institutions.

6. Status of qualifications awarded

- Private basic and upper secondary schools have the right to award official qualification certificates and the majority of private vocational institutions can do the same.
- Private commercial organisations are not permitted to use the titles of qualifications offered in the official education system. Their students can however sit examinations in which they can demonstrate their vocational skills and receive the right to use the protected qualification title (competence-based examinations, *näyttötutkinto*). The activities of commercial organisations are controlled by consumer protection authorities. Competence-based examinations are intended for the demonstration of vocational skills. Taking the examination is not dependent on how the person concerned has acquired his/her vocational knowledge and skills. The examinations are mostly taken in connection with various preparatory training courses. They are open to both adults and young people, irrespective of their educational background. The qualifications that can be taken in competence-based examinations are vocational qualifications, further vocational qualifications and specialist vocational qualifications.

7. Appointment/Status/Terms and conditions of service of teachers

- On the whole, teachers in private institutions have the same rights and duties concerning their education, contracts, salaries, status, and work conditions as teachers in public sector schools. The Trade Union of Education in Finland is in charge of representing them in the regular collective bargaining between representatives of the employers and the employees.
- The Basic Education Act specifically states that the applicant private education organisation must have the professional and economic means for arranging education appropriately. Basically, this means that teachers at private institutions will go through the same educational and training stages as public sector school teachers with the exception of temporary lecturers. It is thus relatively easy to switch from the private to the public education sector and vice-versa. Many public sector school teachers teach part-time at private institutions.
- Private institutions have the exclusive right to appoint teachers as long as it is done in accordance with the law. The recruitment process can have an emphasis on the school's educational, religious or methodical aims.

8. Inspection

- The majority of private schools in Finland are under public supervision, in other words, they follow the national core curricula and qualifications guidelines confirmed by the National Board of Education. In Finland, there is no national inspection system as such. Education is monitored and evaluated with regard to the extent to which the objectives set in statutes, education policy decisions and core curricula are being achieved.
- General upper secondary schools and the corresponding levels of other schools maintained by private organisations (in total about 6.5% of all general upper secondary schools) are supervised by the school authorities. School-leaving certificates from these institutions give the same benefits and rights as those awarded by municipal upper secondary schools.

9. Statistics

School year 1998

	Public	Private	%
Pupils			
Pre-school	7 145	295	4.0%
Comprehensive	580 150	11 529	1.9%
General upper secondary *	105 969	6 957	6.2%
Vocational upper secondary	135 667	19 449	12.5%
Schools			
Pre-school	970	9	0.9%
Comprehensive	4 176	52	1.2%
General upper secondary *	418	29	6.5%
Vocational upper secondary	256	51	16.6%

* Does not include upper secondary schools for adults.

Source: National Board of Education

School year 1996

	Public	Private	%
Teachers			
Pre-school	8 623	645	7.0%
Comprehensive	39 984	814	2.0%
General upper secondary	5 321	202	3.7%
Vocational upper secondary	13 852	1 728	11.1%


Source: Statistics Finland

Annual public and private expenditure on vocational training in figures and as % of GNP (MECU)

	1986		1991		1996	
	Figure	%	Figure	%	Figure	%
PUBLIC						
Initial vocational training	1 162	1.40	1 600	1.80	1 628	1.69
Continuing vocational training for the employed	84	0.10	169	0.19	213	0.22
Training for the unemployed	260	0.31	304	0.34	524	0.54
Total public	1 506	1.82	2 073	2.33	2 365	2.45
PRIVATE						
Initial vocational training	139	0.17	161	0.18	429	0.44
Continuing vocational training for the employed	566	0.68	724	0.81	817	0.85
Training for the unemployed	-	-	12	0.00	34	0.04
Total private	705	0.85	897	1.01	1 280	1.33
Total funding	2 211	2.67	2 970	3.34	3 645	3.77

Source: Cedefop.

School year 1996**Current educational expenditure by type of educational institution**

	EUR Million	FIM Million	Real change on previous year %	Expenditure on government-dependent private institutions % of all institutions
Comprehensive schools	2 188	13 007	1.7	2.0
Upper secondary general schools	387	2 303	0.6	6.4
Vocational schools and colleges	1 161	6 903	-7.0	16.5
Polytechnics	194	1 155	22.2	20.1
Universities	1 030	6 124	8.2	-
Other education	517	3 074	4.9	43.9
Administration	123	731	4.8	
Student scholarships	575	3 416	-8.5	
 Total	6 175	36 713	0.7	9.6

(The category 'other education' consists of expenditure on courses at educational institutions and other education not leading to a degree or qualification)

Source: Statistics Finland

10. Index of Representative Organisations

- There is no direct organisation representing jointly all private schools but for instance, the following associations deal with issues connected with private school teachers and students:

Association of Private Schools in Finland

- member of the European Council of National Associations of Independent Schools, ECNAIS
- 39 member schools with over 15 000 pupils and over 1000 teachers
- Publications: Chronology of Private Schools in Finland 1872-1977
- Private school register, in Finnish
- History of Private Schools in Finland (summary in English)
- Magazine *Ykstuuma*, in Finnish

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National Union of Finnish Students

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Internet: <http://sylsrv.syl.helsinki.fi/kv/englishindex.htm>

Sources

- National Board of Education/Finnish Eurydice Unit
- Opetustoimen lainsäädäntö 1999. Helsinki: Kauppakaari Oyj 1998.
- Education in Finland 1999. Statistics and Indicators. Helsinki: Statistics Finland 1999.
- Oppilaitostilastot 1998. Helsinki: Tilastokeskus 1998.
- The financing of vocational education and training in Finland. Thessaloniki: Cedefop 1999.

SWEDEN (2000)

Introduction

- At the start of the 1990s, new opportunities were created for private concerns (including associations, foundations, companies and private individuals, etc.) to operate within the Swedish school system. Since then, the number of independent schools has been steadily increasing. However, the vast majority of Swedish pupils still attend a municipal school near their homes. In the school year 1998/99, only some 3% of Swedish pupils attended independent compulsory or upper secondary schools.
- Although there are various types of independent schools, this account is mainly concerned with compulsory and upper secondary schools, the two most common categories.

1. General/Legislative framework

- The conditions governing the activity of independent schools are regulated by the School Act, chapter 9, and the Ordinance for independent schools. Such schools are approved by the Swedish National Agency for Education.
- The basic principle, stipulated in the School Act, is that independent compulsory and upper secondary schools should provide education equivalent to that offered at public sector schools. It should reflect its general aims and inculcate democratic values. A further principle, also laid down by law, is that independent schools are open to all.
- All independent compulsory schools have to provide education free of charge. No entrance tests or examinations may be held for any such schools, except those specialising in music or dancing. Independent upper secondary schools are subject to the same regulations for admission as municipal upper secondary schools.

2. Types of schools*)

- **Independent compulsory schools** offer education corresponding to municipal compulsory education. Around two-thirds of the schools also have a distinct profile. While over half of them comply with specific teaching principles, such as those of Montessori or Rudolf Steiner, others may be denominational or specialised in particular subjects. All independent compulsory schools receive municipal grants.
- **Independent upper secondary schools** offer education corresponding to that provided by their municipal counterparts, and receive municipal grants.

3. Conditions for setting up schools

- The National Agency for Education examines independent compulsory schools to ensure they comply with legal requirements, and approves them and entitles them to grants if satisfactory. Independent upper secondary schools are examined in the same way for the purpose of grant entitlement. Among the conditions stipulated by law are that schools, which have to have a minimum enrolment of 20, should provide their pupils with knowledge and skills equivalent to those imparted by municipal schools, and pursue the same general aims as compulsory and upper secondary schools in the public sector.

- In addition, like public sector schools, independent schools have to be democratic in outlook and develop respect for democratic values, and the virtues of openness, tolerance, objectivity and versatility. Provided these requirements are met, however, such schools may be denominational.
- The municipality in which an independent school is to be located is always entitled to express its opinion before a school is entitled to a grant. The long-term economic effects of an independent school on a municipality when an independent school is set up have to be taken into consideration. (If a municipality were able to prove that the establishment of an independent school had a substantially negative impact on the public education system, no grant would be awarded. However, this would be most unusual.)

4. Financing/Subsidies from public funds/Fees

- By law, municipalities have to award grants to approved independent compulsory schools and all independent upper secondary schools, provided such support has been authorised by the National Agency for Education. In the case of compulsory schools, grants are awarded in accordance with the criteria applicable to municipal compulsory schools, and based on the number of pupils in each school year. In the case of independent upper secondary schools, they are based on the national average costs per programme and pupil. Such schools may also charge fees up to a reasonable limit. The majority of independent upper secondary schools are however free of charge.

5. Conditions regarding curricula, timetables and teaching methods

- The education of all pupils in Sweden seeks to provide them with a fundamental common body of knowledge, and is inspired throughout by the same basic values and objectives enshrined in law. As a result, independent compulsory or upper secondary schools in practice follow the national curricula adopted by public sector schools.
- In independent compulsory schools, the national grade nine (final year) tests in Swedish, English and mathematics have to be taken by all pupils (usually aged 16), as in the case of public sector institutions. As a rule, pupils in independent upper secondary schools also take the national tests for the public sector.
- Like public sector schools, all independent schools are free to decide on their own teaching methods.

6. Status of qualifications awarded

- The status of qualifications awarded is the same as in the public sector school system.

7. Appointment /Status/Terms and Conditions of service of teachers

- Each independent school freely recruits its own teaching staff.

8. Inspection

- Although there is no formal inspection as such, the National Agency for Education is responsible for supervising independent schools, and can withdraw its approval of a school if it fails to comply with legislative guidelines.
- A municipality has the right to be informed about the activities of independent schools that are located within its borders (and to which it awards municipal grants).

9. Statistics

School year 1998/99

	Public	Private	% Private
Pupils			
Compulsory education	979 545	30 682	3.0%
Upper secondary education	298 227	10 916	3.5%
Schools			
Compulsory education	4 661	331*	6.6%
Upper secondary education	538	86	13.8%
Teachers**			
Compulsory education	73 959	2 400	3.1%
Upper secondary education	22 664	835	3.6%

* Including international schools.

** Estimated full-time equivalents.

10. Index of representative organisations

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Trends

- Although there are relatively few independent schools in Sweden, their numbers are increasing, particularly at upper secondary level.
- A special commission has been monitoring grant allocation to independent compulsory schools. Presented in 1999, its report has shown that the system of allocation introduced two years earlier is functioning as intended – the same criteria for grants apply to independent as to municipal schools. The commission has been assigned the task of investigating the (economic and other) consequences of the rapid expansion of private education at upper secondary level, one of the main aims being to guarantee that municipal and independent upper secondary schools operate under equivalent economic conditions. The commission will put forward proposals for possible amendments to the law, including proposals regarding the system of grants. A final report will be submitted in March 2001.

Types of schools

- In addition to independent compulsory and upper secondary schools, there are also **independent schools for pupils with learning disabilities** at both compulsory and upper secondary level. They too offer education along the lines of the corresponding public sector provision for pupils with learning disabilities, and follow the same principles regarding approval and financing as independent compulsory and upper secondary schools.
- **Supplementary schools**, such as art colleges and schools for crafts, provide study programmes not offered by upper secondary schools. The Government may grant such schools the right to public funds if, from a national standpoint, their courses make a valuable further contribution to existing ones.
- Finally, there are seven **international schools** in Sweden. They are state-supported and primarily intended for the children of foreign nationals resident in Sweden for shorter periods.

UNITED KINGDOM (2000)

ENGLAND, WALES AND NORTHERN IRELAND

Introduction

- Schooling in England and Wales is provided in several categories of school. These categories have recently been revised by the School Standards and Framework Act 1998 and from 1 September 1999 are as follows:
 - community schools;
 - foundation schools;
 - voluntary schools comprising:
 - voluntary aided schools and
 - voluntary controlled schools;
 - community special schools;
 - foundation special schools; and
 - independent schools.
- Only independent schools are considered to be private schools; they are sometimes referred to as non-maintained schools. Although the ownership and management of schools in the other categories vary, they are all considered to form part of the state education sector and are collectively known as 'maintained schools'.
- Community schools, formerly county schools, were mostly set up by local education authorities; the school premises are owned by the local education authority (LEA) and they are fully funded by LEAs for both revenue and capital expenditure. Foundation schools (formerly grant-maintained schools) are owned either by the school governing body or by trustees of the school, but they are funded by LEAs in a similar way to community schools. Voluntary controlled schools and voluntary aided schools are owned either by school trustees or by the founding body of the school (such as the Church of England or the Catholic Church). Both types of school receive full funding for revenue expenditure but voluntary aided schools are expected to contribute 15% of capital costs.
- All categories of maintained schools enjoy a high level of autonomy but the governing bodies of voluntary aided and foundation schools have a greater number of responsibilities than community and voluntary controlled schools. The composition of the governing bodies varies between the different categories of school but voluntary aided, voluntary controlled and foundation schools (where relevant) must include representatives of the school's founding body – 'foundation governors'. Foundation governors are appointed to make sure that the character of the school is preserved and developed. For voluntary aided schools, foundation governors must outnumber the rest of the governors on the governing body.

- In Northern Ireland, schooling is provided in six categories of school:
 - controlled schools;
 - controlled integrated schools;
 - maintained schools;
 - grant-maintained integrated schools;
 - voluntary grammar schools; and
 - independent schools.
- Only independent schools are considered to be private schools. Schools in all the other categories are designated 'grant-aided' and are considered to form part of the state education sector. Controlled schools and controlled integrated schools are owned by the Education and Library Boards (Boards) and are fully funded by the Boards for both revenue and capital expenditure. Maintained schools are mostly owned by the Catholic Church and receive full funding, for revenue expenditure, from the Boards and, for capital expenditure, direct from the Department of Education (DE) in Northern Ireland. Grant-maintained integrated schools are owned by Boards of Governors or Trustees and are fully funded by the DE. Voluntary grammar schools are owned either by trustees or their founding body and are fully funded for revenue expenditure. These schools may also receive either 85 or 100% of their approved capital costs depending on their agreement with the DE (except for two schools which are not eligible for building grants).
- Only the category of independent schools will be examined in this document as providing 'private/non-state' education.

1. General/Legislative framework

- In England and Wales, the Education Act 1996, which superseded the Education Act 1944, defines independent schools as 'any school at which full-time education is provided for five or more pupils of compulsory school age (whether or not such education is also provided for pupils over or under that age), not being a school maintained by a local education authority ...'.
- In Northern Ireland, the Education (NI) Order 1986 as amended by the Education (NI) Order 1996, provides a similar definition but does not specify a minimum number of pupils.

2. Types of schools

- Most independent schools receive no state funding and are financed through fees and charitable donations. Though other names are used, such as public schools, they all now tend to describe themselves as independent schools.
- Preparatory schools are independent schools which prepare pupils aged 7 or 8 to 12 or 13 to take the Common Entrance examination for admission to senior schools (12 or 13 years to 18 years). There are also pre-preparatory schools or departments which admit pupils below the age of 7 or 8 years. Some independent schools cater for the same age ranges as state schools, that is, 3 to 5 years, 5 to 11 years and 11 to 18 years.
- City technology colleges (CTCs) and city colleges for the technology of the arts (CCTAs) are a category of independent school originally created by the Education Reform Act 1988 and now governed by the Education Act 1996. The 1988 Act made provision for the establishment, in urban areas, of CTCs for pupils of all abilities aged 11 to 19 years. There

are 15 CTCs in operation, including one city college for the technology of the arts (CCTA) in South London. They are known collectively as CTCs.

- There are no city technology colleges in Wales or Northern Ireland.
- There are a number of independent schools and non-maintained special schools catering wholly or mainly for pupils with special educational needs.

3. Conditions for setting up schools

- Independent schools are required to be registered with the Department for Education and Employment (DfEE) in England, the National Assembly for Wales Education Department in Wales, or with the Department of Education (DE) in Northern Ireland. The regulatory requirements which independent schools (other than CTCs) must meet are laid down in Sections 463 to 478 of the Education Act 1996 and Articles 38 to 43 of the Education and Libraries (NI) Order 1986. They must provide satisfactory standards of premises, accommodation, instruction and staffing. Independent boarding schools must comply with additional requirements. Schools must keep registers of admissions and attendance and must make an annual return to the appropriate department which includes statistical and other information.
- In order to secure government approval as suitable for the placement by LEAs of children with statements of special educational needs, independent special schools must comply with the Education (Special Educational Needs) (Approval of Independent Schools) Regulations 1994, as amended by the 1998 Regulations. Alternatively, the Secretary of State must give consent under Section 347 of the Education Act 1996 to the child being educated at the school. These independent schools are required to meet similar standards in respect of premises, qualified staff, education and care to those in maintained and non-maintained special schools. Similar provisions exist in Northern Ireland as laid down in Article 26 of the Education (NI) Order 1996.
- Non-maintained special schools are schools in England approved by the Secretary of State as special schools which are not maintained by the state but charge fees on a non-profit-making basis. Most non-maintained special schools are run by major charities or charitable trusts.
- CTCs are not registered in the same way as other independent schools but each has a separate agreement with the Secretary of State. However, they must all have the following characteristics as laid down in Section 482 of the Education Act 1996:
 - they must be in urban areas;
 - they must provide education for pupils of different abilities from the age of 11 who are wholly, or mainly, drawn from the area in which the school is situated;
 - they must provide a broad curriculum with an emphasis on science and technology, or, in the case of a CCTA, on the application of technology to the creative and performing arts;
 - they must not charge fees.

4. Financing/Subsidies from public funds/Fees

- Independent schools, except for CTCs, are financed by means of fees paid by parents or by donations and grants received from benefactors. At present, in England and Wales, under transitional arrangements, some existing pupils may have part or all of their fees (depending on parental income) paid by the Government through the Assisted Places Scheme. This scheme was originally set up in 1981 under the provisions of the Education Act 1980, but is being phased out following the Education (Schools) Act 1997. The Music and Ballet Scheme (MBS) was also set up in 1981 to provide aided places at specialist music and ballet schools. The Aided Pupil Scheme which operates within the MBS is similar to the Assisted Places Scheme but it also provides additional funds to cover the costs of specialist tuition and boarding fees. There are seven specialist schools participating in the scheme, which is unaffected by the Education (Schools) Act 1997.
- There is no Assisted Places Scheme in Northern Ireland. However, there is a similar scheme, called the Talented Children's Scheme, to help pupils gifted in music and dance.
- CTCs are owned and managed by sponsors or promoters who have entered into agreement with the Secretary of State. Sponsors are required to make a substantial contribution towards the cost of buildings and capital equipment. The Department for Education and Employment (DfEE) provides an annual grant, at a similar level to comparable maintained schools, to cover normal running costs including staff salaries, overheads, repairs and maintenance, insurance, equipment and staff development. Unlike other independent schools, these institutions may not charge tuition fees.
- Where an independent school or a non-maintained special school is named on a child's statement of special educational needs, local authorities must meet the associated costs of the placement.

5. Conditions regarding curricula, timetables and teaching methods

- The curriculum in independent schools (except CTCs) is the responsibility of the head teacher and governors of the school, and, although independent schools must have regard to the statutory curriculum, they are not required to implement it fully. The curriculum is one of the major aspects considered in a school inspection and both the range and the depth of the curriculum offered must be appropriate for the age, aptitude, ability and any special educational needs (SEN) of the pupils in the school.
- Under the terms of their funding agreements, CTCs must provide the National Curriculum but they also place an emphasis on science and technology, or, in the case of a CCTA, on the application of science and technology to the performing and creative arts.

6. Status of qualifications awarded

- Public examinations such as the General Certificate of Secondary Education (GCSE), the General Certificate of Education Advanced-level (GCE A-level), General National Vocational Qualifications (GNVQs) and other vocational qualifications are open to pupils from both independent and state sectors and therefore pupils' qualifications are comparable for further and higher education and for employment purposes.

7. Appointment/Status/Terms and conditions of service of teachers

- Conditions of employment for teachers in the private sector are drawn up by the governors of the school and may make reference to, or be independent of, the conditions applicable to teachers in the state sector. Although salary scales are usually similar to those of teachers in the maintained sector, they may be lower or higher. It is normally assumed that teachers in independent schools will take an active part in the extra-curricular life of the school and this may be stated explicitly in their terms of contract, particularly in the case of boarding schools. Teachers in independent schools are not required to have Qualified Teacher Status (QTS) in England and Wales or eligibility to teach in Northern Ireland, but under the terms of their funding agreements, CTCs are normally expected to employ qualified teachers.

8. Inspection

- Independent schools are normally inspected once every five years by Her Majesty's Inspectors (HMI) in England and Wales and by the Education and Training Inspectorate in Northern Ireland. The purpose of inspections is to advise the Department of Education and Employment (DfEE), the National Assembly for Wales Education Department or the Department of Education (DE) in Northern Ireland about the school's fitness to be registered. Most of these inspections are quite brief visits. The school is sent, in confidence, a letter setting out the inspectors' findings. Schools which give rise to serious concerns may receive a further inspection, and this normally results in a published report. Where independent schools are judged to be failing, or likely to fail, to give pupils an acceptable standard of education, they are given the opportunity to make the necessary improvements. A school which fails to meet the required standards may ultimately be deleted from the register of independent schools. Boarding schools must also be inspected to ensure that they are adequately safeguarding and promoting childrens' welfare whilst they are accommodated at a school or college. Previously this was undertaken by the social services department of the local authority. However, since the passing of the Care Standards Act in July 2000, the responsibility for inspection in England now lies with the National Care Standards Commission, and in Wales with the National Assembly for Wales.
- Independent schools which are accredited by the Independent Schools Council (ISC) are inspected by arrangement with the Independent Schools Inspectorate (ISI) under a framework approved by the Government and OFSTED. ISI also carries out certain statutory functions on behalf of the Government to ensure that standards required by law are met, enabling the school to remain on the register of independent schools.
- The Independent Schools Council represents the interests of eight associations of independent schools (two representing governing bodies, five for head teachers and one for bursars). Of the 2,371 independent schools in the UK, approximately 1,300 belong to the constituent associations of the ISC; these schools educate some 80% of pupils in the independent sector. A school must be accredited by the ISC before it is admitted to membership of a constituent association. Accreditation involves a full inspection followed by a written report. ISC schools are subsequently inspected every six years by inspection teams drawn from professional associations within the ISC and led by a trained team leader who may be a Registered Inspector. Inspections normally last five days; procedures are similar to those carried out in maintained schools and have been approved by the Office for Standards in Education (OFSTED). The full inspection report is sent to the schools and a summary is given to parents.

- ## 9. Statistics

Source: Table 2.2, DfEE Education and Training Statistics for the United Kingdom 1999
Note: Figures are for all non-maintained schools including special schools and city technology colleges and cover the age range 2-19 years.

Source: Table 2.1, DfEE Education and Training Statistics for the United Kingdom 1999

Source: ISIS Census 2000. Figures do not include CTCs.

10. Index of representative organisations

- Independent Schools Association**

tel: + 44 (0) 1799 523 619
fax: + 44 (0) 1799 524 892

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- Headmasters' and Headmistresses' Conference (HMC)
 - 130 Regent Road - tel: + 44 (0) 116 285 4810
 - Leicester LE1 7PG - fax: + 44 (0) 116 247 1167
 - Society of Headmasters and Headmistresses of Independent Schools (SHMIS)
 - The General Secretary - tel: +44 (0)1352 781102
 - Celedston - fax: + 44(0) 1352 781102
 - Rhosesmor Road - <http://www.shimis.demon.co.uk>
 - Halkyn -
 - Holywell -
 - Flintshire CH8 8DL -
 - Girls Schools' Association (GSA)
 - The General Secretary - tel: + 44 (0)1162 541619
 - 130 Regent Road - fax: + 44(0)1162 553792
 - Leicester LE1 7PG - <http://www.school.edu/gsa>
 - Incorporated Association of Preparatory Schools (IAPS)
 - The General Secretary - tel : + 44 (0) 1926 887833
 - 11 Waterloo Place - fax: + 44 (0) 1926 888014
 - Leamington Spa - <http://www.iaps.org.uk>
 - Warwickshire CV32 5LA -
 - National Association of Independent Schools and Non Maintained Special Schools (NASS)
 - 41 Durant Street - Tel/fax: +44 (0) 171 739 1065
 - London -
 - E2 7BP -
 -

UNITED KINGDOM (2000)

SCOTLAND

1. General/Legislative framework

- There are private primary and secondary schools in Scotland. All schools with more than 5 pupils of school age must be registered with the Scottish Executive Education Department (SEED).

2. Types of schools

- The overall situation in Scotland is one in which there are four kinds of schools:
 - State schools (run in fact by local education authorities) which are either mainstream or for special educational needs; the latter handle either 'difficult' pupils or children and young people with handicaps;
 - independent schools, run privately, most of them mainstream and either primary, secondary or both, but some of them handling only 'difficult' pupils;
 - some grant-aided schools for children and young people with physical or mental handicaps;
 - one self-governing school, which opted out of local authority management and is managed by a Board of Management on which parents are represented. Current proposals for legislation would return this school to local authority management.
- There is also one school in an anomalous position in that it is a former 'demonstration' school, attached to a teacher training college and now is grant-aided but mainstream. It has pupils of primary and secondary age.
- The majority of schools in Scotland are non-denominational, however there are a significant number of Roman Catholic schools (both primary and secondary). The majority of Roman Catholic schools are run by local education authorities, although there are a few in the independent sector.

3. Conditions for setting up schools

- In theory, any person wishing to set up a private school in Scotland may do so, provided that the following conditions are met:
 - the school must be registered with the Scottish Executive Education Department if it has 5 pupils or more. If there are fewer than 5, they are deemed to be educated at home and different regulations apply;
 - registration with the SEED must take place within one month of the school being opened for the first time;
 - the school must be open to inspection by Her Majesty's Inspectors of Schools, who have to be satisfied that the premises conform to certain basic accommodation standards, including fire safety recommendations, that the owners are 'fit and proper persons' to run such an establishment and that the teachers are similarly acceptable. In general, no one with a criminal record of a serious kind will be allowed to run or teach in a private school.

- Initially, the school is given provisional registration until it is fully inspected. A detailed inspection should take place within 2 years, but an early visit by the District Inspector is essential to confirm the suitability of the premises, the owners and the staff, and to establish a maximum roll for the school.
- Current proposals for legislation would change this registration process so that prospective schools would have to apply before the school opened, so that checks can be made before any teacher or manager of an independent school has charge of children.
- In the course of the 1980s (1983-88) most grant-aided schools, which at that time were either partly or wholly funded by the Government were phased out and faced the choice of becoming fully independent or coming under the wing of the Local Education Authority. These grant-aided establishments included both 'standard mainstream' schools and schools for children and young people with social, emotional and behavioural problems. They did not, however, include the grant-aided schools for children with physical or mental handicaps. Such schools remain grant-aided today.

4. Financing/Subsidies from public funds/Fees

- Private schools must find all of their own finance, usually from fees. Some may come from endowments. The State does not intervene in the determination of fees and so these may vary considerably. Where schools participate in the Assisted Places Scheme, in certain cases the State will offer financial assistance to parents to allow them to send their children to fee-paying schools. In schools which operate this scheme, the State may intervene only on behalf of pupils within the Scheme, if it is considered that annual fee rises are too great. The Government is phasing out this scheme. School session 1997/98 was the last year in which a pupil could be accepted for an Assisted Place. Pupils already in the scheme will continue to receive assistance until either the end of their primary or secondary education, whichever is applicable.
- Grant-aided schools are partly funded by the Government and partly by charging fees to local authorities who send pupils to the schools.

5. Conditions regarding curricula, timetables and teaching methods

- There is no legal requirement for a school to follow a particular teaching programme, but it has to follow an appropriate programme in the view of HM Inspectors of Schools.
- Independent schools need not open for 190 days in the year, as in the case of the State and grant-aided schools. The weekly timetabling arrangements, except in the special schools for the handicapped, are expected to be similar to those of the state schools i.e. 27 hours and 30 minutes per week of teaching, divided into periods of 40 minutes to 1 hour 10 minutes.
- There are no regulations or guidelines concerning teaching methods, but again they must be appropriate as judged by HM Inspectors.

6. Status of qualifications awarded

- Qualifications are not awarded by schools - either independent or state - but by the Scottish Qualifications Authority on the basis of external examinations administered by them; these national bodies are the only ones empowered to give recognition in an official sense. Candidates from independent schools are prepared and presented for these external examinations as are pupils in state schools or colleges. In a few cases, independent schools present candidates for external examinations organised by Examination Boards in England.

7. Appointment/Status/Terms and conditions of service of teachers

- The State does not intervene in the appointment of head teachers and teachers except in ascertaining that the teachers are 'fit and proper persons to be a teacher', but in practice most schools employ teachers registered by the General Teaching Council. (Registration is mandatory for teachers in schools in the state sector.)
- Nearly all teachers in private schools in Scotland are fully qualified, both academically and professionally, since there are strict regulations governing the qualifications of teachers in state schools and it would not be in the interests of the private sector to employ teachers who were less qualified.
- Mobility from the private sector to the state sector presents no problems and is not an issue in Scotland. It is up to the individual teacher to apply for any publicly advertised post if he/she wishes to.
- There is potentially no difficulty either in moving from one Member State to another since the implementation of the First Directive¹⁵ on this matter, especially since almost all teachers in private schools are fully qualified.

8. Inspection

- All independent and grant-aided schools are regularly inspected by HM Inspectors of Schools. Should standards be inadequate, registration may be withdrawn.

9. Statistics

- The private schools range in size from about 5 pupils to 2,155 and number 115. They serve 4% of the total school population (primary, secondary and special).

School year 1998

Private	Total	
Pupils	32 588	(28 010 day pupils 4 578 boarders)
Schools	121	
Teachers	2 488 full-time	928 part-time

The percentage varies from region to region, and tends to rise in the later stages of education.

10. Index of representative organisations

Scottish Council of Independent Schools
21 Melville Street
UK – Edinburgh, EH3 7PE

Independent Schools Information Service
21 Melville Street
UK – Edinburgh, EH3 7PE

- The private schools are affiliated (variously) to a wide range of Associations whose addresses can be obtained from the Independent Schools Information Service.

¹⁵ Council Directive of 89/48/EEC of 21 December 1988 on a general system for the recognition of higher education diplomas awarded on completion of education and training of at least three years duration.

Trends

- The private education sector is generally regarded as an important part of educational provision in Scotland although it is much smaller than the independent sector in England. Its existence is seen as offering parents a wider educational choice for their children. However, with only 4% of the pupil population, private education cannot have a strong influence on decision-making at regional or even national level.

Sources

- UK Scottish Eurydice Unit: answers to questions EU/91/003/00; GR/88/006/00; NL/89/002/00.

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