
Funded
by the European Union



EUROPEAN UNION



COUNCIL
OF EUROPE CONSEIL
DE L'EUROPE

Implemented
by the Council of Europe

PROJECT AGAINST CORRUPTION IN ALBANIA (PACA)

TECHNICAL PAPER

ASSESSMENT OF THE LICENSING, REGULATION AND INSPECTION OF PRIVATE EDUCATIONAL INSTITUTIONS WITHIN ALBANIA

Prepared by Professor Ian Smith and Tom Hamilton, Council of Europe experts, June 2011

Table of Contents

INTRODUCTION	3
1 SUMMARY OF FINDINGS AND RECOMMENDATIONS.....	4
2 GENERAL APPROACH TO ISSUES OF CORRUPTION AND PRIVATE EDUCATION	8
3 GENERAL ISSUES WITH PRIVATE EDUCATION	10
3.1 Evidence from previous PACA Preliminary Study, August 2010	10
3.2 Evidence from General Interviews.....	10
3.3 Evidence from Interviews Focusing on Private Education.....	11
3.4 Some Summary Comments on General Issues with Private Education.....	14
4 THE LICENSING, REGULATION AND INSPECTION OF PRIVATE EDUCATIONAL INSTITUTIONS	16
4.1 Detailed Interview Comments on Licensing, Regulation and Inspection	16
4.2 Relevant Detail from Documents used in the main Risk Assessment.....	18
4.3 Details from the Additional Documents provided on Licensing, Regulation and Inspection 22	
4.4 Summary Comments on the Licensing, Regulation and Inspection of Private Educational Institutions, with Recommendations	29
5 CONCLUDING REMARKS.....	34
6 REFERENCES	35

For any additional information please contact:

Corruption and Fraud Unit/Economic Crime Division
Directorate of Co-operation - DG-HL
Council of Europe , F-67075 Strasbourg Cedex,
FRANCE
Tel +33 388 41 29 76/Fax +33 390 21 56 50
Email: lado.lalicic@coe.int
Web: www.coe.int/economiccrime

This document has been produced with the financial assistance of the European Union. The views expressed herein can in no way be taken to reflect the official opinion of the European Union or the Council of Europe.

INTRODUCTION

Under Activity 2.2.3 of its Workplan, the Council of Europe/EU Project against Corruption in Albania (PACA) is to assist the elaboration of preventive anti-corruption legislation/secondary legislation and guidelines for licensing, regulating and controlling private education institutions within Albania. This Technical Paper assesses the quality of the current legal framework for licencing, accreditation and inspection of private secondary schools and higher education institutions and its operation in practice, and makes recommendations for the improvement of the current system.

This Assessment should be read in conjunction with the broader Risk Assessment of the Albanian education system produced by the same experts and finalised in April 2011. The earlier, wider Risk Assessment focused on issues with the public education system in Albania. In that Analysis, the experts stressed that this did not imply the public education system is 'inferior' to the private system, and that a separate paper would assess regulation of the private education system. The current Technical Paper assesses and identifies weaknesses in the private educational sector and the systems for licensing, regulation and inspection of the sector.

The research for this Technical Paper was carried out within the general research undertaken for the Risk Assessment. This involved, firstly, desk research on (a) general literature and web resources on approaches to corruption in education systems and on the background to the Albanian system, and (b) specific reports on Albanian education, and translated versions of Albanian government documents, provided by the PACA team. At least 20 of these documents were studied when working on the general Risk Assessment, and five were used specifically for this Technical Paper. In addition, six other documents, not used for the general Risk Assessment, have been reviewed for this Technical Paper because they relate specifically to the relevant private education issues.

Secondly, and as for the main Risk Assessment, content analysis was conducted on semi-structured interviews, usually with groups but sometimes with individuals, set up by PACA staff and conducted by the experts. Two field visits were conducted in November 2010 and February 2011, totalling 9 days of interviews, including 31 interviews with a total of 86 interviewees (see PACA April 2011: 4 for further details). Only interviews from the February field trip were relevant to this Assessment, in particular: (a) interviews where issues relating to private education were noted, but this was not the main focus of the interview (interviews with high school students in Tirana, parents in Tirana, a senior member of staff in a Tirana public university, a group of Tirana university students (both public and private); (b) interviews where the main focus was on private education issues (interviews with officials from the Ministry of Education and Science (MoES) Private Education Institutions Department, a private university student in Tirana, a Tirana private school Principal, a

group of senior staff from a Tirana private university). Due to the focus of the Assessment on licencing, accreditation and inspection, it relies somewhat less on content analysis of interviews, and rather more on analysis of documents, in comparison with the general Risk Assessment.

The Technical Paper provides a set of findings and recommendations which are presented in collated form in Section 1.

1 SUMMARY OF FINDINGS AND RECOMMENDATIONS

• General Approach to Issues of Corruption and Private Education

Although private education is a 'minority' sector within the Albanian education system, its size is significant. It is important for Albanian society to ensure that not only its public education system but also the private education system does not exhibit poor practices as a result of inadequate mechanistic approaches to eliminating 'corruption'. It is therefore essential for the reputation of the Albanian education system that any private education which exists is of an appropriate standard, and subjected to meaningful regulation and quality assurance.

Recommendation 1: If the Albanian Government wishes to develop and sustain its commitment to producing a strong education system matching contemporary European standards, it must clarify its underlying policy position on the role of private education within Albania. This position must include a positive commitment to ensuring that regulatory mechanisms are robust and transparent for the private provision that exists.

Timescale: Political discussion during 2011, so that by spring 2012 there is a clear Government policy on the place of private provision within the Albanian education system, and a strong Government commitment to quality assurance of private education.

• General Issues with Private Education

There is evidence of a wide range of quality 'weaknesses' in Albanian private education, both with private schools and perhaps particularly with private higher education institutions (HEIs). This generally implies that existing quality assurance mechanisms for the licensing, regulation and inspection of private educational institutions are not having the necessary impact.

Recommendation 2: The Albanian Government must ensure that any system developed and implemented for the licensing, regulation and inspection of private educational institutions addresses the existing quality weaknesses in Albanian private education. These include: inconsistent standards across private schools, with weak practices and approaches in some; standards in private higher education which generally do not match contemporary

European and wider international benchmarks; unclear public understanding of the criteria for university status, with many HEIs making inappropriate claims to university status; and the general threat to social cohesion and international reputation associated with the perception that much of Albanian private education operates as a 'business' in which those with money can simply buy qualifications.

Timescale: Full review of the system of licensing, regulation and inspection during the autumn and winter of 2011, and the spring of 2012, so that a Government publicity campaign can be launched in spring 2012 to emphasise to the Albanian public and the relevant international audience that the existing quality weaknesses in Albanian private education will be robustly addressed.

- **Specific Issues with the Licensing, Regulation and Inspection of Private Educational institutions**

There is a lack of clarity on whether fundamental legislation intended to govern the general Albanian pre-university school system applies explicitly to private schools. While a system of considerable detail has been established for the initial licensing, and on-going quality assurance, of private schools, there are aspects of detail in this system which require further review.

Recommendation 3: The Albanian Government should review all core legislation covering the pre-university school system to ensure that it is unambiguously clear which provisions of the legislation apply to private schools and which do not. For example, it should be made clear which regulations govern private schools regarding the evaluation of school performance, review of school syllabi, role of school boards, conditions for the appointment and performance evaluation of school principals and teachers, and procedures of school inspection.

Timescale: Relevant legislation reviewed during 2011 and spring 2012, with any required amendments to legislation completed by summer 2012, so that they are in place for academic session 2012-2013.

Recommendation 4: When the Albanian Government establishes a Teachers' Code of Ethics and Standards for Albanian public school teachers, it should ensure that the Code and Standards are also fully binding on teachers within private schools.

Timescale: Teachers' Code of Ethics and Standards legally confirmed by spring 2012, so that these can be implemented for teachers in public and private schools by academic session 2012-2013.

Recommendation 5: The Albanian Government should review the system for the initial licensing of private pre-university schools to ensure that the system avoids unnecessary bureaucratic processes, with the potential for associated delays and increased opportunities

for inappropriate conduct (including corruption) in the licensing process. In particular, the Government should provide a transparent description of the role of the National Licensing Centre (NLC) in this area of specialist educational decision-making, and - if the role of the NLC is to continue - make a clear case for (i.e. justify) the NLC playing a role in addition to the Directorate of Private Education Development (DPED).

Timescale: The system for initial licensing to be reviewed from autumn 2011 to spring 2012. Any amendments to the system should be made by summer 2012, so that they are in effect by academic session 2012-2013. If the role of the NLC is not altered, the required explanations for this should be publicly available by spring 2012.

Recommendation 6: The Albanian Government should review the position of the National Inspectorate for Pre-university Education (NIPE) relative to the Minister of Education and Science and the MoES, to ensure that NIPE is able to operate as a genuinely independent inspection body for both private and public schools.

Timescale: The position of NIPE to be reviewed for these issues from autumn 2011 to spring 2012, so that any necessary adjustments to NIPE's position are made by summer 2012, and are effective from academic session 2012-2013.

Recommendation 7: The Albanian Government should clarify further the relationship between NIPE and local government, specifically the regional education directorates (REDs), in the quality assurance of private schools. In particular, the Government should ensure there is appropriate complementarity of roles between NIPE and REDs, and sufficient use of expertise available within REDs, to ensure that quality assurance of private schools is as robust as it is for public schools.

Timescale: The review of the role of local government and the REDs in private school quality assurance to take place from autumn 2011 to spring 2012, so that any necessary adjustments to the REDs' role are made by summer 2012, and are effective from academic session 2012-2013.

Recommendation 8: The Albanian Government should ensure that NIPE's inspection procedures are applied systematically across the private school sector, and clarify exactly how negative NIPE inspection findings lead to the suspension or revocation of private school licences and what precise role is played by the MoES and the NLC in this process.

Timescale: Private school inspection procedures to be reviewed for the use of negative findings in relation to the suspension or revocation of licences from autumn 2011 to spring 2012, so that any amendments to procedures are made by the summer of 2012, and are effective from academic session 2012-2013. A clear Government plan should be produced by autumn 2011 to explain how all private schools will be inspected between autumn 2011 and summer 2013.

Extensive and detailed national documentation appears to exist describing the system for initial licensing of private HEIs, including clear criteria which seem designed to ensure that any Albanian private HEI aspiring to university status will be operating on approaches consistent with contemporary European and wider international standards. However, it appears that many Albanian private HEIs are claiming university status, but do not meet the appropriate criteria. Therefore, the details of the licensing system need to be reviewed, especially to establish why published criteria do not seem to be implemented. In particular, the current national system for on-going quality assurance of private HEIs does not seem robust, and must be reviewed.

Recommendation 9: The Albanian Government must ensure that HEI status, specifically university status, is only held in Albania by institutions which clearly meet the benchmarks of contemporary European and wider international standards. The Government must persuade all relevant stakeholders within Albania that this is essential to secure Albania's aspirations for its education system to be recognised as meeting contemporary European standards, with the fundamental implications this has for the ability of Albanians to study abroad

Timescale: Major national campaign and public discussion launched from autumn 2011 to ensure all stakeholders are persuaded by December 2011 of the priority which must be given to ensuring only institutions meeting European and wider international standards hold university status in Albania.

Recommendation 10: The Albanian Government should review its system for the initial licensing and on-going quality assurance of private HEIs to ensure that all individuals and organisations involved apply in practice the detailed criteria which exist in national documentation to ensure that Albanian standards are in line with contemporary European and wider international standards.

Timescale: Staff development training to commence in autumn 2011, and be completed by December 2011, for all staff involved in private HEI licensing with the MoES (DPED), Public Agency of Accreditation for Higher Education (PAAHE) and the Accreditation Council, to ensure that these staff understand the relevant national documentation, and the importance of applying the criteria in the documentation.

Recommendation 11: The Albanian Government should review the specific details of its system of initial licensing of private HEIs to ensure that it eliminates unnecessary bureaucratic complication and duplication and the resulting potential for inappropriate conduct within the licensing process. In particular, the Government should provide a transparent description of the respective positions of the DPED, PAAHE, the Accreditation Council, and Ministers, and a clear justification for the continued involvement of all of these institutions in licensing. Even when this review is concluded, no new private HEI licences

should be issued until a comprehensive inspection of all existing private HEIs has been completed (see Recommendation 12 below).

Timescale: The system of initial licensing of private HEIs to be reviewed during autumn and winter 2011, with conclusions of the review available by December 2011 (if the review recommends the continued involvement of all of DPED, PAAHE, the Accreditation Council, and Ministers, the full case for this should be available in December 2011 as part of the review's conclusions). Any required amendments to the system should be in place by spring 2012, for subsequent use after December 2012 (see Recommendation 12 below).

Recommendation 12: The Albanian Government should review the specific details of its system for on-going inspection of private HEIs, with associated powers for the suspension and removal of licences. In particular, the Government should provide more detail on the precise methodologies for this inspection, including how the MoES, PAAHE and the Accreditation Council work together on inspection. The Government should also clarify how negative findings from such inspection will be linked to the suspension or removal of private HEI licences, and how the HEIs which have had licences suspended are judged to meet the criteria for the licence to be restored.

Timescale: The system for on-going inspection, and suspension and removal of licences, for private HEIs should be reviewed for the relevant issues during autumn 2011, with the conclusions of the review available by October 2011. Any required amendments to the system should then be available for use by November 2011. By December 2011, the Government should have produced a comprehensive plan for the inspection (leading to any necessary suspension or removal of licences) of all existing private HEIs. This inspection cycle should commence in January 2012, and should have covered all existing private HEIs by December 2012. Until the completion of this inspection cycle, no new licences should be granted to private HEIs.

2 GENERAL APPROACH TO ISSUES OF CORRUPTION AND PRIVATE EDUCATION

As the broader PACA Risk Assessment on the Education System already argued, mechanistic approaches (based typically on bureaucratic prohibitions) are insufficient to reduce effectively corruption in the Albanian education system (or in other sectors for that matter) The experts noted that such mechanistic approaches often seemed to be based on legal positions which were difficult to clarify, and lacked transparency, including for the general public. Persistently, contradictions were identified between legal mechanisms identified by the Albanian Government as its method of dealing with a 'corruption' abuse, and the widespread persistence of abuses in practice, as the legal mechanism was persistently undermined or ignored. Often, this was linked by those interviewed to the

manipulation of legal mechanisms for personal gain, or personal and political bias, resulting in a general failure of enforcement. The experts' view was that ultimately Albania will only tackle these problems effectively if all relevant stakeholders commit fully to key ethical principles in public and professional life.

This approach is applied directly to the issues considered in the current Assessment, in particular in the call for mechanisms for the licensing, regulation and inspection of private education to be rid of key weaknesses (corruption risks) such as weak, non-transparent legal mechanisms open to manipulation for personal advantage (including bribery) and political advantage. However, the approach also applies in an important indirect sense. This Paper assesses the public policy mechanisms to ensure quality within private education. However, the Albanian authorities and society may have to judge whether at this moment in the development of the education system there is an inherent risk in supporting private education, if such education systematically exhibits weak standards and practices which will have a detrimental effect on international perceptions of Albanian education. Such considerations could be reflected in a clear position of the authorities concerning the desirable size of the private education sector, rather than simply 'leaving it up to the market'.

At this stage, it may also be useful to establish the scale of private education in Albania. Recent figures provided by the Albanian government to the PACA team indicate that private schools comprise c.9% of 'Main Education' schools (140 out of 1496), with 5% of the pupils at that stage (21180 out of 420684) (the experts took this category largely to refer to Primary Education). For Secondary Education, private schools are c.24% of the schools (124 out of 508), with c.9% of the pupils at that stage (13946 out of 150134). For Higher Education, private HEIs are 72% of the institutions (31 out of 43), with c.17% of the students (20814 out of 123593). (see Ministry of Education and Science 2011c). These figures indicate a 'minority' sector, compared to the public system, but a sector of significant size and of considerable importance at the level of secondary and higher education. Given the significance of the sector, it is particularly important for the Albanian Government to think through its underlying policies towards private education, and ensure its regulatory mechanisms are robust and transparent for whatever private education sector becomes established.

Recommendation 1: If the Albanian Government wishes to develop and sustain its commitment to producing a strong education system matching contemporary European standards, it must clarify its underlying policy position on the role of private education within Albania. This position must include a positive commitment to ensuring that regulatory mechanisms are robust and transparent for the private provision that exists.

Timescale: Political discussion during 2011, so that by spring 2012 there is a clear Government policy on the place of private provision within the Albanian education system, and a strong Government commitment to quality assurance of private education.

3 GENERAL ISSUES WITH PRIVATE EDUCATION

3.1 Evidence from previous PACA Preliminary Study, August 2010

An earlier PACA Preliminary Study on corruption risks in the education system identified some issues/problems in Albanian private education and its licensing, regulation and inspection (see PACA 2010: 19-22). This earlier Paper emphasised that the scale of private higher education was significant, with 10% of students enrolled in private higher education institutions (HEIs). As the above statistics in Section 2 indicate, this proportion continues to grow. However, while a national system of accreditation existed with the Public Agency of Accreditation for Higher Education (PAAHE) and the Accreditation Council, this appeared to be ineffective in practice. The Paper stated that, out of 34 private HEIs, 17 had not yet started the process of accreditation, 10 were at some stage in the accreditation process but not fully accredited, and only 7 were fully accredited. The Paper also quoted from newspaper articles extremely critical of standards in private universities. On pre-school and school education, the Paper argued that the MoES had no effective mechanism for the accreditation of private pre-university institutions. Although private pre-university institutions were covered by inspections carried out by the National Inspectorate for Pre-university Education (NIPE), the Paper stated this inspection had not been systematic, and not a single licence had been suspended so far. In short, the general picture was of a private education sector with significant quality problems, and lacking an effective system of licensing, regulation and inspection to deal with these problems. These specific issues of licensing, regulation and inspection will be returned to in Section 4 below. The rest of the current Section explores the evidence on the quality of Albanian private education.

3.2 Evidence from General Interviews

Evidence of concerns with Albanian private education emerged from general interviews conducted by the experts. The Risk Assessment already referred to comments expressing a widespread preference for public universities over private universities among high school students, university students and parents. For example, parents in Tirana expressed concerns that the 'liberalisation' of the university sector (i.e. the emergence of private universities) had led to problems, including questionable levels of qualification of private university staff, staff teaching at both public and private universities (although spending more of their time at the latter), and the general perception that students are guaranteed a diploma at a private university if they can pay the fees. When interviewing a group of Tirana university students, some from public and some from private universities, a private university student conceded there is a general perception that private universities effectively sell degrees, i.e. that you automatically gain your degree if you can pay the fees. Negative comments were also made about private schools. For example, high school students in Tirana stated there is a general perception that students who are failing at public high

schools typically switch to private high schools, that private high schools are expensive, and that the quality of private high schools varies.

More detailed criticism of private universities specifically also emerged in the interview with senior public university staff in Tirana. There was criticism of the commercialisation of higher education associated with the emergence of private universities, which were said not to be 'mature institutions' (a problem described as typical in transition countries). According to this interviewee, in contrast to 12 public universities, there are over 40 private institutions which claim to be 'universities'. However, this senior public university figure challenged the entitlement of the majority of these institutions to be called universities. The interviewee referred to Article 12 of the relevant law (the precise law being referred to here was not clear to the experts, and the legal position on criteria for university status will be returned to subsequently in this report). This was described as setting minimum criteria for university status at the presence of two faculties, each with a minimum of two departments, and each department having a minimum of seven staff. This interviewee also argued that private universities are not bringing 'new money' into Albania from outside the existing economy.

On the other hand, some less negative comments about private education did emerge in the general interviews. For example, Tirana parents stated that class sizes are smaller in private high schools, compared to public high schools. The group of Tirana university students suggested that some private universities had better teachers and facilities than others, and there was a 'mixed picture' on the comparative standard of facilities between public and private universities. Where professors teach in both public and private universities, the students said their standard of teaching would be similar across the sectors. While conceding the general perception that private university students 'bought' their degrees, one private university student argued strongly that the 'evaluation' (i.e. assessment) process at private university is robust, and that students do fail at private university.

However, the overall view from these wider interviews is that there are significant concerns with the quality of private education, which implies that mechanisms for licensing, regulation and inspection are not currently effective in addressing these concerns.

3.3 Evidence from Interviews Focusing on Private Education

In addition to establishing any background concerns about the quality of private education from the wider stakeholder interviews, the experts also met with a number of individuals or groups where the specific focus was private education (see Introduction, p.3-4).

Officials from the Ministry of Education and Science

The experts met with officials from the MoES Private Education Institutions Department (see Section 4 below for the various terms used to describe this Department). The experts were informed that this Department has only been in existence for a year. Officials described

the role of the National Licensing Centre (NLC), the National Inspectorate for Pre-University Education (NIPE) and the Public Agency of Accreditation for Higher Education (PAAHE), and details on the role of these organisations will be returned to in Section 4 below. The current section will summarise the wider views of these officials about Albanian private education.

Private education was described as comprising c. 15-20% of both school and higher education in Tirana. Ministry officials characterised the general Government approach to the size of the private education sector as being 'let the market decide', but with stricter monitoring of whatever private education emerged from this approach. Regarding private schools, officials referred to the variety of such schools, e.g. they included religious schools and English language schools. Reference was also made to tutoring centres, for which there appears to be a separate licensing system. It was noted that private high schools are particularly attractive to part-time attenders. Private school fees range from 50-80 Euros per month at the low end of the scale to 200-300 Euros per month at the high end of the scale. Ministry officials conceded that the quality of private schools is variable. The best are equivalent to public schools, and it can be easier for students to succeed in private schools because of the smaller class sizes. On the other hand, it is not the case that private high schools attract the best teachers (although it was stated that teacher quality is not a problem in private schools in Tirana). In working towards the Matura, students in private high schools use textbooks selected under the same *Altertekst* system used in public high schools.

Regarding private higher education, Ministry officials stated that there are 12 public universities, and 38 private higher education institutions (HEIs). However, they were open in conceding that only one of these HEIs is entitled to be described as a university (with the rest being more like professional colleges or higher education schools). Among the criteria for a university, these officials included the institution possessing two properties, and crucially offering first, second and third cycle programmes and awards (as defined according to the Bologna Process). Ministry officials also noted current licensing requires that private universities have full-time staff. Ministry officials described government policy as not favouring any expansion of private universities, but rather the development of professional colleges, both in the public and private sectors.

Private High School Principal

The experts met with a Tirana private high school principal. This principal made detailed comments about the systems for licensing and quality assurance of private schools. Again, these will be returned to in Section 4 below and the current Section will summarise the principal's wider views about the private school system. The principal argued that private education had originally emerged in Albania because of the problems with public education at the time (the experts understood him to be referring to the 1990s here). However, he was now very critical of other private schools, certainly up until 2008, when his own school was

established. He described the strengths of his own school as a contrast with the weaknesses of other private schools. These weaknesses were principally poor discipline and poor 'evaluation' (i.e. assessment approaches and procedures). He highlighted a number of specific strengths in his school. For example, his school's class sizes are half those of public high schools. He has been able to recruit good quality teachers, partly because he paid them well (between 420 and 620 Euros per month). His school provides free evening tutoring to students. The principal wished to emphasise his view that standards are inconsistent across private schools, and that there are certainly significant numbers which do not meet the standards of his own institution.

Private University Student

In relation to private HEIs which describe themselves as universities, the experts met with a Tirana private 'university' student for an in-depth discussion of her experiences and views. This student was a strong proponent of private 'university' education as she is experiencing it. She argued that, compared to public university, the quality of teaching is better (with a combination of full-time professors, and part-time professors who also work in public universities); the administrative services provided are superior, particularly more 'student-friendly'; the academic life is livelier and more participatory (e.g. with 'round tables' involving students and academic staff); and facilities are higher quality. The student stated that students do fail in private 'universities' (a figure of 4-5 students per class of 20 was quoted). On the other hand, the student was describing a small institution by international university standards (1,000 Bachelor's students, 500 Master's students, and Doctoral programmes only offered for the first time this year). The student conceded that fee levels are high and socially restrictive (3,000-3,500 Euros per session), although scholarships are available. The experts' impression was that the student was in receipt of such a scholarship, which appeared also to include the possibility of sponsored study in the USA. In addition, the student appeared to play a public quasi-ambassadorial role for the institution. The general impression was of a somewhat exceptional case, which could not be generalised as a model, especially for students from more average backgrounds in terms of ability and income.

Senior Private University Staff

The experts also met with a group of senior staff from a private HEI which was described as a university. There was much that was impressive about this group as individuals, and about their institution. They had strong backgrounds of personal achievement, including in some cases significant periods of residence, university study, and university teaching in the USA. Regarding their institution, they claimed to have a high number of full-time staff relative to student numbers (75 full-time staff, and see below for student numbers), and to recruit these on merit by open competition. Their staff are allowed to work once a week in public university. They described an institution with 4 Faculties, including graduate studies

and Doctoral programmes. They mentioned co-operation with a US university at Master's and Doctoral levels. They described internal approaches to quality assurance which sounded robust to the experts (however, these private HEI staff were critical of external national approaches to quality assurance - see Section 4 below). Generally, they argued for a private 'university' sector on the grounds that it is outward-looking, produces more flexible graduates, and is complementary to the public university sector.

On the other hand, it was not clear to the experts how large this HEI is, nor how far it has progressed with Master's and Doctoral programmes. A low figure of 450 students was mentioned, although it was unclear whether this referred to all students, or only Master's students, and how many of these were full-time or part-time. As already mentioned, any provision at Master's or Doctoral levels seemed to be dependent upon US collaboration. The quality of the US institution involved was not clear. The governance of the institution was described in a way which raised a number of issues. The private university shareholders appeared to include US companies, and there are other private investors who were not specified. The Board of Trustees includes a number of former government ministers, and indeed one of the senior staff interviewed had this background. The interviewees conceded that their institution does not attract the best students. They argued that the best students go abroad or to the public universities. Therefore, they recruit students with 'average marks' from high school, and recruitment seemed low, with a figure of 80 enrolments being mentioned. More widely, the interviewees conceded there are significant problems with the private university sector as a whole. They highlighted internal inconsistencies within the sector, particularly that many private HEIs are not really universities at all, especially in not providing Master's and Doctoral programmes. They also mentioned that mergers are probably necessary in the private higher education sector.

3.4 Some Summary Comments on General Issues with Private Education

There is some evidence of good quality aspects within Albanian private education. For example, there appear to be individual private schools which are well-led, with good staff and physical resources, and committed to good practice in student behaviour management and assessment. There also appear to be private HEIs genuinely aspiring to approaches and levels of activity which would be recognised as at university level by contemporary international and European standards, such as the Bologna Process.

However, it is clear that standards are very inconsistent in Albanian private education. There appears to be evidence of variable standards in private schools. Reasons may include the quality of staff, the ability levels of the students, and the appropriateness of behaviour management and assessment strategies and procedures within the schools. The experts hold concerns especially over the quality of private higher education. Specifically, there appears to be a fundamental issue around university status of any Albanian private HEIs. It seems clear that many private HEIs are describing themselves as 'universities' and should not be

doing so. Even apparently stronger institutions seem very small by contemporary European and wider international standards. The small size of even well-organised institutions suggests that they are too small to achieve the critical mass of research and scholarly activity necessary for a modern university, and too small to provide a genuinely university experience for students. In addition to these shortcomings against international standards, there seems real confusion over private HEIs meeting the Albanian Government's own criteria for university status. These criteria will be explored further in Section 4. While the experts noted a general lack of clarity around these criteria in interviewing, the criteria definitely seem to include the need to offer programmes at all three cycles of the Bologna Process. The experts were not convinced that even the stronger private 'universities' were achieving this fully at Master's and Doctoral levels.

Across both private schools and HEIs, there is also the issue of the economic basis of private education. It is clear that fee levels are very high for both private schools and 'universities', and the experts were not convinced that any scholarship schemes significantly compensated for this. The Albanian Government needs to debate its position on the potential impact within and beyond Albania of a sector which may be seen both domestically and internationally as a distortion of educational aims and values by business imperatives, and privileging the wealthier members of society. If fees are high *and* automatically guarantee a diploma to those who pay them, the distortion is much more serious, and could underpin a system in which the wealthy 'buy' educational qualifications for their children and perpetuate inequalities – a situation with far-reaching negative consequences for Albanian society as a whole.

The general implication of this wide range of issues is that existing quality assurance mechanisms for the licensing, regulation and inspection of private educational institutions are not having the necessary impact. This will be explored in more detail in Section 4.

***Recommendation 2:* The Albanian Government must ensure that any system developed and implemented for the licensing, regulation and inspection of private educational institutions addresses the existing quality weaknesses in Albanian private education. These include: inconsistent standards across private schools, with weak practices and approaches in some; standards in private higher education which generally do not match contemporary European and wider international benchmarks; unclear public understanding of the criteria for university status, with many HEIs making inappropriate claims to university status; and the general threat to social cohesion and international reputation associated with the perception that much of Albanian private education operates as a 'business' in which those with money can simply buy qualifications.**

***Timescale:* Full review of the system of licensing, regulation and inspection during the autumn and winter of 2011, and the spring of 2012, so that a Government publicity campaign can be launched in spring 2012 to emphasise to the Albanian public and the**

relevant international audience that the existing quality weaknesses in Albanian private education will be robustly addressed.

4 THE LICENSING, REGULATION AND INSPECTION OF PRIVATE EDUCATIONAL INSTITUTIONS

This Section will now consider and evaluate the details of the current system for the licensing, regulation and inspection of private educational institutions in Albania, and make recommendations for its improvement. Evidence in this Section comes from detailed interview comments, review of relevant parts of documents used in the earlier overall Risk Assessment, and review of additional documents provided by the MoES to the PACA team specifically in relation to private education. As background to this Section, Government documents appear to use the following acronyms for key national organisations involved in the licensing, regulation and inspection of private educational institutions:-

DPED or DDPE: DPED is the Directorate of Private Education Development, also described by some stakeholders as the Directorate for the Development of Private Education (DDPE); when the experts visited the MoES, this was referred to as the Private Education Institutions Department

NIPE or NIUE: NIPE is the National Inspectorate for Pre-University Education, also described as the National Inspectorate of Undergraduate Education (NIUE) (see Ministry of Education and Science 2010d for use of the latter term)

NLC: NLC is the National Licencing Centre

PAAHE: PAAHE is the Public Agency of Accreditation for Higher Education

4.1 Detailed Interview Comments on Licensing, Regulation and Inspection

Officials from the Ministry of Education and Science

Ministry officials emphasised the separate role of the NLC in actually issuing licences to private educational institutions. They stressed that the Ministry is not directly involved in evaluating the quality of institutions, with this undertaken by NIPE. They emphasised that PAAHE covers both public and private universities. As will be discussed in Section 4.3, detailed analysis of procedures indicates that the position of the Ministry (and the Minister) is not as clear-cut as these comments would suggest, and that it is not clear whether there is an appropriate 'separation of powers' between the Minister, the Ministry and supposedly independent organisations. It is also not clear why there are several different bodies involved in licensing, regulation and inspection, and whether the current number is appropriate.

Private High School Principal

The private high school principal commented extensively on licensing and associated issues. The principal said that the criteria for licensing are fair and sufficient. However, he did have significant criticisms of the licensing process. He identified problems with delays at the Ministry, citing his own recent experience of requesting a 9-year licence. As he described the process, the private school submits documents to the NLC. After its own initial checks, NLC sends documents to the Ministry for feedback. Delays then occur at the DDPE, with small technical problems being picked up with the documentation, although the principal suggested these were being raised not so much by DDPE officials themselves, but by curricular experts within the university sector with whom the DDPE consulted. The principal emphasised that these delays at DDPE must be addressed. However, more generally he argued that the real problems with the private school sector occur after licensing. He was particularly concerned that the on-going quality assurance procedures do not deal with the systemic weaknesses around private schools being run as businesses rather than educational institutions, with principals who have no educational background, and with poorly-paid teaching staff who have 'lower levels of professionalism'. On quality assurance, he described a system where annual reports are sent to the Regional Education Directorate (RED), but it has no competence to inspect schools, which rests with NIPE. The principal described a confusion over responsibilities here. NIPE inspects and evaluates schools, but the RED also reports on schools without having the statutory inspection powers of NIPE. The principal referred to the recent inspection of his school by NIPE. He said that NIPE had been very thorough in looking at documentation, but had only been concerned with documentation, and not interested in other forms of inspection evidence and methodology. For the future, the principal advocated that NIPE should continue to inspect for 'major problems'. However, he argued strongly that inspection centres should be restored within the RED because these are closer to the schools, and could carry out inspections at least once a year (the principal indicated that these RED inspection centres had existed until 18 months ago, and he was critical of the dismissal of these experienced inspectors).

Senior Private University Staff

The senior staff at the private HEI described as an university also commented in detail about on-going external Government quality assurance of higher education. They expressed major concerns over this. They admitted that they themselves are sometimes perplexed by legislation on higher education. The senior staff referred to a law of July 2010 on higher education which had made good progress with certain issues. They indicated that the previous law had lacked clarity. In particular, institutions had been permitted to progress from Bachelor's to Master's provision without having to demonstrate they had the necessary qualities to do so. They described this system as not in compliance with the Bologna Process. They said that the amended Law of July 2010 has created a more appropriate approach to

the criteria for offering the second level cycle of Master's provision. However, they stated that there is still a problem with institutions already considered 'universities' offering Master's second cycle programmes which do not meet the new criteria of the amended Law. More generally, the senior staff complained that 'nobody will close' an unsatisfactory institution.. They said that the accreditation agency reports negatively on an institution, but the institution continues to operate.

4.2 Relevant Detail from Documents used in the main Risk Assessment

Reviewed Law on Pre-University Education, May 2010 (Ministry of Education and Science 2010a)

The experts were provided with the May 2010 Draft Law on Pre-University Education. This Law, when finalised, will be the major legislation governing Albanian school education. Therefore, it is important to analyse the position of private schools specifically, relative to the Law.

This version of the Reviewed Law states at Article 2 (j) that conformity with the Law is required by public institutions and 'private institutions financed at least partly through tuition fees paid by students' parents or legal representatives', and at Article 3 that 'All articles of this law apply equally to public and private educational institutions unless it is stated differently'. While this seems to establish clearly that the Law applies to private schools, this may not be entirely straightforward for all aspects of the Law, given the 'unless it is stated differently' phrase in Article 3.

There are clearly parts of the draft Law directed specifically towards private educational institutions. For example, Article 7 includes a definition of private school. Tuition fees for private schools are mentioned in Article 46. Article 102 discusses the transfer of students between public and private schools.

Chapter XVIII, Articles 103–113, on the 'Opening and closing of institutions for Pre-University Education', applies very extensively, but not exclusively, to the specific position of private schools:-

- In general terms, Article 103 includes the definition of criteria for the opening of 'non-religious private educational establishments' within the powers of the MoES, and Article 104 includes private schools within the Ministry's powers of approval for opening and closing of establishments.
- Presumably, Article 108 'On Criteria for licensing institutions of Pre-University Education' details the procedures which apply to the licensing of private schools, and it is particularly interesting to note that the criteria for licensing are specified by the Ministry, but it is stipulated that 'Final approval of licensing shall be awarded by the National

Agency for Institutional Licensing [the experts take this to be a reference to the NLC] following a recommendation by the Ministry of Education and Science’.

- Similarly, Article 110 states that the ‘National Agency for Institutional Licensing’ holds the powers of ‘negation or cancellation’ of licences, on the recommendation of the Ministry.
- Somewhat confusingly, on the other hand, Article 109 states that ‘Licenses for the operation of an educational institution shall be issued by the Ministry of Education and Science’.
- However, Articles 112 and 113 are very clear that opening of a private education institution not consistent with the Law is an offence, with specified fines and lengths of time for the ‘negation of future licensing’.
- Finally, Article 115 covers the licensing of ‘private supplementary education institutions’.

In summary, these parts of the Law clearly apply to private schools, although there may be some lack of clarity on the respective roles of the Ministry and the NLC for private school licensing.

On the other hand, there is ambiguity about the extent to which other aspects of the Law apply to private schools. The experts’ view is that further clarification is needed on the following questions:-

- Within Chapter XI, ‘On Evaluation of Schools’ Performance’, does Article 61 on the monitoring and evaluating of achievements of schools and personnel apply identically between public and private schools?
- More specifically, does the system for using examination results to evaluate and rank school performance (Articles 62 and 63), and the consequent review of school syllabi and curricula (Article 64), apply to private schools as well as private schools?
- Does Chapter XIII, ‘On School Governance and School Management’ apply only to public schools, e.g. is there no requirement for a private school to have a School Board, as described in Article 76?
- Do any of the details of Chapter XIV, ‘On the School Principal’, apply to principals of private schools, e.g. do Articles such as 79, 80 and 82, on qualifications, training and licensing, and performance criteria apply, but Articles such as 78 (a), 83, and 84, all of which specify roles for Local Government, do not?
- Regarding Chapter XV, ‘On Teachers’, do the requirements on teachers’ qualifications (Articles 87 and 90), and evaluation of teachers’ performance (Article 92), apply to teachers in private schools, as well as public schools?

- On Chapter XVI, 'On Inspection', if the details on the powers of the national agency (the experts assume this to refer to NIPE) apply to private schools, what is the relevance to private schools of Article 96 (on local government inspection)?

The experts wish to underline that a much more explicit and transparent set of statements is needed to clarify the precise applicability to private schools of provisions of the draft Law such as those mentioned above.

The Draft Teachers' Code of Conduct and Its Regulatory Mechanism (Open Society Foundation for Albania 2008); Basic General Standards For Teachers (Ministry of Education and Science 2010b)

Both of these documents were discussed in the Risk Assessment. The Assessment stressed the need for the Albanian Government to confirm that these draft documents will be developed into more positive professional codes of ethics and standards, and that such codes and standards will be embedded into the Albanian public education system through high-profile awareness raising campaigns among all relevant stakeholders. In the current context, it is vital that such codes and standards, when implemented, unambiguously apply to private schools as well as public schools. This is not clear in the current documents. Regarding the draft Teachers' Code of Conduct, while the Introduction refers to issues within public schools specifically, Part I Section 2 ('Scope of Action') does state that the document applies to 'teachers working full- or part-time in public or private pre-university education institutions'. As a method of ensuring the long-term implementation of the Teachers' Code of Conduct, the draft Code suggests an addendum to the Pre-University Education Law. However, it is not clear how the details then proposed as an Appendix to the Pre-University Education Law would incorporate private schools. These propose implementation of the Code of Conduct at local level by Teachers' Conduct Commissions. Suggested membership of these Commissions clearly includes representation of the public school sector through RED appointed teachers, and trade union representatives, but the position of the private school sector is not clear. Regarding the Basic General Standards For Teachers, there is no specific reference made to private schools in this document, although the experts see no reason why the document's details should not apply to private school teachers (indeed, they would positively encourage this). Again, the underlying point is that more work will need to be done to ensure that teachers' professional Codes and Standards apply equally to private schools, once they have been fully established for public schools.

State Quality Standards Of Higher Education Institutions (HEI) (Ministry of Education and Science 2011a)

The experts assume that this document is the key overall statement on HE quality standards covering both public and private HEIs. However, it is not specifically stated that this document applies to private institutions, as well as public institutions. Indeed, there is one reference which implies the document refers specifically to public institutions: Chapter III

(Management), Section VI (Financial Management), Standard VI.2, Criterion 4, states that 'The rules of financial administration of higher education institutions are similar to those of other public institutions.' There is also one specific reference to private institutions: Chapter III (Management), Section I (Autonomy), Standard I.2, Criterion 14, states that 'internal organisation and control at non-public higher education institutions is made in compliance with the specifications in the statute and internal rules'. However, the general assumption being made here by the experts is that all the other details of the document should be applied both to public and private HEIs.

If it does apply to private HEIs, the document raises a number of concerns over the questionable status of many Albanian private HEIs, especially those which describe themselves as universities. Concerning the criteria for institutions to qualify as HEIs, Chapter I (Programme of Study), Section I (Provision of Programmes of Study), Standard I.8, Criterion 5, states that 'Permanent staff must cover at least 60% of the academic workload for each academic programme' (this refers to first cycle programmes). Standard I.9 states 'The programmes of study of the second cycle rely on research and cooperation with the industrial and economic world'. For example, Criterion 1 states that 'The pedagogues engaged in scientific-research activities constitute the majority of the academic staff'. Chapter II (Scientific Policies), Standard I.3, Criterion 3 refers to the institution organising 'international conferences or activities in the area of scientific research', and Criterion 7 to 'The scientific research works of the academic staff' being published in 'international scientific journals'. Standard I.6, Criterion 4, refers to 'effective integration of doctorate students in the scientific research teams'. All of these criteria suggest staffing requirements, and levels of scholarly and research activity, which the experts judge will not generally be met by most Albanian private HEIs.

More specifically on universities, Chapter III (Management), Section II (Organisation of Higher Education Institutions), Standard II.1, Criterion 5 states that a University must offer 'programmes of study for the three cycles and consists of at least two faculties'. Criterion 11 continues 'Each faculty consists of at least three...units, of which two departments', with Criterion 12 stating that a department 'must consist of at least 7 effective members as academic staff'. Criterion 13 states that the institution 'must have at least 3000 students who continue studies in the first and second cycle'. However, even here, the word 'university' is only used specifically in Criterion 5 – so that, while Criteria 11, 12 and 13 should apply to universities, they may also apply to other HEIs.

Universities are contrasted with 'Academies' offering higher professional education and recreational activities, possibly for the three cycles, and 'High Schools', offering higher education in the first cycle, and possibly applied scientific research (see Criterion 6 and Criterion 8). Even Academies and High Schools are required to have at least two faculties. Additionally, 'professional colleges' offer 'programmes of study of the first cycle in some areas' (Criterion 9). Once more, these criteria for scale and level of activity suggest to the

experts that generally Albanian private HEIs do not meet the criteria for university status, and may even struggle to meet the criteria for higher professional education 'Academy', higher education 'High School', or 'professional college'.

Chapter III (Management), Section I (Autonomy), details approaches to governance of HEIs. For example, these specify particular roles for an 'administrative council' in relation to the 'administrative, financial, economic management' of the HEI and 'its assets' (Standard I.2, Criterion 6). It is not clear precisely how such approaches sit with the information provided in interview with senior private university staff about the role of shareholders within private HEIs.

Again, the general point from the above analysis of this document is that the Government's own documentation appears to provide sufficient detailed definitions of criteria for HEI status for those aspiring to university status. These should ensure both a clear understanding of what is required to be a university, and a general recognition that many of the HEIs currently claiming such status should not be doing so because they clearly do not meet many of the criteria. In other words, the issue is largely the implementation of legal positions, rather than any deficiencies in the underlying legal documents themselves.

4.3 Details from the Additional Documents provided on Licensing, Regulation and Inspection

Decision No. 248 (dated 28.05.1999) on 'Non-Public' Religious Subjects and Foreign Language Educational Institutions (Ministry of Education and Science 1999)

This is a rather dated document, and it is not clear to the experts if it is still the most current document applying to these specific categories of private educational institutions. On the assumption that it is, the document is largely formal. However, the following two sections may be of more general interest. In par. 2 (h), the relevant institutions are required to provide the Ministry with 'The teaching plan and programmes the institution plans to carry out'. In par. 2 (j), it is noted that the relevant institutions must use for 'compulsory subjects' the same textbooks as used in public schools. In summary, this document seems to secure private religious subjects and foreign language schools within the Government's regulatory framework for private schools more generally.

Decision On The Creation Of The National Inspectorate For Pre-University Education (Ministry of Education and Science 2010c)

This document confirms the establishment of NIPE. The document makes some reference to the links between schools and public education 'managing structures', specifically regional education directorates (REDs) and education offices (EOs) (par. 2 and 6b). However, while the document makes no direct reference to private schools, the experts are assuming that NIPE's main functions, as listed in par.6, are to be carried out for private as well as public

schools. If so, this is positive in that these functions seem comprehensive and include inspecting the school's 'learning-educative process development' and 'material-didactic base' (par.6a), monitoring the implementation of its 'normative dispositions, code of ethics, teachers' ethics' (par.6c), and inspecting its approach to the State Matura and school leaving exams (par.6d). The document should include an unambiguous statement that its provisions all apply to private, as well as public, schools. Additionally, the document emphasises that NIPE is subordinate to the Ministry, that the Chief Inspector is appointed by the Minister, and Inspectors are in turn appointed by the Chief Inspector (par. 1, 3 and 4). These points raise the question of whether NIPE is sufficiently independent of the Minister and the Ministry, and therefore secure from inappropriate political interference and influence.

Regulation Of The National Inspectorate For Pre-University Education (NIPE) (Ministry of Education and Science 2010e)

For the purposes of this paper, there are two ways to approach this document. Firstly, the document makes it clear that NIPE's powers extend to private schools as well as public schools. Article 2 states that NIPE's 'Mission' is quality improvements to education services for 'all pupils in pre-university education'. Article 5 establishes that NIPE's 'Scope Of Activity' involves inspecting 'public and private institutions, secular and religious, as well as complementary pre-university institutions'. On the other hand, for the experts, other parts of the document continue to raise questions previously discussed about the somewhat ambiguous role of local government in relation to private schools. Article 10 refers to NIPE sending inspection reports to the 'RED/EO on their inspection as well as inspection of all schools under their jurisdiction', and to 'mayor's offices/municipalities regarding on all schools under their jurisdiction'. Does this apply to private schools in the geographical area of the RED/EO/mayor's office/municipality, or not? Article 21 states that 'schools which will be inspected are selected by lot'. Are private schools included in this process?

Secondly, having established that NIPE's powers extend to private schools, it should be noted that these powers generally seem extensive and appropriate in terms of current international approaches to school inspection for quality assurance and enhancement. For example, there is the underlying emphasis on quality improvement (see Article 2 above). This is reflected in the requirements for institutional reports. For example, Article 11 (c) indicates the report covers 'what the institution performs well and how it may improve', and Article 11 (e) also refers to 'how much the institution has improved'. The inspection methodology includes direct observations, questionnaires and conversations, and review of documents (Article 21). Article 23 provides a positive statement of NIPE's commitment to professional and public ethics in the organisation's work. Article 24 details clear sanctions which can be imposed on institutions whose inspections indicate unsatisfactory performance or approaches. These sanctions can include proposing to the Minister that a school closes, and the Chief Inspector filing 'penal charges'.

However, the document also confirms the point made already about the relationship between the Ministry and NIPE. Article 13 confirms that 'The Minister appoints or discharges from duty the Chief Inspector'. This Article also confirms that the Chief Inspector has similar powers over inspectors. On the other hand, Article 17 states that the Minister 'does not interfere in NIPE's daily management or its professional decisions', and Articles 14,15 and 16 describe a clear career structure for inspectors, with entitlements to professional development and criteria for appointment.

In summary, this document generally would seem to outline an appropriate basis for inspection of schools, including private schools, although there may be the need to do further work on clarifying the role of local government relative to NIPE on inspection, and on achieving secure independence for NIPE from inappropriate political interference by the Minister and the Ministry (e.g. by ensuring a fully transparent appointment process to inspector posts based on the personal and professional strengths of applicants, not political connections, and an independent appointments board within NIPE). If inspection of private schools is not yet effective, this would suggest that the general problems lie in implementing the inspection procedures of the NIPE system, rather than in any inherent limitations of the procedures themselves.

On The Criteria And Procedures For Processing Of Licensing Applications Of Private Educational Institutions And Private Complementary Undergraduate Educational Institutions (Instruction 33 of 1 November 2010) (Ministry of Education and Science 2010d)

As was noted in the References List of the general Risk Assessment (PACA April 2011: 51), certain translated Albanian Government documents provided to the experts through the PACA team use the term 'Undergraduate' to refer to pre-university, i.e. school, education. Therefore, this document is the key document detailing current procedures for the licensing of private schools.

The document confirms that applications for a licence are originally received at DPED. However, DPED can only refuse the application if 'the initial processing finds missing documentation' (Chapter I, par. 1.). DPED passes documentation to the NLC, which appears to be responsible for detailed processing. There is a comprehensive list of the documentation required. Much of this relates to the physical condition of the institution's proposed buildings, and its financial arrangements, but more specifically educational matters are covered such as curricula and syllabuses, lists of text, and staffing details (Chapter I, par. 3 and also par. 4-5 on the standards required of buildings).

However, if this documentation has been processed by NLC, DPED then seems to return as a decision-maker. Specifically, DPED considers curricula, syllabuses, and text lists, and 'approves or refuses the application for licence' (Chapter I, par. 6). The DPED decision is then forwarded to NLC (Chapter I, par. 7).

Chapter I, par. 8 appears to be a genuine attempt to prevent undue delay in making decisions on applications, e.g. by stating that failure to send a decision (presumably from DPED to NCL) within two weeks 'is considered silent approval.'

Chapter I, par. 9 is somewhat puzzling to the experts. The actual right 'to close or suspend the temporary activity for one calendar year' of an institution 'is vested in the NLC', although this is 'upon request of the subject itself', or 'on proposal' of the Ministry.

In general, while a full process of initial licensing is detailed here, the experts remain unclear on the precise relationship between the DPED and the NLC, and on the underlying reasons why a general business licensing agency such as the NLC needs to be involved in the licensing of specifically educational institutions at all.

The on-going position of the private school is dealt with in Chapter III.

Interestingly, there is a requirement to submit annual reports to the RED/EO covering pupil and staff numbers, curricula and syllabuses, taxation status, and extracurricular activities offered by the school (par.1a).

Par.1b continues by indicating that the institution must ask for approval for a range of types of changes, including to curricula, syllabuses, texts, educational experiments and projects, location etc. It is not clear whether this permission is to be sought from the Ministry or the RED/EO. However, this is subsequently clarified in Chapter IV. This makes clear that changes are 'processed and approved' by the NLC, after 'the approval' of the DPED (par.1 and 2).

Inspection and 'Suspension of Licence' is dealt with in Chapter V. Par.1 makes clear that the Ministry and NIPE (referred to as NIUE in this document) are involved. If 'violations' are found during inspection, requirements are set which must be fulfilled within a defined deadline. If these requirements are not fulfilled, it appears that the Ministry or the Inspectorate then refers the situation to NLC. NLC seems to be the body which has the power to suspend or revoke the licence, although the document appears to refer only to suspension, not revocation (see par. 2-6). NLC informs the Ministry, REDs/EOs, and NIUE (NIPE) of suspensions.

Once again, the experts would question the role of the NLC in these processes, and suggest that the respective roles of the Ministry and NIPE should be clarified further.

Procedures and Documentation for the Opening of a Private Higher Education Institution, Programmes of Graduate Studies in the First and Second Cycle, Programmes of Non-Graduate Studies, of Professional Nature and Procedures for Suspension and Revocation of License (28.02.2011) (Ministry of Education and Science2011b)

This document appears to be the key document detailing the procedures for licensing, regulating and inspecting private HEIs. The document makes clear that the initial application for a licence to open a private HEI is submitted to the Ministry, and there is a comprehensive list of aspects to be covered in this documentation (e.g. long-term educational, research and development activities; financial resources; curricula and syllabuses; any collaborations with local or foreign HEIs; academic staff details; report on planned premises) (see Chapter I, par.1). The DPED is then given one month to evaluate the completeness of the application, and can also give the applicant one further month to make good deficiencies. DPED can then refuse an application which fails to make good any deficiencies.

Applications which proceed then move from DPED to PAAHE. After PAAHE's evaluation, the application moves to the Accreditation Council. The Accreditation Council then returns the application, with a positive or negative evaluation, to DPED. The Minister refuses applications which have received a negative evaluation from the Accreditation Council, although the Minister can re-consider on appeal from the applicant. Applications which have achieved a positive evaluation are taken by the Minister to the Council of Ministers for final approval. Once licensed, the institution must submit certain additional documentation to the Ministry before the beginning of its first academic session. Strict time limits are stated within which DPED, PAAHE, the Accreditation Council, and the Minister must complete their various roles in this process.(See Chapter I, Section B, par.1-8).

This appears to provide a systematic approach to initial licensing, including the incorporation of safeguards against undue delays. However, the experts would comment on a number of issues here. This core documentation does not explain the nature of PAAHE, or the composition of the Accreditation Council. Therefore, it is difficult to judge the relationship between and the respective roles of i) DPED in relation to PAAHE, and ii) the Accreditation Council in relation to PAAHE. Consequently, it is not clear if the involvement of so many separate organisations is a positive 'balance of powers', or a negative 'unnecessary duplication'. It is also notable that there is no reference to the NLC in the HE licensing process, yet the NLC seemed so central to the school licensing process. There also remains the underlying issue of whether the powers of the Minister and the Council of Ministers in this process create the risk of inappropriate political interference. The Albanian Government needs to clarify all these issues.

Chapter II deals with the opening of a new programme. This describes a process very similar to the process described above for the initial licensing of an institution. The 'Academic Senate' of the HEI submits documentation to the Ministry, where it is considered by DPED. From DPED, the proposal proceeds to PAAHE, and from there to the Accreditation Council. Interestingly, provision is made for the Accreditation Council to engage external experts at this stage. The proposal then returns to DPED, when the Minister

is then involved in approving or refusing the proposal, based on the positive or negative evaluation from the Accreditation Council. (See Chapter II, par. 1-11)

Rather similarly, Chapter III describes the equivalent process for approval of a programme re-organisation. Once again, the application is submitted to DPED. It then proceeds to PAAHE and the Accreditation Council, and returns to DPED for the Minister to confirm the final decision. As with new programme proposals, the Accreditation Council makes use of external experts at its stage of the process. (See Chapter III, par. 1-5)

Again, for new programmes and programme re-organisations, the experts would make the same comments as for initial licensing on the role of DPED, PAAHE, the Accreditation Council, and the Minister. In addition, there will need to be transparency on the appointment of external experts for new programmes and programme re-organisations. This will be necessary to ensure that appropriate criteria, based on qualifications and merit, are used for appointment, not inappropriate patronage which may distort due process.

Chapter IV deals with the on-going obligations of private HEIs once licensed. Section A, Par.1, makes clear that private HEIs function on the same rules as public HEIs, 'except for the cases foreseen by law and subordinate legal acts'. Specific obligations of annual reporting to DPED are detailed, including submitting statistics on student performance. (See Section A, par. 2, and Section B, par. 1-2)

Chapter V deals with Inspection. Section A, par. 1 states that private HEIs are 'subject to regular inspection by MES, PAAHE and AC at least once a year'. Section B, on 'Suspension, removal of the licence', indicates that the Ministry has powers to suspend or remove licences if failures or 'violations of obligations' are found during inspections, although there seems to be more emphasis on suspensions (e.g. 'for up to two years') than removals. Interestingly, among the 'violations' highlighted are 'fraud, forgery of documents, provision of untrue information', 'fraud in drafting/concluding contracts, untrue or distorted claims in advertisement' (see Section B, par.2ab).

On one level, Chapters IV and V would appear to provide a clear underlying position from which to ensure the on-going quality assurance of private HEIs. However, there is a significant lack of detail on how Inspection will be carried out. For example, it is not clear how the three organisations involved (the Ministry, PAAHE and the Accreditation Council) relate to each other for Inspection purposes. While the content of annual reports from the HEIs is specified, the methodologies for Inspection are not. For example, do these include visits? If so, is there direct observation of teaching? Generally, there is a lack of detail on exactly how the Ministry moves from negative inspection findings to the actual suspension or removal of the licence of a private HEI, and on how it is established that an HEI which has had its licence suspended has subsequently met the criteria for the licence to be restored. The Albanian Government needs to provide further clarification on such details.

It is also interesting to note the 'Final Provisions' Section in this document. This refers to the significance of an amended higher education law of July 2010, and discusses the need for the Council of Ministers to review and approve private HEI applications positively assessed before July 2010, and the need for the new processes to be applied 'with priority' to applications lodged before July 2010, but not yet considered. This implies a 'back-log' of applications prior to that date, for which there will have to be a 'catch-up' exercise.

There are also a number of interesting Appendices to this document. Appendix 2 is particularly valuable. This Appendix is entitled 'Of Instruction On Definition Of Procedures And Documentation To Be Submitted By The Legal Entity On Opening Of A Private Higher Education Institution Or Programmes Of Study In The First Cycle And Second Cycle Of Study'. This Appendix appears to confirm the key criteria/standards which must be met for an institution to be entitled to HEI status, and is therefore particularly relevant to the debates highlighted earlier on whether a large number of institutions are falsely claiming 'University' status. Section A, par. 1a-c confirms an HEI must have at least 2 faculties, with each faculty having at least 3 'basic units' 'which group similar or intertwined academic disciplines and which include respective research areas', and each 'department' must have at least 7 members of academic staff. Section B stipulates the ways in which first cycle programmes must correspond to the European Credit Transfer System (ECTS). Section C makes similar stipulations for second cycle programmes. Specifically on staffing, Section C requires that 'the staff responsible for each subject/module must hold the scientific title "Doctor"' (par.14), and 'at least 70% of the academic staff responsible for the requested programme must be employed staff in the institution' (except where there is an international collaboration) (par.20). The content of this Appendix confirms the applicability of earlier comments about the issue of university status and HEI status more generally, i.e. the problem is not so much a lack of appropriate definitions, as the failure to apply these definitions rigorously in practice.

It is also interesting to note Appendix 4, which details the minimum requirements to be included in the contract which should be in place between the student and the HEI. While much of this relates to payment issues etc., it is also stated that the contract must include 'the amount of credits for each programme of study' (par.1). This is a very helpful document in underpinning quality of provision in private HEIs, if its use is enforced, and its terms observed.

Finally, Appendix 5 is of interest. This appears to be an attempt to provide a basis for formally recording the part-time employment by one HEI of staff who are in full-time employment at another HEI, and specifically requires the signature of the Rector of the institution which employs the member of staff full-time. Again, if its use is enforced, and its terms observed, this document should be helpful in addressing potential abuses around full-time staff at an HEI giving insufficient time to their duties at that HEI because they are spending too much time in part-time employment at another HEI.

4.4 Summary Comments on the Licensing, Regulation and Inspection of Private Educational Institutions, with Recommendations

This sub-section summarises key problems in the system for licensing, regulation and inspection of private educational institutions which have emerged from the above analysis of evidence. Associated recommendations are made to address these issues. The sub-section deals with private schools first, followed by private HEIs.

The Licensing, Regulation and Inspection of Private Schools

There is a lack of clarity on whether fundamental legislation governing the general Albanian pre-University school system applies explicitly to private schools. For example, there are aspects of the Reviewed Law which need clarification in this respect, including those relating to evaluation of school performance, review of school syllabi, the role of school boards, the conditions for the appointment and performance evaluation of school principals and teachers, and approaches to school inspection (and this need to include private schools explicitly applies to all core national documentation on school inspection). If a Teachers' Code and Standards are established for teachers within Albanian public schools, the relevance of these must be established clearly for private schools also.

Recommendation 3: The Albanian Government should review all core legislation covering the pre-university school system to ensure that it is unambiguously clear which provisions of the legislation apply to private schools and which do not. For example, it should be made clear which regulations govern private schools regarding the evaluation of school performance, review of school syllabi, role of school boards, conditions for the appointment and performance evaluation of school principals and teachers, and procedures of school inspection.

Timescale: Relevant legislation reviewed during 2011 and spring 2012, with any required amendments to legislation completed by summer 2012, so that they are in place for academic session 2012-2013.

Recommendation 4: When the Albanian Government establishes a Teachers' Code of Ethics and Standards for Albanian public school teachers, it should ensure that the Code and Standards are also fully binding on teachers within private schools.

Timescale: Teachers' Code of Ethics and Standards legally confirmed by spring 2012, so that these can be implemented for teachers in public and private schools by academic session 2012-2013.

While a detailed system has been established for the initial licensing of private schools, this system may be too complex and subject to unnecessary delays. In particular, the joint involvement of the DPED and the NLC needs further review, and the reason for the involvement of the NLC is not clear to the experts. If this is to continue, the NLC's

involvement in specialist education decision-making on the licensing of schools should be explicitly and clearly justified, as it appears that a case could be made for this decision-making resting solely with the education specialists in DPED. At a minimum, the precise difference between the roles of DPED and NLC in any licensing system needs to be clarified further. The involvement of two organisations may also increase opportunities for corruption or other inappropriate conduct in the licensing process. It should be noted in this context that the NLC does not appear to be involved in the licensing of private HEIs.

Recommendation 5: The Albanian Government should review the system for the initial licensing of private pre-university schools to ensure that the system avoids unnecessary bureaucratic processes, with the potential for associated delays, and increased opportunities for inappropriate conduct (including corruption) in the licensing process. In particular, the Government should provide a transparent description of the role of the NLC in this area of specialist educational decision-making, and - if the role of the NLC is to continue - make a clear case for (i.e. justify) the NLC playing a role in addition to the DPED.

Timescale: The system for initial licensing to be reviewed from autumn 2011 to spring 2012. Any amendments to the system should be made by summer 2012, so that they are in effect by academic session 2012-2013. If the role of the NLC is not altered, the required explanations for this should be publicly available by spring 2012.

Detailed documentation has been produced on the role of the relatively new NIPE in the inspection of all Albanian schools, both public and private. There are aspects of detail which could be clarified further for private schools, e.g. exactly how local government, and the REDs specifically, relate to or interact with NIPE on the on-going quality assurance of private schools (with some views expressed to the experts that RED inspection needs to be restored to former levels to complement NIPE inspection). The independence of NIPE from the Minister and Ministry may also need to be more fully established. However, the main issue with NIPE appears to be the need for this new organisation to engage fully and quickly in implementing its inspection procedures for private schools, rather than any intrinsic deficiencies in these procedures. In particular, there is then a need to clarify how negative findings in NIPE inspection subsequently lead to licences being suspended or revoked, and what role precisely in this process is performed by the Ministry and the NLC.

Recommendation 6: The Albanian Government should review the position of NIPE relative to the Minister and Ministry of Education and Science, to ensure that NIPE is able to operate as a genuinely independent inspection body for both private and public schools.

Timescale: The position of NIPE to be reviewed for these issues from autumn 2011 to spring 2012, so that any necessary adjustments to NIPE's position are made by summer 2012, and are effective from academic session 2012-2013.

Recommendation 7: The Albanian Government should clarify further the relationship between NIPE and local government, specifically the REDs, in the quality assurance of private schools. In particular, the Government should ensure there is appropriate complementarity of roles between NIPE and REDs, and sufficient use of expertise available within REDs, to ensure that quality assurance of private schools is as robust as it is for public schools.

Timescale: The review of the role of local government and the REDs in private school quality assurance to take place from autumn 2011 to spring 2012, so that any necessary adjustments to the REDs' role are made by summer 2012, and are effective from academic session 2012-2013.

Recommendation 8: The Albanian Government should ensure that NIPE's inspection procedures are applied systematically across the private school sector, and clarify exactly how negative NIPE inspection findings lead to the suspension or revocation of private school licences and what precise role is played by the MoES and the NLC in this process.

Timescale: Private school inspection procedures to be reviewed for the use of negative findings in relation to the suspension or revocation of licences from autumn 2011 to spring 2012, so that any amendments to procedures are made by the summer of 2012, and are effective from academic session 2012-2013. A clear Government plan should be produced by autumn 2011 to explain how all private schools will be inspected between autumn 2011 and summer 2013.

The Licensing, Regulation and Inspection of Private HEIs

Extensive and detailed documentation exists describing the system for initial licensing of private HEIs. This includes specific criteria which, if applied, would ensure that any Albanian HEI aspiring to university status operates according to approaches and standards consistent with contemporary European and wider international benchmarks, especially those within the Bologna Process. These include criteria associated with ensuring appropriate 'critical mass' of student numbers, staff numbers and qualifications, and scale and level of research and scholarly activity, as well as specific requirements to offer the three Bologna cycles of Bachelor's, Master's, and Doctoral levels. The problem, however, is that although the criteria exist, they do not appear to be applied in practice. Therefore, a very large number of private institutions exist in Albania which describe themselves as universities, but are clearly not, in terms of either the Albanian legal criteria or the European and wider international benchmarks from which these criteria are derived. Certainly, there is a need to clarify this for university status specifically. Some of these institutions would likely not even meet the criteria for less demanding HEI categories such as 'Academies', higher education 'High Schools' or 'professional colleges'. These fundamental problems present a major threat to the credibility of the Albanian education system in international perceptions.

These problems may be linked to weaknesses in the licensing system. As with the licensing system for private schools, there appears to be the potential for unnecessary bureaucratic duplication and elaboration, creating multiple opportunities for inappropriate conduct to distort due process. There needs to be clarification on the precise nature of the respective roles of DPED, PAAHE and the Accreditation Council, and the relationship between these bodies. The experts were not able to obtain a clear understanding of the composition of PAAHE or the Accreditation Council, and there also needs to be transparency on the role of the Minister and the Council of Ministers in licensing of private HEIs (e.g. on whether the final powers of approval which rest with the Minister and the Council of Ministers simply amount to endorsement of decisions already reached by due process through the other bodies, or whether additional 'politicised' considerations may be introduced at this stage). The appointment of external experts in considering new and re-organised programmes also needs to be transparent, i.e. based upon the academic and professional qualifications and experience of those considered for appointment, rather than their political connections.

Beyond initial licensing, evidence indicates that a robust on-going national system of quality assurance of private HEI is lacking. HEIs which do not meet the legal criteria continue to operate, and are not closed. While legislation states the Ministry's powers to suspend or remove licences, it appears these powers are not being used. This can be linked to the failure of national documentation to detail what inspection methods are intended for use with private HEIs, including how the Ministry, PAAHE and the Accreditation Council work together on inspection; exactly how the Ministry moves from negative inspection findings to the actual suspension or removal of the licence of a private HEI; and exactly how it is established that an HEI which has had its licence suspended has subsequently met the criteria for the licence to be restored.

Recommendation 9: The Albanian Government must ensure that HEI status, specifically university status, is only held in Albania by institutions which clearly meet the benchmarks of contemporary European and wider international standards. The Government must persuade all relevant stakeholders within Albania that this is essential to secure Albania's aspirations for its education system to be recognised as meeting contemporary European standards, with the fundamental implications this has for the ability of Albanians to study abroad.

Timescale: Major national campaign and public discussion launched from autumn 2011 to ensure all stakeholders are persuaded by December 2011 of the priority which must be given to ensuring only institutions meeting European and wider international standards hold university status in Albania.

Recommendation 10: The Albanian Government should review its system for the initial licensing and on-going quality assurance of private HEIs to ensure that all individuals and organisations involved apply in practice the detailed criteria which exist in national

documentation to ensure that Albanian standards are in line with contemporary European and wider international standards.

Timescale: Staff development training to commence in autumn 2011, and be completed by December 2011, for all staff involved in private HEI licensing with the MoES (DPED), PAAHE and the Accreditation Council, to ensure that these staff understand the relevant national documentation, and the importance of applying the criteria in the documentation.

Recommendation 11: The Albanian Government should review the specific details of its system of initial licensing of private HEIs to ensure that it eliminates unnecessary bureaucratic complication and duplication and the resulting potential for inappropriate conduct within the licensing process. In particular, the Government should provide a transparent description of the respective positions of the DPED, PAAHE, the Accreditation Council, and Ministers, and a clear justification for the continued involvement of all of these institutions in licensing. Even when this review is concluded, no new private HEI licences should be issued until a comprehensive inspection of all existing private HEIs has been completed (see Recommendation 12 below).

Timescale: The system of initial licensing of private HEIs to be reviewed during autumn and winter 2011, with conclusions of the review available by December 2011 (if the review recommends the continued involvement of all of DPED, PAAHE, the Accreditation Council, and Ministers, the full case for this should be available in December 2011 as part of the review's conclusions). Any required amendments to the system should be in place by spring 2012, for subsequent use after December 2012 (see Recommendation 12 below).

Recommendation 12: The Albanian Government should review the specific details of its system for on-going inspection of private HEIs, with associated powers for the suspension and removal of licences. In particular, the Government should provide more detail on the precise methodologies for this inspection, including how the Ministry, PAAHE and the Accreditation Council work together on inspection. The Government should also clarify how negative findings from such inspection will be linked to the suspension or removal of private HEI licences, and how the HEIs which have had licences suspended are judged to meet the criteria for the licence to be restored.

Timescale: The system for on-going inspection, and suspension and removal of licences, for private HEIs should be reviewed for the relevant issues during autumn 2011, with the conclusions of the review available by October 2011. Any required amendments to the system should then be available for use by November 2011. By December 2011, the Government should have produced a comprehensive plan for the inspection (leading to any necessary suspension or removal of licences) of all existing private HEIs. This inspection cycle should commence in January 2012, and should have covered all existing

private HEIs by December 2012. Until the completion of this inspection cycle, no new licences should be granted to private HEIs.

5 CONCLUDING REMARKS

The Risk Assessment previously completed by the experts focused on challenges facing the Albanian Government and society if the Albanian public education system is to achieve fully the standards of a contemporary European education system, guaranteeing the highest quality educational experiences for its students at all levels, together with standards of conduct based on ethical principles in public and professional life. In that earlier document, the experts emphasised that problems in Albanian education are not confined to the public system, and that the private education sector also contains weaknesses which need to be addressed. This Technical Paper has sought to identify the main 'weaknesses', and make recommendations to address them.

As was argued for the public education system, this Assessment argues that the Albanian Government needs to address systematic weaknesses within the Albanian private education system and the system for its licensing, regulation and inspection. For private education, it will not be enough for the Albanian Government simply to 'let the market take its course', and rely on the existence of licensing, regulation and inspection approaches which may seem appropriately thorough on paper. The Government will need to reach a coherent decision on how far it wants to identify a role for private provision within Albanian education. If a place for private education is accepted, the current systems for licensing, regulation and inspection of private schools and HEIs must be rigorously reviewed to achieve any necessary procedural strengthening. More importantly, these systems must be implemented to ensure that all criteria elaborated in official documentation as means of assuring standards are actually applied in practice.

This applies particularly to Albanian private higher education. A major problem for the credibility of Albanian education will remain, if Albania continues to allow many private institutions to claim university status when it seems clear these institutions do not meet appropriate criteria. It is for this reason that this Technical Paper recommends no new private HEI licences are issued until all existing private HEIs are subjected to a comprehensive cycle of inspection. Addressing these problems is essential if Albanian education, private as well as public, is to be recognised internationally as truly meeting contemporary European standards.

6 REFERENCES

Documents Also Previously Used For The General Risk Assessment

Ministry of Education and Science (2010a) *Reviewed Law on Pre-University Education ('Final Draft' of May 2010)*, Tirana: Ministry of Education and Science.

Ministry of Education and Science (2010b) *Basic General Standards For Teachers* – no date, place of publication and author, but made available by PACA staff to experts, November 2010, as one of a set of Ministry documents.

Ministry of Education and Science (2011a) *State Quality Standards of Higher Education Institutions (HEI)*, Tirana: Ministry of Education and Science – no date (although relates to article 61 of the law no. 9741 of 21.5.2007), but made available by PACA staff to experts, April 2011.

Open Society Foundation for Albania (The SOROS Foundation) (2008) *The Teachers' Code of Conduct and Its Regulatory Mechanism (Final Draft)* – no place of publication, but made available by PACA staff to experts.

Project Against Corruption In Albania (PACA) (2010) *Technical Paper on Corruption in the Albania Education System prepared by Pellumb Karameta, Council of Europe Expert, Council of Europe/European Union.*

Project Against Corruption In Albania (PACA) (April 2011) *Risk Assessment Of The Albanian Education System (Incorporating Analysis Of The System For The Recruitment, Appointment And Promotion Of Education Teaching Staff In The Compulsory Education System) prepared by Ian Smith and Tom Hamilton, Council of Europe Experts, Council of Europe/European Union.*

Additional Documents Provided On Licensing, Regulation and Inspection

Ministry of Education and Science (1999) *Decision No. 248 (dated 28.05.1999) On The Criteria And Procedures Of Issuing Permits For The Functioning Of Non-Public Educational Institutions And Non-Public Complementary Educational Institutions, Where Religious Subjects Are Taught Or Where The Teaching Process Is Also Carried Out In A Foreign Language*, Tirana: Ministry of Education and Science

Ministry of Education and Science (2010c) *Decision On The Creation Of The National Inspectorate For Pre-University Education*, Tirana: Ministry of Education and Science – document made available by PACA staff to experts is not dated, but a cross-reference in another document (Ministry of Education and Science 2010e) indicates this document is dated 03.02.2010.

Ministry of Education and Science (2010d) *Instruction No. 33 of 1 November 2010 On The Criteria And Procedures For Processing Of Licensing Applications Of Private Educational Institutions And Private Complementary Undergraduate Educational Institutions*, Tirana: Ministry of Education and Science.

Ministry of Education and Science (2010e) *Regulation Of The National Inspectorate For Pre-University Education (NIPE)*, Tirana: Ministry of Education and Science – document is not dated, but made available by PACA staff to experts, November 2010.

Ministry of Education and Science (2011b) *Procedures And Documentation For The Opening Of A Private Higher Education Institution, Programmes Of Graduate Studies In The First And Second Cycle, Programmes Of Non-Graduate Studies, Of Professional Nature And Also Procedures For Suspension And Revocation Of License (dated 28.02.2011)*, Tirana: Ministry of Education and Science.

Ministry of Education and Science (2011c) *Statistics on Albanian Public and Private Education*, Tirana: Ministry of Education and Science - document is not dated, but made available by PACA staff to experts, April 2011.