

THE STATE FINANCIAL MECHANISMS OF HIGHER EDUCATION OBTAINING FACILITATION OF THE USA

Ivanitska Olga, Doctor of Public Administration, Professor of theory and practice of management, National Technical University of Ukraine «Kyiv Polytechnic Institute», avenue of Victory, 37, 03056 Kyiv, Ukraine, oivanytska@rambler.ru

Red'ko Serhiy, PhD of psychological sciences, Assistant professor of management department, Borys Grinchenko Kyiv University, st. Bulvarno-Kudryavska, 18/2, 04053 Kyiv, Ukraine, s.redko@kubg.edu.ua

Panchenko Alla, PhD of Public Administration, Assistant professor of management department, Borys Grinchenko Kyiv University, st. Bulvarno-Kudryavska, 18/2, 04053 Kyiv, Ukraine, a.panchenko@kubg.edu.ua

In the article experience of the USA is analysed in regards of different financial instruments application to facilitate the access to obtain higher education. Certainly, that the extension of tax credit is selected as a basic instrument. The basics are outlined near the state assistance to obtain the higher education, namely: the special legislation is accepted and the special institutes are determined; the wide arsenal of instruments and their options is used; wide differentiation of terms of programs realization is allowed in the states; there is combination of work experience of financial institutions and educational establishments; the permanent revision of the mode of realization of the programs comes true, as a rule, to get the best satisfaction of interests and necessities of consumer of educational services. It is determined the models of providing financial facilitated access to education in the developed countries of North America and Europe (the use of state credit facility assist in funding higher education; state guarantees for loans when the state is the guarantor of the loan and / or interest payments; providing state tax credits; grants training; initiating programs funded with state guarantee compensation in case of bankruptcy of a financial institution). The necessity of observance of such principles for Ukraine was underlined: to adopt specific legislation; to outline the special powers involved institutions; to permit broad differentiation conditions the implementation of programs in the regions; to combine of professional experience in financial institutions and educational institutions; to provide constant viewing options implementation of programs; to respect the principle of transparency and providing full information understandable.

Keywords: *experience of the USA of facilitation of access to higher education; financing of education; grants on education; state mechanisms of facilitation of access to higher education obtaining; tax credit on tuition.*

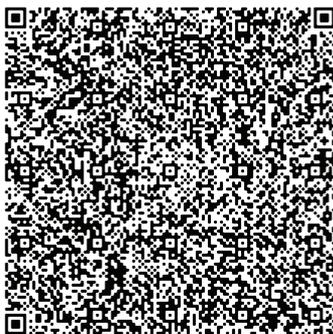
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Natalia Mospan

ORCID iD 0000-0001-8610-7965

PhD, Assistant Professor of English Philology and Translation Department,
Borys Grinchenko Kyiv University,
Timoshenko Ave, 13-b, 04212 Kyiv, Ukraine
n.mospan@kubg.edu.ua



LEGAL REGULATION OF HIGHER EDUCATION AND LABOUR MARKET IN THE EU MEMBER STATES

The article presents the study of laws on higher education and the labour market in the EU countries: the Republic of Slovenia, the Check republic, the Republic of Poland, the Republic of Croatia, the Republic of Serbia. The system of legal acts adopted by the EU institutions sets the direction for gradual harmonization of national educational systems of the member states with internal market. The legal acts show the EU attempt to form a supranational unified policy of students' training in accordance with labour market demands, which is regulated primarily by supranational and national legislation.

Keywords: *higher education; labour market; legal acts; member states; the EU.*

Introduction. European integration strategy of European policy of cooperation between higher of Ukraine provides the study of legal principles education and labour market to adapt Ukrainian

legislation to EU standards. Therefore, the study of key aspects of the legal regulation of EU policy is relevant in current stage of development.

Strategic direction of regulating policy of higher education with labour market can be estimated both with the development of the EU law directives and with the EU strategies (the Bologna Declaration 1999, the Lisbon strategy in 2000, strategy «Europe 2020»). The Bologna Process is considered to be a strategic European government response to the current economic and geopolitical situation. The Berlin Communique confirms the objectives of the Bologna process, expressed in the European Council in Lisbon 2000 and in Barcelona 2002. The Bologna Process, the Lisbon strategy, the strategy «Europe 2020» played a significant role in providing factual powers to create legislation on policy for cooperation between higher education and labour market on the EU level.

Another fundamental regulatory document that became the basis of a strategic policy of higher education collaboration with labour market at the EU level was the Treaty of Lisbon. Its adoption has affected the fact that policy of modernization of higher education interconnected with labour market has become one of the important priorities for the EU. But the legal basis for the early formation of a modern policy of students' training, which is based on the interaction of higher education with labour market, can be considered the Resolutions of the Council and of the Ministers of Education in 1976, 1980, 1982 and 1985 «*Measures to be taken to improve the preparation of young people for work and to facilitate their transition from education to working life*» These legal acts recorded current the EU requirements for modernization of higher education, which aims to ensure full employment by creating new jobs in the member states, where highly-qualified workers have to come. Institutes of higher education and training should equip graduates with qualitative knowledge and qualifications required in the labour market.

Statement of the problem. The system of legal acts adopted by the EU institutions sets the direction for gradual convergence and harmonization of national educational systems of the member states relating to the internal market. The legal acts, mentioned above, show the EU attempt to form a supranational unified policy of students' training in accordance with labour market demands, which is regulated primarily by supranational and national legislation. Accordingly, the **purpose of this article** is, based on analysis of legal documents of the member states, to answer the question whether the policy of modernization of higher education in member states is agreed to the EU policy?

National legislation on higher education. Legal acts adopted by the European Parliament and the Council are general in nature for the whole EU. They give guidance on which all the EU member states should base while passing their own laws. Accordingly, it raises a debate, and even a tension in the member

states on the need to make changes in national legislation.

In Serbia, for example, there was a discussion on the necessity of changes in the existing law on higher education. Originally there was no intention to change the law, only to propose some amendments that could improve the existing version and could facilitate more effective implementation. In addition, the measures undertaken so far have clearly demonstrated the need to review a number of legislative provisions to bring them into full compliance with the Bologna process requirements. Legislative review should be carried out in a systematic way and with the official support of the Ministry. The Council of Europe should provide assistance and advice to member states to use its experience (Council of Europe Office in Belgrade). Later, in 2005 a new Law on Higher Education of Serbia was adopted and Amendments of 2008, 2010, 2012, which created the legal framework for complete implementation of the objectives of the Bologna Declaration and the Lisbon Convention (Higher Education in Serbia, 2012, p. 3).

According to the Law «*Law on Higher Education for Republic of Serbia*», national standards of higher education must comply with European standards, and accreditation procedures should meet the requirements of the European Higher Education. According to the Article 25 «higher education activities shall be carried out through academic and professional career courses based on the approved and/or accredited study programmes for acquiring higher education» (Law on Higher Education for the Republic of Serbia). These points fully correspond to the Resolutions of 1976, 1980, 1982, 1985 and the Council Recommendation 98/561/EC on European cooperation in quality assurance in higher education.

The system of universities in the Republic of Serbia consists of colleges with four-year professional-oriented training that provide basic and specialized training in specific fields (medicine, engineering, etc.) (Article 32). According to Articles 20-21 in the Republic of Serbia is provided the establishment of the Conference of Academies of Professional Career Studies, whose powers are to «address matters of common interest for the promotion of educational-professional and/or educational-artistic activities within the courses of professional career studies; harmonize views and coordinate activities among academies of professional career studies and four-year colleges of professional careers, especially with regard to admission policies; provide advice on standards concerning quality evaluation of educational, research, artistic and professional work» (Law on Higher Education for the Republic of Serbia).

According to the Article 25 «higher education activities shall be carried out through academic and professional career courses based on the approved and/or accredited study programmes for acquiring higher education» (Law on Higher Education for the Republic of Serbia). Professional career courses should

be organized according to the professional training programmes and apply students with the knowledge and skills necessary to participate in the working process. Accordingly, in the Republic of Serbia at the end of these courses, students receive a certificate of a specialist professional career courses. These legal points correspond to the Resolutions of the Council and of the Ministers of Education «Measures to be taken to improve the preparation of young people for work and to facilitate their transition from education to working life» and the Council Recommendation 98/561/EC on «European cooperation in quality assurance in higher education». In general, in the «Law on Higher Education for the Republic of Serbia» is clearly seen the compliance with European legislation on the higher education and training. However, there is no reference to the harmonization of higher education with the labour market.

The «*Law on Higher Education in the Czech Republic*» defines the types of institutions, their rights and responsibilities, internal and external control mechanisms, financing mechanisms, entry order, educational level, and so on. However, this law does not mention the collaboration of higher education with the labour market. It should be noted that in Section 89 «Recognition of Higher Education and Qualifications Acquired Abroad» is stated that: «upon the request of a graduate of a foreign higher education institution, a certificate of recognition in the Czech Republic of his/her higher education or some part of this education will be issued by: the Ministry, in cases where the Czech Republic is bound by an international treaty with a country in which the higher education institution is established and recognized and the Ministry is authorized by this treaty to grant such recognition» (ACT NO. 111/1998 Coll., p.59). Accordingly, the Act limits the function of universities and even the Ministry of Education of the Czech Republic concerning the recognition of foreign certificates of higher education.

Unlike the Republic of Serbia and the Czech Republic, in the «*Law on Higher Education in the Republic of Poland*» there is clear tendency of collaboration of higher education with labour market. Thus, under Article 13, «the main task of higher education institutions – to provide an education that enables students to acquire knowledge and create competence necessary for professional life» (ACT of 27 July 2005 Law on Higher Education, p. 19). To gain this, under the Article 4, «Higher education institutions shall co-operate with the socio-economic environment, in particular by conducting research and development for business entities on the basis of organizationally and financially independent economic structures, as well as through the involvement of employers' representatives in the development of study programmes and teaching processes» (ACT of 27 July 2005 Law on Higher Education, p. 7).

It is important to note that the standards of education and training for certain branches should be determined by the minister of higher education. «The

minister competent for higher education, in consultation with the minister competent for health, shall determine, by regulation, the standards of education and training for the fields of study of medicine, dentistry, pharmacy, nursing and midwifery, while being mindful of the programme and training requirements necessary for the practice of the professions of a medical doctor, dentist, pharmacist, nurse and midwife, as provided for in the relevant legislation of the European Union» (ACT of 27 July 2005 Law on Higher Education, p. 13).

In this context it is worth noting the requirements for teacher training, which are stated in Article 9c, «the minister competent for higher education in consultation with the minister for education shall, by regulation, determine the standards for the education and training of students preparing for the profession of a teacher, while being mindful of the demands of the labour market» (ACT of 27 July 2005 Law on Higher Education, p. 14). Only employers' organization can nominate such demands who, according to Chapter 6, Articles 48-53a, must be part of the Polish Accreditation Committee (ACT of 27 July 2005, p. 54-60). This fully corresponds to the EU legislative acts on «European cooperation in providing high quality higher education».

National legislation on labour market. Among national laws legal documents which regulate employment policy in the member states take an important place. In terms of our research on this subject the laws of the Republic of Slovenia and the Republic of Croatia have importance.

To ensure the right conditions to prepare graduates for professional life in accordance with labour market demands, universities are required to implement information services for professional orientation. These innovations embodied in legislative documents at the national level. Thus, in accordance with the «*Decree promulgating the Labour Market Regulation Act (ZUTD)*» of the Republic of Slovenia, Article 18 of «*Lifelong career orientation*», the following services shall «include activities enabling the identification of abilities, competencies and interests for making decisions in the field of employment, education, training and profession selection». Lifelong career orientation should provide information about the labour market; basic and in-depth consultation on the profession, as well as recommendations on skills for pupils, students and their parents (ZUTD). We consider, that this Article, construed in detail the idea of providing consulting to stakeholders, that was described in the Resolutions of 1976, 1980, 1982, 1985.

An important extension of this is the Article 19 «*Providing labour market information*». This service should include different types of information about opportunities for employment, education, training, financial assistance and other topics of the labour market in Slovenia and other EU countries. Any information should be provided for review with the labour market and transfer to it. These services

in lifelong career orientation and labour market information should be provided in high school and universities (ZUTD).

In Chapter 2, Articles 28-30 «*Active employment policy*» is highlighted that «The active employment policy (AEP) is a range of measures in the labour market intended to increase employment and decrease unemployment, to raise employability in the labour market, competitiveness and flexibility of workers» (ZUTD). Its activities include education and training; worker replacement in the working place and sharing jobs; stimulate employment. «Education shall be carried out as informal and formal education. The purpose of informal education shall be to increase the employment opportunities of a worker by obtaining new skills and competencies to enter the labour market and the successful career development of a worker. The purpose of formal education shall be also to increase employment opportunities through obtaining a higher level of education» (ZUTD).

However, the «*Law on Employment in the Republic of Croatia*», adopted after the accession of the Republic of Croatia to the EU, limits employment opportunities of non- the EU citizens by protecting the rights of citizens of the Republic of Croatia to get jobs in the EU. Under this Law, since July 1, 2013, citizens of the Republic of Croatia have the right to be in employment in the country as citizens of another member state. Only the citizens of the Republic can be employed, while non-citizens do not have this right (European Union (Accession of the Republic of Croatia, 2013)).

Conclusion. It should be noted, that the analysis of national legal support of the policy of higher education

collaboration with labour market in strategic terms, revealed the shortcomings of legislation that put into question the effectiveness of future development in this area in the certain EU member states. Among these shortcomings we highlight the lack of references to the harmonization of higher education to the labour market in the Law on Higher Education in the Republic of Serbia, limiting the powers of the Ministry of Education of the Czech Republic concerning the recognition of foreign certificates of higher education. Only on condition that the Czech Republic is bound by an international agreement with a country in which this higher education institution is established and recognized.

The study indicates that today the EU is forming the policy of training students through cooperation of higher education with labour market, which is regulated by national and supranational law. The main feature of this policy compared with other areas of the EU is that this area is increasingly regulated by standardized legislation which provides the use of common approaches and standards. In this context the «*Law on Higher Education*» in the Republic of Poland and the «*Decree promulgating the Labour Market Regulation Act*» of the Republic of Slovenia are the best examples of legislation which is clearly apparent compliance with the norms of the European legislation on the training of students based on the collaboration of higher education and training with labour market. In the future, the study of the EU legislation on policy of higher education collaboration with labour market has the great interest.

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ПРАВОВОЕ РЕГУЛИРОВАНИЕ ВЗАИМОДЕЙСТВИЯ ВЫСШЕГО ОБРАЗОВАНИЯ С РЫНКОМ ТРУДА В ГОСУДАРСТВАХ ЕС

Моспан Наталия, кандидат педагогических наук, доцент, доцент кафедры английской филологии и перевода, Киевский университет имени Бориса Гринченко, пр-т Тимошенко 13-б, 04212 г. Киев, Украина, n.mospan@kubg.edu.ua

В статье представлено исследование законов о высшем образовании и рынке труда в странах ЕС: Респуб- блик Словении, Чехии, Польши, Хорватии и Сербии. Система правовых актов, принятых институтами ЕС устанавливает направление постепенной гармонизации национальных образовательных систем государств- членом с внутренним рынком. Правовые акты показывают попытку ЕС сформировать наднациональную единую политику подготовки студентов в соответствии с потребностями рынка труда, которая регулиру- ется главным образом наднациональным и национальным законодательством.

Ключевые слова: высшее образование; государства-члены; ЕС; правовые акты; рынок труда.

ПРАВОВЕ РЕГУЛЮВАННЯ ВЗАЄМОДІЇ ВИЩОЇ ОСВІТИ З РИНКОМ ПРАЦІ В ДЕРЖАВАХ-ЧЛЕНАХ ЄС

Моспан Наталія, кандидат педагогічних наук, доцент, доцент кафедри англійської філології та перекладу, Київський університет імені Бориса Грінченка, пр-т Тимошенка 13-б, 04212 м.Київ, Україна, n.mospan@kubg.edu.ua

У статті представлено дослідження законів про вищу освіту та ринку праці в країнах ЄС: Республіках Словенії, Чехії, Польщі, Хорватії та Сербії. Система правових актів, прийнятих інститутами ЄС встановлює напрямок поступової гармонізації національних освітніх систем держав-членів з внутрішнім ринком. Правові акти показують спробу ЄС сформулювати наднаціональну єдину політику підготовки студентів відповідно до потреб ринку праці, що регулюється в першу чергу наднаціональним, а потім національним законодавством. Проведене дослідження свідчить, що на сьогодні в Європейському Союзі формується політика взаємодії вищої освіти з ринком праці, яка регулюється нормами національного і наднаціонального законодавства. Основною особливістю такої політики в порівнянні з іншими сферами в ЄС є те, що ця сфера все більшою мірою регулюється уніфікованим законодавством, яке передбачає викори- стання єдиних підходів і стандартів. Серед таких підходів виділяємо підготовку випускників ВНЗ відповідно до потреб ринку праці. Аналіз національного нормативного забезпечення політики взаємодії вищої освіти з ринком праці в стратегічному вимірі дозволив виявити певні недоліки законодавства, які ставлять під сумнів ефективність майбутніх досягнень у цій сфері в деяких державах-членах ЄС. Проте, закони про вищу освіту в Республіці Польщі та закон про ринок праці Республіки Словенії є найкращим прикладом законодавчих актів, у яких чітко простежується дотримання норм та стандартів Європейського законодавства з питан- ня взаємодії вищої освіти та професійної підготовки з ринком праці.

Ключові слова: вища освіта; держави-члени ЄС; правові акти; ринок праці.

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