

PRIVATE EDUCATION IN SLOVENIA IN THE CONTEXT OF EDUCATIONAL REFORM

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I. An historical overview and the present status of private education in Slovenia.

The history of private education in Slovenia corresponds, at least until 1918, when Slovenia became part of the newly founded Yugoslavia, to the history of private education in Central Europe. The regions of Slovenia, as parts of the Habsburg Empire, were subject to the empire's regulations on private education. Their basic characteristics were strict requirements for the establishment of private education—they had to follow the example of state schools in all their essential elements—, and even stricter conditions for the awarding of state-approved certificates; there was no state financial support available. Private schools at that time made up approximately six percent of all schools. In 1929, new Yugoslav legislation prohibited the establishment of additional private schools. Only 1.3% of primary schools in the northwest province of Yugoslavia, Dravska Banovina, were private in 1929. In 1945, after World War II, all private schools were abolished. Only two parochial secondary schools and one tertiary institution, the Faculty of Theology, intended to serve the internal needs of the Catholic church, were permitted by the constitution. Their certificates were not recognized by the state.¹

The situation described above lasted for the more than forty-five years of the Yugoslav socialist state's existence. In the period of transition from a one-party system to parliamentary democracy, which started in Slovenia with the first free (i.e., multi-party) elections in the spring of 1990, which corresponded to the foundation of an independent state in June 1991, existing private schools gained state certification and financing, and new private schools and preschools were opened. The Constitution of the Republic of Slovenia, proclaimed on 23 December 1991, declares that parents have the right and obligation to support

¹ Marjan Šimenc and Jani Krek, *Zasebno šolstvo* (Ljubljana: Ministry of Education and Sport, 1996).

schools and educate their children (Article 54) and that education is free (Article 57).

In April 1991, with the amendments to the act on religious organizations, the certificates of both parochial secondary schools and the Faculty of Theology were recognized.² The Organization and Financing of Education Act (OFEA), passed by parliament in August 1991, indirectly introduced the possibility of establishing private schools: if granted a concession by the state, a school could accept students even if its founder was a private person or organization. The first concession contracts with private schools were signed in 1992.

According to the legislation in force, private schools and preschool institutions are all those not founded by the state or a municipality. Private pre-secondary schools can be established by a domestic natural or juridical individual. Foreign natural or juridical persons can also found schools. Private religious (parochial) schools and pre-schools are part of Slovene private education. Official data

² A short description of the present educational system in Slovenia is in place here: compulsory education starts with a shorter preparatory program at age five or six. Comprehensive elementary school, starting between six and seven, lasts eight years and is divided into lower primary level (grades one to four)—comparable to primary school—and subject or upper primary level (grades five to eight)—comparable to lower secondary school in some other European countries. Secondary education (comparable to upper secondary education in some European countries) comprises three types of schools: two- to three-year vocational schools, four-year professional schools, and academic secondary schools (grammar schools or gymnasiums). For more details see B. Marentič-Požarnik, "Slovenia: System of Education." *International Encyclopedia of Education*. 2nd ed. (Oxford: Pergamon, 1994); and Darja Piciga, *Secondary Education in Slovenia*. (Strasbourg: Council of Europe Press, 1995).

The new Primary School Act, adopted by the National Assembly in February 1996, determines that primary school starts between ages five and six and lasts nine years. It is divided into three three-year cycles, each ending with a nation-wide assessment (at the end of primary school in the form of external assessment, comprising assessment in five subjects).

provided by the Ministry of Education and Sport showed the following situation in private education in June 1996.³

A. Private preschool institutions: total number: eight, embracing less than one percent of the total population of children enrolled in preschools. Three out of the eight are Catholic preschools and two are Steiner (or Waldorf) preschools (one started operating in September 1996).

B. Private primary schools: one Steiner (or Waldorf) Primary School in Ljubljana has been operating since 1992, embracing less than 0.1 percent of the total population of children enrolled in primary schools in Slovenia. This is the only primary school in Slovenia not founded by a municipality, and the only one managed according to a different educational philosophy.

C. Private secondary schools: there are three Catholic gymnasiums (grammar schools) and seven non-confessional vocational schools in different regions of Slovenia: four offering two-year programs, one a three-year program, and two four-year music programs. Students in private secondary schools account for between one and two percent of all secondary school students.

From the data on the number of private educational institutions and on the percentage of children enrolled in them, we can conclude that private education in Slovenia has not developed much during the time of transition and independence. There is no doubt that one of the important reasons for this modest development is the inadequacies of legislative solutions available during this period.

II. Legislation governing private schooling

There has been widespread dissatisfaction with the legislation introduced in 1991. Critics concur on the following perceived deficiencies:⁴

³ Marjan Šimenc and Jani Krek, *Zasebno šolstvo* (Ljubljana: Ministry of Education and Sport, 1996).

⁴ Veljko Rus, ed. *Privatizacija šolstva, zdravstva in kulture* (Ljubljana: Fakulteta za družbene vede, 1996). Šimenc and Krek, *Zasebno šolstvo*.

First, the requirements to be met by the concessionaire are unclear. Parents who may want to enroll a child in a school offering a different program could find that the state will not award a concession for it.

Second, the conclusion of a concession agreement means that, in principle, the school's program is an acceptable duplication of the public school program, which obstructs precisely that diversity by which a private sector introduces a wider choice into the school system.

In addition, international treaties bind Slovenia to regulate private schooling by different criteria and in more detail.

A considerable gap exists between "official experts," such as Šimenc and Krek, whose views have been published by the Ministry of Education and Sports, and certain independent experts.⁵ The principle of equal opportunity and concern for quality seems more important for Šimenc and Krek than to the group of independent experts, who emphasize the constitutional and internationally accepted obligation of giving parents the choice of what kind of institution to educate their children in. The latter, too, are concerned with the quality of education; however, they propose different ways of obtaining it. Mahne, for example, sees competition between the public and the private sectors as the essential component of a higher quality of education.⁶ The Ministry of Education advocates a role for the private sector only as a supplement to the public sector.

More importantly, the group of independent experts analyses the 1991 OEFA and the new educational legislation in the framework of trends in all public services. They perceive a tendency towards statism and centralization already in the 1991 legislation. All institutions supplying public services came under the direct control of the state. The government, or the ministry, had the final word not only in matters of financing, but also in professional matters.

⁵ Peter Beltram et al., ed., *Privatizacija na področju družbenih dejavnosti* (Ljubljana: Državna založba Slovenije, 1993). Rus, ed. *Privatizacija*.

⁶ Marjetka Mahne, "Privatizacija predšolske vzgoje in osnovnega šolstva v Sloveniji," in Rus, ed., *Privatizacija* 68–83.

III. The 1996 legislation

In February 1996, the Parliament of the Republic of Slovenia adopted new school legislation, entitled the Organization and Financing of Education Act (1996 OFEA), which regulates specific areas: preschool and primary education, gymnasiums, vocational and professional education, and adult education (Šolska zakonodaja I). The education legislation is designed in such a way that certain elements common to all segments of the educational system are regulated by the same act (1996 OFEA), and the particularities of a given segment are regulated by a special act (e.g., the Primary School Act, the Gymnasium Act, etc.). There is no special law regulating private education.

According to Šimenc and Krek, the elements of private schools and preschools reflecting the basic characteristics of this sector enforced by law are:

(1) The new legislation introduces possibilities for the inclusion of private interests in the field of education.

A) Private institutions with a concession are founded on the premise that it requires that they exist because of a government initiative. The concessionaire is therefore bound to the conditions of the call for tenders as well as by all the stipulations valid for public schools and preschools. Private educational institutions with a concession thus lose the very diversity which is the characteristic feature of the private sector. They are in practically the same position as state institutions.

B) There exist private schools and preschools independent of state initiative and interest. These institutions are allowed to operate on the basis of their own programs and philosophical beliefs or educational premises. The law differentiates between private schools and preschools carrying out state-approved programs—a council of experts has to establish that educational standards meet established public requirements for quality—and other private schools. In addition, private institutions “with special educational principles (e.g., Steiner, Decroly and Montessori)” have a special status. They have to be recognized by a suitable international association and they do not have to meet all the requirements that other private schools must.

C) A school or preschool teacher can have private teacher status.

D) A greater degree of student independence from educational institutions is available in the form of home teaching, or preschool education at home.

E) There exist various possibilities for achieving a specific level of qualification at the level of secondary education.

(2) Šimenc and Krek posit the possibility of horizontal and vertical transfer between public and private schools and preschool institutions. Specifications ensuring that the private and public sectors are theoretically and actually comparable have thus been established through accreditation procedures for private institutions and the monitoring of new programs by external assessment at the end of each academic cycle. Public school inspectors may play a role. There are standards for providing private institutions material resources on the basis of children's social rights and comparability of teachers' salaries.

(3) Šimenc and Krek point to the decision to finance private institutions with public funds proportional to those allocated for the education of children in public schools. A private school or preschool with a state-approved program is entitled to 85% of the public per student state or local allocation for salaries and operating expenses. (Investment costs are not covered by public funding). In the first three-year transition period following the enforcement of the 1996 OFEA, the percentage is higher: 100% of per-student costs for salaries and operating expenses. Private schools awarded a concession prior to the adoption of the 1996 OFEA are funded according to the concession agreement.

Private vocational education and training institutions may receive public funds on the basis of a concession only. A private primary school loses its funding if the existence of the only public primary school in the same school district is jeopardized because children enroll in the private primary school.

Stipulations for private preschools are in many cases identical to regulations for public schools. They differ primarily in the following ways:

- private schools and preschools are free to choose their religious and philosophical beliefs;
- in comparison with public schools they have more freedom in choosing instructional methods, organizing classes and choosing teaching materials.

Regulations for private primary schools are much more detailed than those for preschools and gymnasiums. Preschools operating according to special educational principles have to meet only the requirements relating to the physical premises. These schools are also given more freedom in syllabus design and they do not have to carry out the national assessment at the end of each primary school cycle, which is compulsory for other private schools); they must carry it out on the completion of primary school (i.e., after the ninth year of schooling).

IV. Viewpoints on the legislation

There exists considerable difference of opinion about the recent legislative solutions concerning private education. The Ministry of Education and Sport obviously considers that the private sector makes it possible for parents to choose schools and preschools that educate their children in accordance with their religious or philosophical beliefs.

Comparative studies of legislative solutions in relation to private education in different European countries show that recent legislation in Slovenia is in line with that of other European countries: moderate support for private schools and preschools with no extreme solutions in either direction.⁷ Stropnik concludes that the main reason for persistence in protecting the public sector is the conviction that public institutions are, due to their ideological neutrality, acceptable for all parents.⁸ Public funds for a private primary school with state-approved programs will be cut off if the existence of the only public school in the same school district is jeopardized. Private initiative in primary education will therefore be allowed only in towns with more

⁷ Darja Piciga, "Svoboda izobraževanja in privatno šolstvo," in Beltram., *Privatizacija*, 101–31. Šimenc and Krek. *Zasebno šolstvo*.

⁸ Nada Stropnik, "Položaj zasebnega sektorja v vzgoji in izobraževanju," in Rus, *Privatizacija*, 108–16.

than one primary public school. In this context, the rapidly falling birthrate in Slovenia makes the position of private schools even more difficult.

Doubts and reservations about the new legislation lead Stropnik to the general conclusion that the public sector is overprotected, especially primary public schools. He believes there will be no real competition between public and private schools, nor competition that can lead to a higher quality of education in general and lower educational expenses. This conclusion is also based on consideration of the following aspects of the legislation:

1) The concession agreement, which also defines the number of students, prevents the expansion of a private school or preschool.

2) The state or municipality is obliged to award a concession only if the existing public network does not have sufficient places for all pupils in a particular school district. It is therefore possible that the state or local community will prefer to enlarge the capacities of existing public institutions. The practice that will be adopted in the case of gymnasiums is not clear, since the state can decide that candidates for the gymnasium must enroll in vocational or professional schools, all of which belong to the same public network of secondary schools.

3) Even when carrying out the same program as corresponding public institutions, a private institution is entitled to a lower level of funding.

4) In case of public funding, salaries in the private sector are limited by the same regulations as salaries in the public sector, meaning there can be no financial reward for higher quality work.

Given what we know of educational policy in Slovenia, the future development of private education will also depend to a large extent on the criteria that expert councils will use in establishing the equivalency of educational standards in private and public schools.

On the basis of the above analysis, we can conclude that the new educational legislation, adopted in February 1996, offers various ways for private interests to enter education, though it does not provide strong support for the development of private schooling. Some possible

explanations for the relatively poor development of private education over the last five years and for the modest government support for this sector in the present legislation will be offered below.

V. Possible reasons for limited government support for private education

As Stropnik observes, the decisions of the Ministry of Education and Sport, as well as the decisions of the National Assembly of the Republic of Slovenia, have been based on the conviction that public institutions are, due to their ideological neutrality, acceptable for all parents. The Slovene Catholic Church, with its growing economic power, has shown the strongest interest in and potential for founding private schools. In 1993, the official stance of the Slovene Catholic Church on private education was:⁹

1. If the desire of parents or children for a school based on evangelical principles and the Christian ethos has been established, the state should support such a school, in accordance with the constitution.

2. A private school should be entitled to public recognition on the basis of its program and certification of staff and material conditions.

3. The right to public recognition should bring with it state subsidies which entirely cover the costs of materials and salaries and at least partially investment costs.

4. Relationships between the founder and the state should in this sense be regulated by a law on private education or in another appropriate way. For the Church this could be by a concordat between the Republic of Slovenia and the Vatican.

5. The church calls for the right to establish primary and secondary schools, as well as higher educational institutions.

6. These points of view also hold for the founding of secondary school students' boarding houses.

⁹ Dated 21 June 1993 and signed by Alojzij Šuštar, Archbishop of Ljubljana. This opinion was written for a report on secondary education in Slovenia. See Piciga, *Secondary Education*.

Similarly, Rus observes that, according to a 1993 public opinion survey, interest in private education is stronger among persons with a religious affiliation than among non-religious.¹⁰ Although survey participants supporting “liberalized” education show an inclination towards economic privatization, they oppose privatization of education, healthcare and other services. It is therefore possible to conclude that the Liberal Democrat Party, as recently the most influential party in the Ministry of Education and Sport, in the government and in parliament, advanced policies that conformed to “liberal” opinion in Slovene society. In other words, limited government support to private education reflects the attitudes towards privatization in general shared by the majority of adult citizens of Slovenia. In the survey cited by Rus, the majority (54.7%) of respondents objected to the privatization of education and healthcare. Further, 49.6% of participants supported state funding of private education and 34.5 % objected to it.

Yet other possible reasons for the prevailing attitude towards privatization of education may be considered:

- Public, or state education has a strong tradition in Slovenia; private institutions have been regarded as “elitist.”
- During the last ten years, diversity within the public sector of education has considerably increased and so the possibility of choosing among different educational practices is satisfactory for the majority of parents.
- Current teaching practices and learning in public schools accord with prevailing public expectations; there appears to be a common vision of education.

Without an empirical study, it is difficult to determine which of the reasons proposed above is valid or at least more or less relevant. It is most likely that the rejection of privatization in the area of education is the result of various factors, not just one. In the next section, I will briefly elaborate two final possible reasons.

¹⁰ Veljko Rus, “Stališča Slovencev do lastnine in privatizacije,” in Rus, *Privatizacija*, 18–36.

VI. Innovations in Slovene education during the past ten years and the common vision of education.

Mahne enumerates, among others, the following deficiencies of the present preprimary and primary education, resulting from the state monopoly over this area:¹¹

- unification of educational programs, which gives no possibility of choice to parents;
- professional non-autonomy of preschool institutions and schools, subjected to detailed prescriptions in educational aims, methods and approaches;
- non-flexibility in responding to the needs of children and parents, non-adaptability to demand;
- rigidity of supply as well as uniform and impersonal services.

Slovene educational experts agree that an egalitarian concept and a centralized system have been characteristics of primary education in Slovenia for the past several decades. Individual differences among children were not recognized. All pupils had to follow the same curriculum with equal contents, methods and textbooks. However, at the end of the eighties, widespread dissatisfaction with the traditional school system resulted in some important, grassroots innovations—some managed by the Board of Education and some by schools themselves—in particular in preschools and at the primary level.¹²

The period from the end of 1980s is marked by weak state control over education and by a growing autonomy of schools, in pre-primary and secondary education to a greater extent than in primary education. During this period there was no school inspectorate. In many cases, legislative stipulations were used in a very flexible way. Only during the last several years has the Ministry of Education and Sport begun to impose more regulations on the schools.

¹¹ Mahne, "Privatizacija" 76.

¹² Darja Piciga, "Reflection on the First Two Years of the TEMPUS Project for Primary Science Development," *The School Field* 5.3/4 (1994): 99–125.

As a result of all these changes, parents have the option of choosing different teaching approaches, often within one primary school. Schools have indeed adapted to the needs and interests of parents and pupils. In addition to foreign language instruction, many other “modern” extracurricular activities, such as computer training and tennis instruction, are offered to children from the beginning of the primary school on.

It is quite likely that comparative studies would show that parents in Slovenia have less choice than parents in some other European countries. If we compare the present situation with the situation in past decades (most parents probably make this kind of comparison), however, the progress is obvious.

According to experts like Mahne, absence of competition among schools that would provide incentives for enhanced quality is a shortcoming of the present, state-dominated educational system. This issue raises the question of the quality and aims of the educational system, as perceived by the parents.

B. According to McGrane and Sternberg (1992), the primary purpose of education, in order to prepare children for employment in the twenty-first century, should be to develop students' thinking skills and to encourage a disposition towards thoughtfulness.¹³ Despite the fact that this vision of education is not new, in the past one hundred years little real progress has been made toward achieving these goals. The main reason lies in the homeostatic nature of the education system, driven by the current common vision of education. The American nation's vision, shared by the majority of parents, students, teachers, is that the goal of education is to provide children, by the time they are eighteen, with all of the facts and “basic” skills they will need throughout their lives in order to succeed in American society (a vision which can be very effective if the goal is to train factory workers for the year 1920).

Despite many attempts to reform education in order better to prepare children for the twenty-first century, different forces within the

¹³ Patricia A. McGrane and Robert Sternberg, “Discussion: Fatal Vision—The Failure of the Schools in Teaching Children to Think,” in Cathy Collins and John N. Mangieri, ed. *Teaching Thinking: An Agenda for the Twenty-First Century* (Hillsdale, NJ: LEA, 1992) 333–44.

educational system work to channel change back into line with a traditional vision. Such forces include parents, teachers, administrators, teacher education programs, standardized evaluation, and the students themselves. To illustrate the point, parents as well as teachers who been socialized within a given system may fail to understand why their children are taught differently than they were.

We could hypothesize that the traditional concept of knowledge, learning and teaching (i.e., emphasis on transfer of knowledge as isolated bits of information, the child as a passive listener) is also characteristic of the Slovene nation's vision of education. This hypothesis is supported by the results of international comparisons of student achievement.¹⁴ This concept or vision has probably been strengthened by the implementation of external assessment at the end of primary and secondary schools.¹⁵ It is possible that Slovene parents do not feel the need to choose a school with a different education program because the present public schools are congruent with their vision of education.

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¹⁴ Lapointe, Archie E., Janice M. Askew and Nancy A. Mead, *Learning Mathematics* (Princeton, IAEP Educational Testing Service, 1992); Lapointe, Askew and Mead, *Learning Science* (Princeton, IAEP Educational Testing Service, 1992).

¹⁵ Darja Piciga, *Secondary Education in Slovenia* (Strasbourg: Council of Europe Press, 1995).

POVZETEK**ZASEBNO ŠOLSTVO NA PODROČJU SLOVENIJE**

Po kratkem orisu zgodovine zasebnega šolstva na področju Slovenije je prikazano stanje te sfere edukacije v Republiki Sloveniji v letu 1996. Predstavljane so zakonske rešitve iz leta 1991 in 1996 ter kritično osvetljene z vidika možnosti za razvoj zasebnega šolstva, še zlasti zasebne osnovne šole (starost 6/7 do 15 let). Čeprav sedanja zakonodaja ponuja različne možnosti za uveljavljanje zasebne iniciative (zasebne šole in vrtci s koncesijo in brez nje, osnovne šole s posebnimi pedagoškimi načeli, zasebni vzgojitelji in učitelji, šolanje na domu) in so v skladu s prevladujočimi rešitvami v drugih evropskih državah, deluje v Sloveniji le ena manjša zasebna osnovna šola, ki je bila ustanovljena leta 1992, po deležu zasebnih šol in učencev pa Slovenija zaostaja za vsemi državami Evropske Unije. Ponujeni so različni razlogi za skromen razvoj zasebnega šolstva po spremembi političnega sistema in vzpostavitvi samostojne države (1990, 1991): šolska tradicija, zakonske okvire, politična stališča glede privatizacije družbenih dejavnosti in šolstva, diverzifikacija znotraj javnega šolstva v obdobju 1986–1996 ter prevladujoča (tradicionalna) koncepcija znanja, učenja in poučevanja.