

EDUCATION, LOCAL GOVERNMENTS AND THEIR ASSOCIATION: THE CASE OF ESTONIA

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ABSTRACT

The aim of the article is to analyse the dual role of Estonian local governments and their associations – as providers of educational services and as customers of educational services. This is primarily a qualitative case study, which employs comparative and historical methods. Legislation, case law and relevant scientific literature, as well as practical experiences, are incorporated in this analysis. The key issues considered are the inadequacy of the legal framework, as well as insufficiency of coordination and financing. The article consists of three parts. Firstly, managing general education as the most important task of Estonian local government will be analysed from a legal perspective. Secondly, the role and functions of local governments and their associations in providing various educational services will be analysed. The role of the state and local governments in establishing and maintaining basic schools and upper secondary schools are of key interest. In particular, their financing model. Thirdly, in-service training of local governments in Estonia and its situational aspects are analysed. Finally, the authors make suggestions on how to resolve the identified problems in the complex sphere of local governments and their associations as providers and customers of educational services.

Keywords: *Education, Estonia, Law, Local Government, Local Government Associations*

INTRODUCTION

Estonia is a small country in the Baltic region (45 339 km²; population: 1.3 million), which declared its independence in 1918, lost it in 1940 and regained it in 1991. The Constitution of the Republic of Estonia was adopted by referendum in 1992. Estonia is a member of the Council of Europe since 1993 and a member of the European Union (EU) since 2004.

Today, educational problems are at the centre of (often heated) public debates in almost any country. Estonia is not an exception in this respect. Jakob Hurt (1839-1907), a prominent historical-cultural figure in Estonia has said: “Even if we as a

nation shall not be great in a number of populations, we should become great in spirit!" [1].

The aim of the article is to analyse the dual role of Estonian local governments and their associations – as providers and customers of educational services. This is primarily a qualitative case study, which employs analytical, comparative and historical methods. Legislation, case law and relevant scientific literature, as well as practical experiences, will be used to deal with such a complex subject. Key problems, such as specific inadequacies of the legal framework as well as insufficiency of coordination and financing, are identified and some solutions are proposed.

The article consists of three parts. In the first chapter managing general education as the most important task of Estonian local government will be analysed from a legal perspective – the legislative framework being outlined and key problems identified.

In the second chapter, the role and functions of local governments and their associations in providing various educational services will be analysed. The role of the state and local governments in establishing and maintaining basic schools and upper secondary schools will be of primary interest for authors. Also, the problems with the financing model of local governments as institutions responsible for these schools will be dealt with.

The development of cooperation between central authorities, local governments, their associations, universities and NGOs are a corollary for the sustainable development of education. In the third chapter, various aspects of in-service training of local governments in Estonia will be analysed and also a brief look back into recent history undertaken. The Association of Estonian Cities and Rural Municipalities – recently formed a national association of Estonian local governments – has a central role to play through negotiations with the Estonian Government to determine the financing of the tasks performed by local governments, including education. To provide sustainability of the educational system, the authors will make some suggestions on how to resolve the identified problems in the complex sphere of local governments and their associations as providers and customers of the educational services.

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MANAGING GENERAL EDUCATION AS THE MOST IMPORTANT TASK OF ESTONIAN LOCAL GOVERNMENT FROM A LEGAL PERSPECTIVE.

Organization of general education is an essential task for Estonian local governments. As a constitutional duty of local governments, it accounts for 40% of local budgetary costs and a substantial number of municipal personnel is involved.

The first sentence of Article 37 (2) of the Constitution establishes that in order to make education accessible, the national government and local authorities maintain a requisite number of educational institutions [2] (Constitution). On the legislative level, the most important laws are the Republic of Estonia Education Act, [3] Basic Schools and Upper Secondary Schools Act and [4] Local Government Organization Act (LGOA). Pursuant to Article 6 (2) of the LGOA, it is mandatory for local governments to organize the maintenance of pre-schools, primary and middle schools, secondary schools, schools offering after-school programs.

Relations between local government bodies and state government agencies are based on law and contract. According to the State Budget Act (§ 46. The connection between the state budget and local government budgets) the representatives of the local governments and national associations of local governments and the representatives of the Government of the Republic shall annually conduct negotiations with the objective to agree upon the [5] financing of public tasks performed by local governments (incl. general education) and other relevant matters.

The local government associations are, by nature, a bridge between the local and central governments, representing the interests of the local governments and thus providing extra power at the local level. The so-called cooperative associations play a significant role in harmonizing differences between the local governments and in facilitating joint activities. In Estonia, the local government associations predominantly have the coordinating and planning role, and aim at developing regional, nationwide and international cooperation, while also acting in the advisory capacity. The purpose of the associations is, above all, to support the local governments. Unlike in Finland, Sweden, Denmark and Germany where cooperative associations have quite a lot of public tasks delegated to them, the cooperative associations predominantly represent the local governments in Estonia.

The annual negotiations between the cooperation assembly and the central government are still important. Unlike on some occasion in the past, in recent years, increasingly more common ground has been found, and leaders of the associations and the public administration minister signed a protocol [6].

In 2017. administrative reform (mainly administrative-territorial) was held where local government units were reduced from 213 to 79 municipalities. Predominantly it has increased administrative capacity, but this is not created a new quality in itself. To this end, there is a need to modernize in-depth training and collaborative projects in Local governments the taking into account of decentralization principle.

The legal area concerning local and national tasks are inadequate and need to be modernized as the next phase after administrative reform. Suggestions about potential changes have been made by local governments and their associations. However, the procedure has not reached the appropriate legislation. The current local governments financing framework does not offer a holistic model of funding for education. It is not guaranteed that all the municipality educational services are financed. In some cases, it is divided into the state, others to the local government. This affects the fiscal autonomy of the local governments which has also been highlighted in 2019

government's coalition agreement. The Government of the Republic has an assignment to the Ministry of Finance and stakeholders to review the LGOA. However, its results are unknown at the time of writing [7].

The future negotiations for the educational costs budget are assembled in the commission of Education- and Youth Work where the funding for assignments of the Local governments are discussed. It is up for the local governments to decide which are the funding priorities locally. In 2019 budget negotiations have been focusing on increasing the revenue base. The solution is to allocate extra funding for new infrastructure investments, teachers and support specialist, youth workers funding schemes which then are invested according to the educational needs in local government. Technical solutions such as less project-based funding and the change of funding through confident distribution should be changed in order to increase the autonomy of local government [8].

The problem of ensuring local government fiscal autonomy is still a problem. There is an active discussion of how to expand substantially the financial autonomy of the local governments; for example, by creating a system of local taxes. The local tax law has been subject to great criticism so far. There is still a discussion between state and local government representatives on how to ensure that the principles of democracy and decentralization are adhered to and the principle of subsidiarity is applied, while considering the provisions of the Constitution and the European Charter of Local Self-Government, and the historical experience in organizing open government; to involve the local governments and their associations, universities and representatives of the third sector in the shaping and implementation of regional and local self-government policies. The above basic principles of development need to be further clarified and developed. There are many new forms of cooperation in local government, state and universities relations in the field of education.

Local government conferences have become an annual study event for hundreds of politicians, civil servants and others. In 2019, the 15th conference took place. Politicians, officials and experts take the floor at the conferences. A discussion of representatives of political parties has also become a tradition.

Assemblies of the state, the local governments and universities have become a new form of cooperation on the initiative of NGO Polis. Research-driven decisions, analyses of activities and their outcomes have become increasingly important for local government. For example, a discussion on state and local government partnerships was jointly prepared for the parliament to ponder as a matter of national importance. The Assembly of Local Governments has become a new form of cooperation. The First Assembly of Local Governments took place in the parliament building on October 4, 2016, when a resolution addressed to the leaders of the country and local governments were adopted [9]. A bill, which introduced October 1st as Local Self-Government Day, which also made it a national holiday was adopted in the parliament on May 2018. The Fourth Assembly of Local Governments will be organized in Pärnu on September 19, 2019, and the main topic will be "Education, Science and Entrepreneurship – The Way to the Future."

Estonia is very well known for its public IT services. For local governments, the IT sector is becoming increasingly important. The Association of Municipalities recently started to offer information technology-related services and the services will be provided under the new association, too.

At the same time, IT services are not accessible to all and their quality is different in local governments. This is also linked to schools. For example, in the capital city of Tallinn and several other local governments, e-school is a daily part of teaching. However, in remote areas of the centres, the high-speed internet is still unavailable today.

After Estonia joined the European Union in 2004 the Estonian local governments sent their representatives to the EU Committee of the Regions.

As the world is moving into a new paradigm, technological advances have delivered a revolution. In the coming years, AI will change almost every sector of the economy and also the world and local governments. Further development of AI-related activities requires investments in human resources, technology, research and education from different EU instruments such as Horizon Europe, Digital Europe and Erasmus. Adequate research on ethical aspects and social impacts of AI should be paid attention. European local and regional authorities need to be more involved in guiding developments in the field of AI in areas such as self-driving vehicles and demand-based public transport, smart city concepts, smart solutions in social welfare and health care, the environment, its application to e-government and different e-services in the field of education. In addition, we emphasize the need to develop further flexible mechanisms for implementing AI and for financing innovation in the EU. AI will begin to work for many people in the near future. This will also mean that many people may lose their jobs, or the nature of the job may change. It is vital for society to adapt to the new situation; people that lose their jobs will need retraining and further development of the education system [10].

It's important to encourage the EU to seize the opportunity to automate processes and repetitive tasks through the use of machines and artificial intelligence capable of performing repetitive tasks much more quickly than humans.

THE ROLE AND FUNCTIONS OF LOCAL GOVERNMENTS AND THEIR ASSOCIATIONS IN PROVIDING VARIOUS EDUCATIONAL SERVICES

Since the restoration of local self-government in Estonia in the early 1990s, general education has been the largest cost item in local budgets, accounting for an average of 40% of municipal budgets [11].

The Basic and Upper Secondary Schools Act states that the rural municipality or city council create municipal schools [12]. State schools are created by the responsible minister but the local governments where the schools are to be created, are heard to establish the need for state schools in the area, considering the regional education policy and the local school network. The responsible minister issues

operating permits to municipal schools but he/she may also revoke them if 1) Administrative supervision procedures reveal that the headmaster/headmistress, his/her deputy, teachers, teaching assistants and other support staff working in the school do not meet the qualification requirements, the teaching does not comply with the requirements of the national curricula or the school curricula drawn up based on the national ones, the statutory measures for supporting the development of the students taken in the school do not comply with the laws, the learning environment does not meet safety and health requirements, there are deviations from the curriculum or the school in some other way disregards laws or legal acts issued on the basis of the legislation, and the school desists from remedying the established deficiencies within the prescribed period of time and in the required manner; 2) The school has not become operational within one year of the date the operating permit was issued; 3) The school has been closed down.

The Basic Schools and Upper Secondary Schools Act stipulates that the owner of the school must cover all costs of the school. In most cases, it means the locals have the right to establish, reorganize and close down general education schools. Also, local governments keep records of school-aged children, ensure that they attend school, organize their transportation to and from school, provide meals during school days etc. [12].

Annual subsidies, dependent on the number of students in municipal schools, are paid from the state budget to municipal budgets. The subsidies cover the cost of teachers' salaries, social tax paid on the salaries, in-service training of the teaching staff and textbooks for students. Similar support is provided for private general education schools under the Private Schools Act. In doing so, the state does not dictate to owners of schools how to distribute the allocated funds between expenditure items. It is the responsibility and the right of the local governments to finance schools depending on their actual needs.

The responsibilities of the local governments regarding general education are best characterized by the tasks of Tallinn Education Department, an agency under Tallinn City Government. The Department: Handles issues in the educational sphere in Tallinn that has to do with education policy; Offers to counsel to children, their parents and educational institutions; Creates conditions necessary for offering basic, primary, secondary and hobby education in the institutions managed by the Department; Manages the network of institutions under the Department, shapes its development, makes proposals to the City Government to establish, restructure and close down the institutions; Supervises the institutions managed by the Department; Analyses the findings of education-related reports; Makes draft estimates of annual education spending and approves the budgets of the institutions managed by the Department; Draws up plans for the construction, major refurbishment and renovation of the institutions managed by the Department and, if necessary, does the preparatory work and manages the project; Coordinates information-technological development of the educational institutions in Tallinn; Holds open competitions to fill vacant headmaster/headmistress posts of the educational institutions in Tallinn; Is in charge of municipal property managed by the Department (includes holding, the use and disposal of the property); Pursues and coordinates international cooperation in educational sphere; Compiles educational databases.

Resources are allocated from the state budget to municipal budgets mainly through two funds – the Equalization Fund and the Support Funds. In the 2019 state budget, 102 million euros have been earmarked for the local authorities through the Equalization Fund and 417 million euros through the Support Fund [13].

It includes 314.2 million euros for educational expenditure, 15 million euros for topping up labour costs in pre-schools, and 14.3 million euros for topping up the cost of recreational activities of the youth. Among the OECD countries, the financing for basic and Upper Secondary school education is one of the lowest funded out of GDP.

Digital services are a priority in the development of the Estonian society. In education, digital services are also important, e.g. there is the e-school project.

Although electronic document management is already widely spread in the local governments, and council committees are known to hold electronic meetings, while council members are known to have attended council meetings using Skype (on islands), the local government information system VOLIS as a multifunctional software solution has the potential to bring cities and rural municipalities vigorously into the information technology era. For example, the solution allows council members to attend council meetings or meetings of council committees without being physically present: He/she must only have a computer with an Internet connection where he/she can identify himself/herself using an identity document. Voting, which can be done online via VOLIS, and revising documents, etc. is also easier. In principle, it is possible to replace the forms of work of the local government representative body and its committees which require a physical presence in the same room, with effective long-distance communication. The system brings together electronic governance, participatory democracy and document management [14].

We can generally be satisfied with the quality of general education in Estonia. We can say that because studies conducted by the Organization for Economic Co-operation and Development put Estonia among top countries on the basis of PISA test results. For example, in 2015, Estonia was ranked third among 73 countries of the world in natural sciences, 6th in functional reading and 9th in mathematics. Singapore was the first in all three categories [15].

ON IN-SERVICE TRAINING OF LOCAL GOVERNMENTS IN ESTONIA AND THE DEVELOPMENT OF COOPERATION BETWEEN CENTRAL AUTHORITIES, LOCAL GOVERNMENTS, THEIR ASSOCIATIONS, UNIVERSITIES AND NGOS

In the early 1990s, Estonia became a democratic society based on the market economy and transitioned from a centralized administrative system (local Soviets) to local government units, who decide and organize all local matters. During the process, training respective local politicians and officials was an important task. This was somewhat facilitated by the fact that local governments had already operated in Estonia until 1940. We gained appropriate knowledge from the literature of that time as well as memories of older people who shared their experiences with the younger generation [16].

The in-service training of local governments was provided by Estonian Institute of Public Administration and also by several training institutions outside of Tallinn (in Tartu; in Paide, Central Estonia, etc.). The training of local government politicians and officials was also in focus at the national level. In 1991, the Government of the Republic of Estonia formed the Administrative Reform Committee (*Haldusreformi Komitee*), which had a commission for matters regarding the status and qualification of people employed at local government bodies.

The offices of local government associations often organized seminars, where primarily ministers or representatives of other government bodies informed the local government politicians and officials of what had been done and what would be done in their respective area of governance. The National Counselling Day for Local Governments held on 11 February 1994 in Tallinn, where ca 80% of representatives of Estonia's rural municipalities and towns participated, is worthy of special notice. One of its more important results was establishing the Local Government Associations' Co-operation Assembly, which was assigned an important duty—negotiating with representatives of the Government of the Republic on the volume and principles under which local budgets were to be financed from the state budget. Offices of local government associations also provided expert assessments on the drafts of laws and other legislative acts. This, in turn, meant that local government representatives needed to have legal, economic, managerial and other relevant knowledge. Back then, we considered co-operation with foreign countries that had long-standing and consistent local government traditions exceedingly important. The closest relations were formed with Finland, Sweden, Denmark, and the Federal Republic of Germany; to a lesser extent also with the Netherlands, Austria, the US, UK, Norway, and some other countries. Hundreds of our local government politicians and officials had the opportunity to take part in training trips to some foreign country that sometimes lasted for up to two weeks. Yet, besides that, training seminars or cycles of seminars were organized nationally for thousands of local government politicians and officials.

A good example of international cooperation and results analysis in the field is the project developed by Estonian and Swedish local government associations and universities called the Estonian Development of Administrative Structures and Innovation (EDASI). The final report of the project was the first feasibility study on the needs for capacity building and training among Estonian and Swedish smaller municipalities.

The analysis of the situation of in-service training of local governments in Estonia and Sweden and the conclusions were very important for the planning of further activities. For example, some aspects related to Estonia: “The results of the survey confirmed the assumption that the number of organizations dealing with local government-related issues and targeting at local government in Estonia is quite big. Despite certain problems, it would be wrong to claim that local government issues are neglected or that the local government is not offered education/training or support in the form of research and development. The survey also confirmed the assumed problems: the local government targeted activities are inconsistent, project-based, possibly individual, person-based and uncoordinated. The results of the survey thus reveal several deficiencies in the local government targeted education and training,

research and development activities in Estonia. Discussion of these issues and possible solutions (coordination of cooperation, increasing the share of the local government-related issues at research and development institutions, enhancing sustainability and continuity of the activities) will have a significant impact on the development of the Estonian local government and quality both in municipalities as well as in education and research institutions [17].

As a result of the project, a number of common problems of Estonia and Sweden were identified as well as the presentation of their possible solutions. For example: „As indicated, one of the main common findings drawn from the project is the lack a systematic approach to address training and capacity building of Estonian and Swedish smaller municipalities. Although there are many institutions and training providers in the field in both countries, there seem to be a lack of methodologies and tools for measuring the quality of training and development activities as well as for assessing training needs in the municipalities. Consequently, mapping of needs and existent competence level in the municipalities is required for the development of more systematic and demand-driven training activities that are adjusted to the specific needs of local officers. In overall, these findings also show that there is a need for developing training policies and identifying systems, methods and tools that can allow for a more systematic approach to the provision of competence and knowledge in both smaller Swedish and Estonian local governments. [17]. For example, in relation to the above, several analyses for the need of in-service training of local governments have been carried out by private companies and government institutions, including the Ministry of Finance and the Association of Estonian Cities and Rural Municipalities [18].

According to the current organization of in-service training for civil service, the Ministry of Finance formulates the transnational staff policy and strategy together with the Top Civil Service Excellence Centre of the Government Office and ministries, highlighting the possibilities of strategic areas and transnational activities for achieving objectives; develops area-specific principles, processes, guidelines, forms, and other base materials, offering technological solutions on a central level, if necessary; ensures general reporting, accounting and communication, including between different networks; coordinates the continued development of public service in co-operation with the Top Civil Service Excellence Centre of the Government Office.

The in-service training of government officials, including local government officials, is organized at the national level in co-operation with the State Shared Service Centre, SA Innove, etc. The local government authorities, considering the restrictions to their right of self-organization, realize the transnational staff policy and strategy pursuant to the objectives of their organization, plan staff policy activities necessary for achieving their organization's objectives in their main fields of activity, and ensure the necessary communication. The Ministry of Finance and State Shared Service Centre have developed a training module for the self-service portal of government and local government officials [RTIP]. The portal features both central and institutional training courses.

On the one hand, a training module is a tool for training experts that enables to manage training courses, which allows preparing invitations to courses, notifications about training courses; manage training materials and participants; request feedback, as well as summarize and compile feedback results. On the other hand, the training module provides an employee with a complete overview of the training courses useful for them, enables to submit applications for courses, register to courses and provide feedback.

The Ministry of Finance, in co-operation with the State Shared Service Centre, organizes various training courses for the public sector, from top local government executives to ordinary officials. For example, the 2019 training schedule includes the following courses delegation of public services; the development program for skills in policymaking; training courses for the development program of local government heads; local government leaders' masterclass; ethics of public service. Training courses are conducted by various organizations. For example, the Estonian Academy of Security Sciences, *Sotsiaalse Innovatsiooni Labor MTÜ*, Praxis Centre for Policy Studies Foundation, Estonian Training and Conference Center Ltd. [19].

CONCLUSION

The aim of the article was to analyse the role of Estonian local governments and their associations with regard to education. Coordination and cooperation in the field of education have turned out to be more effective during the past years. The Local Government Organization Act is being analysed by the Ministry of Finance working group. At the same time, more strategic focus is needed in the area of development. It is important that the state, local governments, their associations and universities continue with the modernization of the existing legal space, expanding the tasks of the local government in the education field. The fiscal autonomy problems need to be further acknowledged by policymakers. The role and functions of local governments in providing various educational services (including IT) should be defined in law and sufficient funding provided for increasing local governments revenue base. Management of general education is more effective after the 2017 administrative reform; though internal planning of education needs more efficient management. Modernization of cooperation with universities, vocational schools and local associations is important. For the sustainability of educational services, in-service training of local governments and the development of cooperation between central authorities should be enhanced. The importance of continuing education for local politicians and officials has been understood but no sustainable operating system has been set up for this purpose. Training, creation of competence centres and cooperation networks between different stakeholders on education should be created in order to develop efficient educational services in local governments.

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