

SLOVENIA'S EDUCATION IN THE PROCESS OF CHANGE: LEGAL ASPECTS¹

Leopoldina Plut-Pregelj

Although the educational system in the former Yugoslavia was decentralized after 1970,² it still remained based on the same ideological premises — one-party rule, and self-management socialism, outlined in the constitution of 1974³ — on which the individual republics (among them Slovenia) had formulated their educational laws. Yet, because of historical, cultural and economic developments in different republics on the one hand and decentralization of the federal government on the other, the educational systems and the conditions for their operation varied significantly from republic to republic despite their common ideological basis.⁴ Several educational reforms for different levels of schooling were introduced in the post-World War II period, but it was only in the late 1980s — at the time of preparation for the first democratic elections or immediately after that — that individual republics were trying to restructure their educational systems on new social foundations: pluralistic democracy, and free-market economy.

This paper will deal only with the changes in the educational system of Slovenia since the first democratic elections in April 1990.⁵ The Slovene “silent” revolution — as it would probably be described by the well-known

¹ This article is a slightly revised version of the paper “Slovenia’s Education in the Process of Change” delivered at the conference on “Crisis in the Quality of Education,” organized by the Society of International and Comparative Education in Annapolis, Maryland, March 12-15, 1992.

² In 1970, the Yugoslav federal ministry of education in Belgrade was abolished and all responsibility for education was delegated to individual republics and autonomous provinces and their ministries of education. A federal commission with representatives from republics and provinces was established to coordinate educational policies for the entire country. In addition, the Association of Yugoslav Universities was formed to coordinate higher education policies nationally.

³ *Ustava socialistične federativne republike Jugoslavije*. Knjižica zvezne skupščine, v. XI, no. 2-3, Beograd. (Ljubljana: Dopisna delavska univerza, 1974).

⁴ The educational system in Yugoslavia has been much too often represented as one system, with little attention paid to the differences among the systems of the individual republics. This is one of the reasons why the information on education in Yugoslavia has sometimes been misleading. An example of portraying the educational system in Yugoslavia as a uniform one is the entry by John Georgeoff, Yugoslavia, in *The World Education Encyclopedia* (New York: Facts on File Publications, 1988) 1404-1425.

⁵ Slovenia has a population of 2 million; 91% of them are Slovenes, relatively few belong to the Italian (0.2%) and Hungarian (0.5%) indigenous minorities, and there are small contingents of Croats (about 3%), Serbs (about 3%), and members of other nationalities from various republics of former Yugoslavia. The official language is Slovene, and in the areas inhabited by Italians and Hungarians also Italian and Hungarian. In 1990, Slovenia spent 3.5% of its GNP on education. The educational system includes all educational institutions from kindergartens to universities and institutions of adult education. The 8-year elementary school is obligatory for children 7-14 years of age. There are 2-, 3-, and 4-year secondary schools. Higher education usually lasts 4-6 years. In the school year 1990/91, there were 69,370 children (50.5% of the children in the age group 1-7) in kindergartens; 225,640 students in elementary schools; 94,576 students in various secondary schools (over 85% of the age group 14-18); and (in 1987) 31,067 students in 2 universities and several other schools of higher learning.

historian of revolution, Crane Brinton — beginning in the early 1980s and culminating in April 1990 with the first democratic elections, demanded changes in every segment of the society, including education. Although the previous political structure of Slovenia collapsed, no attempts were made to change the educational system radically. On different occasions, the Slovene minister of education stressed that in spite of the demands for radical changes in the educational system, these changes would take place without undue haste, pursuing a clear conceptual goal of educational development.⁶ The Ministry of Education, the Board of Education,⁷ and other professional institutions reached a consensus on a process of gradual change in elementary education, based on professional considerations. More immediate changes with wide ramifications, however, took place in secondary education due to the tremendous problems created by the career-oriented secondary schools.

Two documents (*Conception and Strategy of the Development of Education*, and *Education in Slovenia for the 21st Century*),⁸ published recently by the Board of Education of Slovenia, indicate the general direction of the developments in Slovene education,⁹ also offering detailed programs for its different levels,¹⁰ and advocate a gradual change which would bring the educational system of Slovenia closer to the educational systems of Western developed countries, especially those in Europe. Among the goals set for the Slovene educational system in these publications are: (a) increasing the average duration of schooling from 9.3 to 10 years; (b) increasing the percentage of population with higher education from 6% to 10%; (c) raising the percentage of GNP spent on education from about 4% to 5%; (d) modernizing the instructional process at all levels by taking into account the needs of the individual student, the natural and social environment, and the development of Slovenia into a pluralistic society.¹¹

⁶ Interview with Dr. Peter Vencelj, Minister of Education, *Ognjišče* [a weekly published in Koper], 19 September 1990, 6-10.

⁷ The Ministry of Education and Sport is responsible for educational policy, administration and financing of all schools. The Minister of Education is appointed by the Prime Minister and is also a member of the cabinet. The Board of Education and Sport is responsible for supervision, consulting and implementation of innovations and projects. It also organizes in-service training for teachers and principals. The director of the Board of Education and Sport is appointed by the Minister of Education.

⁸ The documents deal with preschool, elementary, secondary, and adult education. No similar material has yet been published on higher education.

1. *Conception and Strategy of the Development of Education; Education Modernization Programme in the Republic Slovenia to 2000*. Ljubljana, Zavod Republike Slovenije za šolstvo, May 1990, 22 p.

2. *Izobraževanje v Sloveniji za 21. stoletje; globalna koncepcija razvoja vzgoje in izobraževanja v Republiki Sloveniji*. Ljubljana, Zavod Republike Slovenije za šolstvo. No. 3, January 1991.

Izobraževanje v Sloveniji za 21. stoletje; strokovne podlage za program vzgoje in izobraževanja mladine v Republiki Sloveniji, No. 4, 1991.

Izobraževanje v Sloveniji za 21. stoletje; izobraževanje odraslih: strokovne podlage, No. 4a, 1991.

⁹ *Izobraževanje ...; globalna koncepcija* No. 3, January 1991.

¹⁰ *Izobraževanje ...; strokovne podlage za program vzgoje in izobraževanja mladine*.

Izobraževanje ...; izobraževanje odraslih: strokovne podlage.

¹¹ *Izobraževanje...*, No. 3, 1991, 14-15; No. 4, 1991, 9-12.

The changes in Slovenia after the April 1990 elections indicate that a slow — and often controversial — transformation of the educational system has been unfolding in several areas:

— In new legislation: a new constitution was adopted and various relevant laws were enacted, such as the law on public institutions, the law on the financing and organization of education, and new amendments to the law regulating religious communities,¹² all of which has changed the status of educational institutions in Slovene society and at the same time raised several complex questions that will have to be dealt with in the future.

— In secondary education: immediately after the elections, the new government abolished the career-oriented secondary schools, introduced in Slovenia in the late 1970s, and reestablished the former secondary school system with 4-year gymnasiums, 4-year technical schools, and 3-year vocational schools.

— In research: projects were undertaken to study the newly introduced integrated curriculum in the lower elementary grades, the changes in the number of semesters (from two to three) in elementary schools, and the implementation of different models of grouping students within a classroom or a school.

— In activities of pressure groups in education: a teachers' union is becoming an important factor in influencing administrative decisions regarding teachers' working conditions and benefits, and several teachers' strikes took place.

— In everyday practice in schools: some ideological overlay was removed in teaching, for example, by abolishing the civic subjects "socio-moral education" in elementary schools, and "Marxism and self-management" in secondary schools; and by changing the content of social studies, especially recent history.¹³

¹² *Ustava Republike Slovenije in ustavni zakon za izvedbo ustave Republike Slovenije*. Ljubljana, December 1991.

"Zakon o zavodih," *Uradni list Republike Slovenije*, 22. March 1991, 442-448.

"Zakon o organizaciji in financiranju vzgoje in izobraževanja," *Uradni list Republike Slovenije*, 6 September 1991, 427-434.

"Verske šole bodo odslej enakopravno vključene v sistem izobraževanja." Report from the Republic Assembly on "Zakon o spremembah in dopolnitvah zakona o pravnem položaju verskih skupnosti," *Delo*, 22 May 1991, 3.

Slava Partlič, "Sprememba zakona o položaju verskih skupnosti," *Delo*, Saturday supplement, 25 May 1991, 4.

¹³ Although it was publicly stated several times that the content of social studies and history would change, or has changed, there is little evidence available that changes have taken place and, if they have, to what degree. A published instruction for teachers about the changes, for the school year 1991/92, in social studies in the 4th grade, or history in the 8th grade (elementary schools) are very, very general, and not useful for teaching. It contains the names of the professionals who were involved in revising the curriculum for these two subjects, which, in fact, in general did not change. Yet, the publication states that the curriculum has been revised and modernized in the light of the political changes in Slovenia. It also states that some additional material has been prepared for grades 6 to 8, which can be used in classrooms. (See *Obvestila osnovnim šolam za delo v šolskem letu 1991/92*, Ljubljana, April 1991, 42-44). I was unable to obtain the revised version of the curriculum for social studies or history for elementary schools, and cannot comment thereon. I did learn, however, through personal communication (June 1992) with some teachers and historians that the content has remained basically unchanged.

— A new element was introduced by opening the debate on the relationships between the state and the Church, and their implications for education.¹⁴

It is important to stress that not all changes were initiated after the democratic elections; some had been brewing in professional circles (for example, the reform of secondary education, cooperative learning, integrated instruction, and other pedagogical concepts such as those of diverse thinking, of creativity, and of the importance of individual differences in learning (though mostly on a theoretical level) since the 1980s or even the 1970s.

The transformation of education will be neither a quick nor a linear process. It will require more than just a change in the stated goals and laws on education: changes are needed also in the curriculum and textbooks, especially in the social studies, where the effects of Marxist philosophy were most restrictive and had the most obvious results. More attention should be paid to individual differences among the students and to organizing the educational process in a way that would stimulate in the students divergent thinking, creativity, self-respect and independent study methods in classrooms. Teachers should be given help with in-service training to deal with the new demands they face. Although money — which is in any event scarce in today's faltering economy — is badly needed to improve education, that alone will not suffice to change the state of human consciousness that had been forming for nearly 50 years. It will take time and patience to transform the monolithic society and its institutions, the educational system being one of them, into democratic and pluralistic ones.

II

In this paper, only the legal changes that will affect the development of education in Slovenia are discussed. In December 1991, the Republic of Slovenia adopted a new constitution, where education is enumerated among human rights and basic freedoms. In this constitution, however, education is defined in more general terms and with fewer specific educational commitments on the part of the state — one could say, more realistically — than it was in the Yugoslav constitution of 1974.¹⁵ The Slovene

¹⁴ The debate has been going on mainly within the Catholic Church and has been reflected in the Catholic weekly *Družina* since 1990. There has been very little debate on the issue in other media, except for occasional letters to the editor objecting to religious education taking place after the regular school program in public elementary schools, a practice followed for the convenience of the children and parents.

¹⁵ According to the Yugoslav constitution of 1974, all levels of education were theoretically guaranteed and free of charge for everybody. In practice, this was not true. There were several practical obstacles to the realization of the constitutional provisions, for example, a lack of financial means for education in general, and a lack of secondary schools in particular. Even compulsory education was not free: parents had to pay for the students' textbooks. The Slovene constitution of 1991 guarantees only free elementary education for everybody. (See note 16). The *Constitution of the Socialist Federal Republic of Yugoslavia*, 1974, p. 86. Article 165:

“Primary education, lasting at least eight years, shall be obligatory.

“Economic and other conditions for the opening and operation of schools and other institutions for the education of citizens and the promotion of their activities shall be ensured through self-managing communities of interest, on the principles of reciprocity and

constitution specifically guarantees unrestricted access to education, but only elementary schooling, which is compulsory, is publicly financed. The state also has assumed the obligation of creating opportunities for the citizens to acquire an appropriate education.¹⁶ On the whole, however, the constitution is likely to have more influence on education indirectly by having laid down new principles of the society in general than through its article that deals specifically with education.

An attempt to democratize Slovene society already took place in the 1960s. Then, the political system of self-management was introduced, which led to economic reforms as well as to the decentralization of social services, including education. Due to the central concept of social property in the self-management legislation of Slovenia (as also of Yugoslavia) there was formerly no distinction between state and private organizations, or between profit and nonprofit organizations in the society. All social services (education, culture, health care, welfare and social security), defined as activities of "special social importance," were centralized in some aspects and decentralized in others. This situation affected education in several ways. First, because education was a social service of "special social importance," no private initiative in education was allowed. That meant that all educational institutions were organized and controlled by the state.¹⁷ The goals and curriculum (content, textbooks, and other essential pedagogical aspects) were also centralized. All the important curriculum decisions were made for the entire republic by a republican professional educational council, a Board or Ministry of Education, and were controlled by the League of Communists by several means: through general social policies that were, among others, reflected in the allocation of money for education or its special projects; through people who were in charge of educational professional organizations; and sometimes through direct pressure on individual professionals and institutions to carry out the educational policies set by the League of Communists.

Second, an educational institution functioned as an organization of associated labor,¹⁸ then the basic unit of the Yugoslav self-managing society

solidarity among working people, organizations of associated labor and other self-managing organizations and communities and socio-political communities, in conformity with statute.

"Citizens should be entitled, under equal conditions specified by a statute, to acquire knowledge and vocational training at all levels of education, in all kinds of school and other institutions of education."

¹⁶ *I. ustava samostojne Republike Slovenije* (Celje, Mavrica, d.o.o., 1991) 15 .

Article 57 (education and schooling). "Education is unrestricted. Elementary education is compulsory and is financed from public resources. The state creates opportunities for the citizens to acquire an appropriate education."

Article 58 (autonomy of universities and other schools of higher education). "State universities and state schools of higher education are autonomous. The method of their financing is regulated by law."

¹⁷ The only exceptions were three schools for educating the Catholic clergy: the two grammar schools in Vipava, operating since 1957, and in Želimlje, operating since 1976, and the School of Theology in Ljubljana (with its branch in Maribor), which until 1952 had been a department of the University of Ljubljana.

¹⁸ "Organization of associated labor" is the term for an enterprise (*podjetje*) or institution (*ustanova*) which operates on the principles of self-management.

(a school was considered a “profit-making enterprise” that was producing and exchanging its services!!), based on the self-management principle under hidden control of the one-party state. Each educational institution had a certain autonomy of management and of budgeting that were allocated to the school. But the participants in the educational process themselves had very little impact on major financial decisions. Educational planning and finances were ostensibly decentralized, but that produced only an expensive bureaucracy, which was manifested by: complicated accounting in every school and numerous committees that discussed issues already decided elsewhere and, at the commune and republic levels, self-managing communities of interest for education, with a bulky professional apparatus. In a monolithic, one-party state, decentralization was an anachronism and therefore did not bring about less bureaucracy and more influence of teachers, parents, students, science, technology, and the economy on the educational system, as was expected and planned; instead, it produced political and professional meritocratic groups, consisting mostly of administrators, and very few principals and teachers, which had absolute monopoly over the system or its parts.

With the changes in the political and economic system, there arose the need to make a distinction between profit and nonprofit, and between state and private organizations. The void created by the demise of the self-management system was filled by a new law on institutions, which defines nonprofit organizations and the requirements for forming them and for their organization, activities, and supervision. The law specifically deals with institutions that perform public services. For the first time since World War II, the law allows public services to be performed also by private institutions and individuals. This privilege is given to an organization or individual by means of a concession.¹⁹ With this law, the self-management model of social structure was abolished and foundations were laid enabling various social services to establish organizational structures tailored to the specific needs of the individual field.

III

In the field of education, the restructuring was accomplished by the law on the organization and financing of education (enacted in September 1991), which introduced several substantive changes in its organization, administration, and financing. The legislative proposal, first submitted by the Slovene Ministry of Education for public debate already in November 1990, was vigorously debated for several months and went through several versions before it was passed by the republic assembly. The law deals with preschool, elementary, secondary, and adult education; higher education is to be regulated by a separate law. The content of the law on the organization and financing of education is as follows:

i. In its general provisions, the law defines education as a public service carried out by educational institutions that can be organized by the public

¹⁹ “Zakon o zavodih.”

(commune, city, republic) or by private organizations or individuals. The right to organize an educational institution or program is granted to an organization or individual through a concession. The conditions for granting a concession to an organization or individual are detailed later in the law.

ii. The conditions required for the operation of an educational institution or program are to be prescribed in detail by the republic's educational administrative body, established by the Ministry of Education and Sport, and concern teachers' qualifications and the institution's space and equipment. Compliance with these requirements is verified and approval to operate is granted by a commune or city administrative body in cases of a preschool or elementary institution or program, and by a republican administrative body in cases of secondary or adult education institutions or programs.

iii. The law prescribes the organizational structure and functions of an educational institution, covering the establishment of the institution (school) as well as its subsequent operation, providing descriptions of the roles of individual administrative and professional entities, such as the school board, the principal, the teachers' conference, and the parents' advisory council.

iv. The national educational program, enacted by the republican assembly, provides the basis for the allocation of the resources needed for its execution and allocated in the budgets of the respective levels of government. The program defines the goals of education, and determines educational programs at individual levels in the fields of education that are carried out as a public service, and the criteria for their financing.

v. The law establishes the responsibilities and methods for financing education at the local and republic levels. The money for teachers' salaries at all levels that provide "compulsory" programs is allocated from the republic budget either by law or collective bargaining agreement. Operating costs of preschool and elementary education and of amortization, and the financing of "extended programs" are covered by the individual commune; those of secondary and adult education are paid by the republic. A commune that cannot provide sufficient funds to carry out the "compulsory" programs will be helped by a solidarity foundation established at the republic level.

Although there are several problems with the law — the first law on education enacted after multiparty elections in Slovenia — only three of its aspects are dealt with in this paper: first, the relationship between goals and organizational structure; second, the state monopoly in education; and, third, the relationships among the several components of the structure.

1. The changes in Slovenia — and anywhere else in Eastern Europe — are not mere technical changes. The basic concepts on which society was built have changed, and these changes have to be reflected in new goals of education and its organization. The function of the organizational structure of the system is to help a system reach its goals effectively and in an ethical manner. The organizational structure of education should, therefore, promote the attainment of educational goals and should not be considered as an end in itself. Even more, the organizational structure should be changed if it consistently impedes the attainment of the goals. Therefore, the first

and absolutely necessary condition for establishing the organizational structure of an educational system is adoption of educational goals. The law on the organization and financing of education should provide an organizational structure where the roles, tasks, and relationships among the components of the educational system and their bodies (political, professional, and administrative) at its various levels (individual school, local community, and republic) are clearly spelled out in order that they may attain the set goals not only effectively and ethically but also in accordance with the law.

An analysis of the law in the light of the first and necessary condition for the organizational structure — namely, the educational goals that the society wants to pursue in the future — shows that the institutional arrangements which are required by the law have not been in place. Article 36 of the law provides for the adoption of a national program of education by the republic's assembly. The program is prepared by the Ministry of Education in consultation with economic associations and professionals. Article 37 provides further that the national educational program should define the goals of education, determine the educational programs and criteria for their financing as a public service, and define the activities necessary for the development and effective performance of education as a public service, as well as determine the material base for such performance.²⁰ A national educational program based on these two articles would have fulfilled the main and necessary condition set by the law on the organization and financing of education. Such an organic national program is, however, yet to be devised and adopted, despite much professional preparatory work that has been devoted to this task. Meanwhile, the transitional provisions of the new law have readopted the preexisting educational programs.²¹

A comprehensive overview of the educational goals and the development of education in Slovenia was prepared and published by the Board of Education of the Republic under the aforementioned title *Izobraževanje v Sloveniji za 21. stoletje* at the same time that the law on education was being debated. This material was prepared at the request of the Ministry of Education to serve as the basis for a wide professional and public debate of educational goals and of a national educational program upon which an organizational structure of the educational system could be built. Yet, no public discussion took place either of a comprehensive conception of the development of education in the Republic of Slovenia, or of professional foundations for the various levels of education as dealt with in the various parts of the material, either while the bill was being debated, or after the law went into effect, at least not by December 1991.²²

²⁰ "Zakon o organizaciji," 430.

²¹ "Zakon o organizaciji," 432.

²² This is not to say either that the national program should be adopted as presented in the above mentioned materials, or to advocate a stronger governmental role in education. Adoption of a national program for education can lead to several problems, such as rigidity of the system, which heavily depends on outside evaluation with testing and international comparison on the one hand, and/or tailors its process to short-term demands of the immediate environment on the other hand, without "listening" to the needs of the children

2. The entire part IV of the law, which deals with the educational public service provided by private entities on the basis of a concession,²³ indicates that the society has not yet resolved some fundamental questions about education and its future development. The first set of such unresolved questions is: What is the main purpose of education and of a school? Is it to serve the interests of a child as seen by the parents, or by the state? Who has the right to educate: the state or the parents? To what degree can the state interfere with the parental rights of educating their children? And what are the rights of the children, who are not "the property" of either the state or the parents? In the past, the answer to these questions in Slovenia was that the state had absolute control over the goals, content, and organization of the system that provided a student's formal education. The interests of the state — that is, the social conception of education — were the dominant basis for the organization of the educational system. That does not mean that pedagogy, psychology or other humanistic disciplines in Slovenia have not been involved in the discussions of individual or humanistic approaches to education during the last forty-some years. But any conclusions resulting from such discussions that were contrary to the educational policies advocated by the Communist party, could not be freely implemented because decision-making in education was a monopoly of one-party totalitarian politics.

With this new law, the state gives up its monopoly over education, but only ostensibly. The right to provide education as a public service may, indeed, be granted to private organizations or individuals through a concession. Yet, a concession is by definition an act whereby certain rights are granted to somebody at the discretion of a higher authority with prior claim to such right. Article 32 (in part IV) of the law provides that a concession to engage in education is granted on the basis of public bids published in the media. A bid must contain among other information the description of the educational program in question and the conditions under which it is to be carried out. The concession is granted — depending on the level and type of the educational program — by the responsible local or republic authority.²⁴ This procedure, of course, means that the government is the one to decide if and when private educational institution is needed, what kind of program is needed, and who will be granted the concession. Consequently, an individual or an organization cannot establish a school unless there is a public bid based on an educational need as perceived by the state. Moreover, under this law, individuals fare even worse than

and the future. But a national consensus on the goals and future development of education is needed in every society; therefore, a national program should rather be defined in more general terms with minimal government interference. Such an approach seems more appropriate for a democratic society which tolerates and values not only political but also cultural pluralism.

²³ The conditions that are required for a concession to be granted to an institution or an individual to organize a school are not determined by this law but are specified in the public bid. "Zakon o organizaciji," 430.

²⁴ "Zakon o organizaciji," 430.

organizations, since they may be granted concessions only "as an exception" when such action is envisaged by the educational program.

Although this law is a big step in the right direction, it has not gone far enough. It is still the state that dominates and controls education, and in this respect the law does not bring essential changes from the previous system. Pointing out such lack of change does not necessarily mean advocacy of private education; rather, it focuses in the first place on the need to make public education itself a flexible system and offer varied educational programs that would meet the individual needs of most of the children or other participants. But when a decision is made to have a pluralistic, democratic, free-market society, then its logical consequences ought to be carried out in all areas of the social structure, not only in politics but also in education. This certainly need not mean an educational free-for-all, for there are several ways in which the state can regulate educational standards and indirectly control alternatives in education if it does not accept them as a part of the public system. Unfortunately, except for providing a less wasteful system of educational financing and a more centralized administration, the organizational changes introduced by this law do not bring new qualities into education in Slovenia.

3. Historically, the educational system in Slovenia has always been centralized. Not only administration and financing but also curriculum, textbooks, even methods of instruction were regulated by school laws in detail. This was true when Slovene lands were under Austrian rule (in 1774, for example, the General School Statute decreed not only the goals and curricula, but even the use of Felbiger's book on teaching methods)²⁵ as well as in Yugoslavia after the First and Second World Wars. It was only in the late sixties, with the implementation of self-management, that some aspects of the educational system (mainly financing and administration) were decentralized.

Slovenia's 1991 educational law replaced the self-management model of education with a centralistic one, although this change is not immediately evident. To centralize what had been decentralized and thus make the system more effective seems a logical reaction in turbulent times, when a new government struggles with a faltering economy; yet, at the same time, it appears that professionals and administrators who worked in the field of education under the old system are no longer trusted to carry out their mission in a new society. It seems that the new government perceives the solutions for the education to be in giving more power to the state and its "wise men." All the important decisions about the national program and its financing will apparently be made by the republic assembly. Thus, it will be up to the elected officials to make essential decisions about the educational system: its goals, organization, and finances.

In the last two decades, post-industrial societies, such as the United States, Great Britain, and lately also Sweden, have tried to implement

²⁵ Zdenko Medveš, "Tipologija šolske zakonodaje in narava zakonov o organizaciji ter financiranju šolstva," in M. Milharčič-Hladnik and M. Sebart, eds. *Šola in učitelj na vajah države*. Ljubljana: Slovensko društvo pedagogov, 1991, 72.

centrally controlled educational standards and accountability systems for their school system (at the elementary and secondary levels) in order to improve the quality of education. The argument behind the centralizing tendencies in educational governance has been that local control over school systems is no longer an effective means to educate the qualified manpower needed in today's technological world. In Slovenia, after the first free election in 1990, there have been centralizing tendencies in educational administration and financing, although the main argument for centralization is the abolition of the one-party totalitarian political structure and self-management. The same trends — quality before equality, and efficiency before liberty — as in the West can also be observed in Slovenia regarding the reform of secondary education, where central control over the educational standards (thus introducing an entrance exam for 4-year secondary schools) and more demanding programs for secondary students (such as the international baccalaureate) were introduced already in the late 1980s. Also, at the elementary level, there have been indications that quality and efficiency of elementary schools have been advocated, with ability grouping of students at an early age. Because of the several decades of emphasis on equality in education, whereby adjustments of educational programs were mainly to the benefit of less able students on the one hand, and having no other opportunity for education than the monolithic public schools on the other hand, it is not surprising that in Slovenia there is now a trend toward placing quality before equality.

Although there is much empirical evidence of the problems that centralization can create in educational systems, this approach nevertheless has some advantages. It may be that, in Slovenia, centralization is what is needed to remedy the problems in education caused by self-management. But whatever goals and nature of the underlying organizational structure are decided upon, the structure itself needs to be defined by law in detail not only as to the responsibilities and competencies, but also with respect to the relationships among the essential components (political structure, professional institutions, and participants) of the system.

This the existing law does not do! For example, the law provides in each school for a schoolboard, a principal, a teachers' conference, and a parents' council, and lists their functions. But, if we take a closer look at the school board, while the law decrees the make-up of the board — which includes also representatives of the local community — and details the manner of electing its internal members (teachers, parents, and students), it contains no provisions for selecting the board's members from the community. Yet, it does matter who sits on a school board, and who decides who sits on it. Will its members from the community be elected politicians or appointed professionals? Will they be representatives of the various political parties, who may or may not happen to be interested in education? Will they be nominated by the local political structure or by professional entities?

Furthermore, it is not clear what will be the relationship of a school's board with the local educational authorities, or the relationships between

local and republican educational authorities and other professional institutions. While the law makes clear that the school board decides what kind of elective programs and extra-curricular activities will be offered by the school, it is not made clear whether the board can decide about other pedagogical matters, or whether these are to be decided by professional bodies. Is a school board a self-managing body — a relic from the past — or a step toward school-based management? These and similar questions ought to be resolved in a law on the organization of education, otherwise the law does not fulfill its purpose.

The legislative proposal of the law, prepared by the Ministry of Education for the republic's Executive Council and various committees of the executive branch of the government, claimed that the self-management legislation and its administrative structure, which were abolished in early 1990, had been the main culprit for the problems in education. It was allegedly because of self-management that the teachers and the principals were overly involved in planning and financial matters of the school, and this adversely effected their professional work, and consequently the quality of instruction.²⁶ Although self-management (decentralization) in some aspects of education did indeed produce negative effects, the problems in education were also due to centralization — state monopoly over the goals, the content, and organization of education which was, among others, seen in the unresponsiveness to individual educational needs of students and their parents. With the abolition of the self-management organizational model of education there was an immediate need to replace it with a new model, regardless of whether the conditions for its organizational structure were present or not. The lack of educational goals and direction of educational development are only some of the missing conditions for a new law on organization and financing of education in the Republic of Slovenia. There are also other missing links not directly related to education but to broad social organization, such as the organization of the local political structure, the status of government employees, and others. Without these elements a new organizational structure of education does not make much sense. Therefore, changes of the existing law are expected after other social changes are implemented.

Analysis of the law on organization and financing of education indicates that the conditions for a meaningful organization of education were not present in Slovene society. The missing, necessary building blocks for the law were not only of socio-pedagogic nature, but there are also others not directly related to education but rather to broad social organization — such as the organization of local government, the position of government employees, and so on. Without these elements, a new organizational structure of education does not make much sense.

It seems that the education law was adopted in the belief that centralization of educational system and its finances is essential if the

²⁶ "Ocena stanja in razlogi za izdajo zakona." *Predlog za izdajo zakona o organizaciji in financiranju vzgoje in izobraževanja z osnutkom zakona. Materiali republiškega sekretariata za vzgojo in izobraževanje ter telesno kulturo.* Ljubljana, Nov. 11, 1990, 2-4.

troubled educational system is to be improved. In its zeal for a change, the new government overlooked the fact that without a consensus as to the goals and direction of education, which is not only a political but even more so a professional question, and without a clear delineation of the relationships between the various partners in education and their responsibilities, a new organization by itself does not inject new qualities in the educational system of a democratic and pluralistic society.

Educational policies in democratic societies have always been formed along four conflicting values — quality and equality, and efficiency and liberty. The emphasis of one of these values in educational policies produces certain advantages and disadvantages in individual school systems, which historically tried to achieve balance among them by swinging the pendulum in educational governance from centralization to decentralization and vice versa. What turns the educational policies in Slovenia will take remain to be seen, and will depend on the general political orientation of the society regardless of the educational laws now in place.

University of Maryland

POVZETEK

SLOVENSKA VZGOJA IN IZOBRAŽEVANJE V PROCESU SPREMINJANJA: PRAVNI VIDIKI

Po prvih demokratičnih volitvah v Sloveniji je bilo treba prestrukturirati celotno družbeno infrastrukturo, vključno z vzgojno-izobraževalnim sistemom. Nekateri novosti v šolstvu so se uvedle neposredno po volitvah (delna reforma usmerjenega izobraževanja, odprava nekaterih predmetov v učnih načrtih osnovnih in srednjih šol), vendar je minister za šolstvo napovedoval, da se bodo spremembe v šolstvu uvajale postopno na osnovi strokovnih ekspertiz. V letu 1991 je republiška skupščina sprejela dva temeljna zakona, ki urejata področje vzgoje in izobraževanja: Zakon o zavodih in Zakon o organizaciji in financiranju vzgoje in izobraževanja. Z Zakonom o zavodih se je spremenil položaj šole, ki je odslej javna inštitucija z nalogo opravljanja družbene dejavnosti, katere cilj ni ustvarjanje dobička. Poleg tega daje zakon pravico opravljanja javne službe tudi drugim organizacijam in zasebnikom na podlagi koncesije. Zakon o organizaciji in financiranju šolstva le natančneje precizira Zakon o zavodih za področje šolstva in žal ne prinaša kakovostnih sprememb v šolstvu. Čeprav ima Zakon o organizaciji in financiranju šolstva resne pomanjklivosti, vendarle predstavlja pomemben korak k oblikovanju demokratičnejšega vzgojno-izobraževalnega sistema v Sloveniji.